



**2009-2010 STUDENT HANDBOOK
COMMUNITY STANDARDS AND JUDICIAL PROCEDURES**

TABLE OF CONTENTS *(click to jump to each section):*

Expectations and Responsibilities.....	1
Student Rights and Responsibilities.....	1
Prescribed Conduct	2
Code of Conduct	2
Judicial Procedures	3
Appeal Proceedings	4
Student Advocate	5
Sanctions.....	5

COLLEGE POLICIES, COMMUNITY STANDARDS, AND JUDICIAL PROCEDURES

Expectations and Responsibilities

The College of St. Scholastica is dedicated to academic achievement and personal development as exemplified in the Benedictine tradition. It promotes the uniqueness of each person and recognizes interdependence among all members of the St. Scholastica community. Each person is expected to respect this tradition and all members of our community.

St. Scholastica expects each student to contribute to an environment in which all members of the community have the freedom to develop spiritually, intellectually, socially, emotionally, and physically.

Disciplinary action is viewed as an educational experience which takes place whenever a student's conduct interferes with their own or others' ability to attain personal and educational goals.

The College, like many educational institutions, is a living, changing thing which may not reasonably be expected to remain static. The statements of College policies in this publication do not necessarily become a term of a contract between the College and the student. The College reserves the right to modify its policies and requirements at any time. This handbook is intended only as a general reference, and not as a full statement of College procedures and policies. This handbook is not intended to be a legal contract, but a general statement of policies, to be applied by the College in its sole discretion.

The College of St. Scholastica offers a variety of physical activities, intramural sports, student activities, club activities, and intercollegiate sports. Participation in these activities is purely voluntary. By participating, the student agrees that he/she understands that his/her involvement in such activity involves the risk of injury and that such injuries may be of a minor or major character.

It is the College's policy that students must either have their own medical insurance (personally or through a parent) or purchase insurance through the College program in an amount to adequately cover medical risks. The College may require evidence of such insurance as a condition of participating in activities, but the failure to do so does not waive or excuse the student's failure to have insurance.

By participating in College activities, the student agrees to release the College and its agents and employees from any and all claims, demands and causes of action whatsoever in any way arising or resulting from the student's participation in such activities, including any claims resulting from the negligence of the College, its agents or employees.

Student Rights and Responsibilities

Conscious of the rights and responsibilities for the institution to each individual and of each individual to the institution, the College Statement of Student Rights and Responsibilities includes the following standards regarding students' rights. The College affirms the right of each student to:

- Be free from discrimination on the basis of race, national origin, creed, religion, gender, sexual orientation, age, disability, marital status, or status with regard to public assistance.
- Experience free inquiry, expression and assembly.
- Pursue their educational goals in an environment free of academic dishonesty.
- Be secure in their person, residence, papers and effects against unreasonable surveillance, searches, seizure and to be secure against harassment, exploitation, and physical or sexual assault.

The student body shall have clearly defined means of participating in the formulation and application of institutional policy affecting academic and student affairs. Students shall have the right to establish and elect a student government. The student press shall be free of censorship and advance approval of copy. (Its editors may develop their own policies, but it shall be explicitly stated on the editorial page that opinions there expressed are not necessarily those of the College or of the student body.)

The freedom guaranteed to all members of the St. Scholastica community does not allow any members to interfere with the personal growth of others. Each member of the College community must be cognizant of the rights of others, and each person has the responsibility to respect those rights. The institution functions on the basis of mutual responsibility to protect such rights. Students are both members of the College community and citizens of the state of Minnesota. As citizens, students are responsible to the community of which they are a part and the College neither substitutes for, nor interferes with, regular legal processes. Students are also accountable for offenses against the College community. Therefore, an action involving the student in a legal proceeding in civil or criminal court does not necessarily free the student of responsibility for his/her conduct in a College proceeding. When a student is charged in both jurisdictions, the College will decide on the basis of its interest and the interest of the student whether or not to proceed with its internal review simultaneously or to defer action.

PRESCRIBED CONDUCT

Jurisdiction

The College jurisdiction and discipline shall cover conduct which occurs on College premises, and also include off-campus behavior which adversely affects the College community and/or the pursuit of its objectives.

Code of Conduct

The College has found that the activities listed below are disruptive of the community and violate the rights or property of other members of the community. Accordingly, these activities, whether occurring on College premises or facilities utilized in College-sponsored/or affiliated activities, are prohibited, and violations of these prohibitions will result in disciplinary action by the College and will subject students to sanctions authorized by this statement. There has been no attempt to define all variations and interpretations of these standards, nor to include every regulation. It is also recognized that within each activity a wide range of severity is possible and any of the available disciplinary sanctions may be appropriate.

- A) Academic misconduct, including but not limited to cases of plagiarism and dishonest practices in connection with examinations. (see Academic Honesty Policy.)
- B) Theft or other abuse of computer time including, but not limited to, unauthorized entry into a file, unauthorized use of another's password, or use of computer facilities to interfere with the normal operation of the College computer system. Sending harassing, threatening, or unwanted e-mails to any member of the community.
- C) Threatening or inflicting physical or psychological harm upon any person. This includes, but is not limited to, acquaintance rape/sexual assault or stalking.
- D) Attempt or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property.
- E) Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other College activities on or off campus, or other authorized non-College activities on campus.
- F) Trespassing or unauthorized entry into a building, facility, or room, including student residences.
- G) Possession or use of a pass key or making any key for a building or room of the College except as explicitly authorized in writing by the dean of students.
- H) Knowingly furnishing to a College official or office written or oral information that is false or misleading.
- I) Failure to produce either an ID card or other identification upon request, and with reasonable cause, to College official or agents or the misuse of ID card.
- J) Possession, consumption, or furnishing of alcoholic beverages in any form by or to anyone under the legal drinking age on College premises or at College sponsored activities. Possession or consumption of alcohol in unauthorized areas on campus (see Alcohol Policy).
- K) Use, possession, distribution of narcotic or other controlled substances as well as possession of paraphernalia except as expressly permitted by law.
- L) Illegal or unauthorized possession of firearms, explosives, other weapons, fireworks, or dangerous chemicals on College premises.
- M) Abusive or disorderly behavior on campus or at a College sponsored event.
- N) Hazing, defined as committing an act against a student, or coercing a student into committing an act which endangers the mental or physical health or safety of a person in order for the student to be initiated into or affiliated with a student group or organization.
- O) Violation of motor vehicle regulations as established by the College.
- P) Incurring financial obligations on behalf of the institution without proper authorization, including, but not limited to, charging any long distance telephone call to any telephone or billing number utilized by the College.
- Q) Abuse of alarm systems (for example fire or elevator alarms) or tampering with fire-fighting equipment.
- R) Violations of federal, state or local law on College premises or at College sponsored or supervised activities.
- S) Gambling for money or other things of value, except as permitted by law.
- T) Abuse of the Judicial System, including but not limited to: failure to obey a summons, misrepresentation of information, interference with judicial proceedings or an individual's participation in the judicial process.

Violations of Law and College Discipline

College disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of this Student Code, for example, if both violations result from the same factual situation without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

If a student is charged only with an off-campus violation of federal, state, or local laws but not with any other violation of this Code, disciplinary action may be taken and sanctions imposed for grave misconduct which demonstrates flagrant disregard for the College community. In such cases, no sanction may be imposed unless the student has been found guilty in a court of law or has declined to contest such charges.

JUDICIAL PROCEDURES

Reporting of Charges and Hearing Procedure

Any member of the College community may file charges against any student for misconduct. Charges shall be prepared in writing and directed to the dean of students or assistant dean of students. Any charges should be submitted as soon as possible after the event takes place, preferably within seven days. This time limit may be extended at the discretion of the dean of students or the Judicial Panel.

Upon receiving the charges, the dean of students or assistant dean of students conducts an investigation to determine if the charges have merit. If it is deemed that they do have merit, the following options exist for disposition of the charges.

Mutual Consent

Following a meeting with the parties involved, a resolution is determined by mutual consent on a basis acceptable to the dean of students or assistant dean of students. Such disposition shall be final and there shall be no opportunity for an appeal.

If the disposition cannot be reached, the following formal hearing options are available to the accused person and the dean of students. In such cases the student will be notified in writing as to the charges and the time and place of the formal hearing. No serious disciplinary sanctions may be imposed upon any accused person without written notice to the accused of the nature and cause of the charges and a full and formal hearing of those charges (for exception refer to interim suspension).

Formal Hearing

A formal hearing shall include the right to confront witnesses against the accused, to present one's own testimony, and to have the assistance of a person of the accused student's choosing. The student bringing the complaint and the accused both have the right to a student advocate trained in school policy and school judicial procedure to aid in their hearing. In the case of sexual assault, the victim/survivor has the option to be present at all formal hearings and has the right to be notified within 24 hours of any decision made by the dean of students or Judicial Panel.

A. Formal Hearing before the Dean of Students. The dean of students or assistant dean of students shall conduct a formal hearing on the charges and determine appropriate sanctions.

B. Formal Hearing before the Judicial Panel. The Judicial Panel is activated at the discretion of the dean of students, or through a written request from the accused. The Judicial Panel will determine whether it is likely that a violation of the code of conduct has taken place and determine the sanction in the case of violation.

Judicial Panel

The Judicial Panel will consist of two faculty/staff and two students drawn randomly from a pool of four faculty/staff appointed by the president of the College and four students selected by the Student Senate. The dean of students or designee will serve as chair and vote in the case of a tie. The accused student has veto power over one student and one faculty/staff on the Judicial Panel.

The Judicial Panel will determine whether it is likely that a violation of the code has taken place and determine the sanction in the case of a violation.

Proceedings before the Judicial Panel will follow these guidelines:

- Hearing normally shall be conducted in private.
- Admission of any person to the hearing shall be at the discretion of the Judicial Panel or the dean of students.
- In a hearing involving more than one accused student, the chair of the Judicial Panel, in his or her discretion, may permit the hearing concerning each student to be conducted separately.
- The complainant and the accused have the right to be assisted by a student advocate or any person they choose. The complainant and/or the accused is/are responsible for presenting his or her own case with or without the aid of the student advocate and, therefore, other persons attending besides the complainant, accused or student advocate are not permitted to speak or participate directly in any hearing before the panel.

- The complainant, the accused, and the Judicial Panel shall have the privilege of presenting witnesses, subject to the right of cross-examination.
- Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the panel at the discretion of the chair. Previous violations may not be introduced as evidence. All procedural questions are subject to the final decision of the chair of the panel.
- After the hearing, the panel shall determine by majority vote whether the student has violated those specific sections of the Student Code which the student is charged with violating.
- The panel determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
- If the determination is that a violation has occurred, the panel will decide the sanctions. Previous violations may be taken into account in determining the sanctions. The student will be given written notice of the decision of the Judicial Panel.
- There shall be a single verbatim record, such as a tape recording, of all hearings before the Judicial Panel. The record shall be the property of the College.
- Except in the case of the student's being charged with failing to obey the summons of the dean of students or Judicial Panel, no student may be found to have violated the Student Code solely because the student failed to appear before the dean of students/Judicial Panel. In all cases, the evidence in support of the charges shall be presented and considered with or without the presence of the accused.

Appeal Proceedings

The accused student may appeal the decision or the sanction imposed by the dean of students or the Judicial Panel to an Ad Hoc Committee of faculty, staff, and students selected by the president and Student Senate. The appeal must be filed in writing to the dean of students within seven (7) calendar days of the decision. The appeal will be scheduled within 14 calendar days of the filing.

Appeal proceedings before the Ad Hoc Appeal Committee shall be conducted in private and the proceeding kept confidential. Admission to the proceedings shall be at the discretion of the chair of the Ad Hoc Appeal Committee. However, open hearings may be held by mutual agreement between the accused and the committee.

The appeal will be subject to the following rules:

1. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:
 - a. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented and in conformity with prescribed procedures giving the party a reasonable opportunity to prepare and present evidence that the student code was violated, and giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
 - b. To determine whether the decision reached regarding the accused student was based on substantial evidence; that is whether the facts in the case were sufficient to establish that a violation of the Student Code occurred.
 - c. To determine whether the sanctions(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
 - d. To consider new evidence (sufficient to alter a decision) or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known or reasonably discoverable by the person appealing at the time of the original hearing.
2. If an appeal is upheld by the Ad Hoc Appeal Committee, the matter may be remanded to the original Judicial Panel or dean of students for re-opening of the hearing to allow reconsideration of the original determination and/or sanction.
3. In cases involving appeals by students accused of violating the Code of Conduct, review of sanction by the Ad Hoc Appeal Committee may not result in more severe sanctions(s) for the accused student. Instead, following an appeal, the dean of students/Judicial Panel may, upon review of the case, reduce, but not increase, the original sanction imposed.
4. In cases involving appeals by persons other than students accused of violating the Code of Conduct, the Ad Hoc Appeal Committee may, upon review of the case, reduce or increase the sanctions imposed by the dean of students/Judicial Panel or remand the case to the dean of students/Judicial Panel.

Student Advocate

Any member of the student body has the right, in circumstance of any grievance of accusation, to seek student representation to address those grievances. The Student Senate selects each year a student advocate to defend and represent students in any judicial action. The intention of the student advocate is to insure that students are treated fairly and responsibly. The student advocate has an oath to be professional, confidential, and respectful in helping students involved in the College's judicial process. Any questions, concerns, or grievances with any aspect of school policy may be addressed to the student advocate.

Sanctions

1. One or more of the following sanctions may be imposed upon any student found to have violated the student code:
 - A) **Referral:** A student is required to seek counseling or education on campus or within a community agency, and follow the recommendation of that agency. The student must allow the agency to notify the dean of students, in writing, of compliance.
 - B) **Warning:** A notice in writing to the student that the student is violating or has violated institutional regulations.
 - C) **Probation:** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulations during the probationary period.
 - D) **Loss of Privileges:** Denial of specified privileges for a designated period of time.
 - E) **Fines:** Appropriate or previously established and published fines may be imposed.
 - F) **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - G) **Discretionary Sanctions:** Work assignments, service to the College or other related discretionary assignments.
 - H) **Campus Housing Suspension:** Separation of the student from the residence halls for a definite period of time, after which the student is eligible for return. Conditions for readmission may be specified.
 - I) **Campus Housing Expulsion:** Permanent separation of the student from the residence halls.
 - J) **College Suspension:** Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - K) **College Expulsion:** Permanent separation of the student from the College.
 - L) **Interim Suspensions:** As a general rule, the status of a student shall not be altered until the charges brought against the student have been adjudicated. Experience has shown, however, that prompt and decisive disciplinary action may be required in extreme cases before there is an opportunity to conduct a hearing. (For example: cases in which a student's continued presence on campus constitutes an immediate threat of injury to property or members of the College community, or the orderly functioning of the College.) In such circumstances, interim suspension from the College or College housing facilities may be imposed by the dean of students or the president. The imposition of interim suspension shall entitle the suspended student to a prompt hearing.
2. Other than expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential record. Upon graduation, the student's confidential record may be expunged of disciplinary actions other than campus housing expulsion.