

# Student Conduct Process

## *For Non-Sexual Misconduct or Harassment Cases*

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Students are referred to the Office of Community Standards for alleged Student Code of Conduct Policy violations. The Office of Community Standards will determine if a student's actions constitute any potential violations of the Student Code of Conduct. Note that preliminary investigations may be needed to determine violations of the code prior to notification of charges. Depending on the severity of the incident and accompanying violations, the College reserves the right to utilize specific conduct case resolutions. If a respondent fails or refuses to participate in the Student Conduct Process, the process will be conducted and the decision made without the benefit of the respondent's input. In this instance, the respondent forfeits the right to appeal. Note: the Student Code of Conduct Process is not a part of the legal system, is not a court of law, and is not governed by the same procedures found in criminal or civil proceedings.

### **A. Step 1: Notice of Alleged Violation**

A student will be officially notified via email of a referral to the Office of Community Standards and if any violations of the Student Code of Conduct have been assessed. The Community Standards Coordinator or designee will schedule a Conduct Conference with the student.

### **B. Step 2: Conduct Conference**

1. The Conduct Officer will explain the alleged violations and the Student Conduct Process
2. The respondent will be asked about any involvement in the incident and
  - i. Accept responsibility for the violations*  
-Sanctions will be rendered by the Conduct Officer. Note, the respondent forfeits the right to appeal the finding of the Conduct Conference, but is able to request an appeal for sanctions.
  - ii. Reject responsibility for the violations*
    - a) The respondent is given an opportunity to provide information regarding the charges.
    - b) A Conduct Officer will then administer a resolution if further information is not needed to render a decision.
    - c) A Conduct Officer can reschedule a follow-up meeting to obtain further information.

In the event that a respondent fails to appear for a Conduct Conference, the Conduct Officer will schedule a second Conduct Conference and notify the respondent via email.

### **C. Conduct Hearing**

A Conduct Hearing will occur after three (3) business days from notification to the student, unless otherwise requested by the student in writing. At the hearing, the respondent will have the opportunity to provide information pertaining to the incident and the alleged violations. The Conduct Officer will consider the information and use a preponderance of evidence to determine the finding following the Conduct Hearing. Sanctions will be assigned and the respondent will be notified. The student has the right to appeal the findings and the sanctions outcomes for a Conduct Hearing. See the Appeal Process on page 31 of the Student Code of Conduct.

### **D. Conduct Board**

The College reserves the right to invoke the use of a Conduct Board for major violations of the Student Code of Conduct. A Conduct Board consists of up to five College Administrators including Faculty and Staff. Similar to a Conduct Hearing, the respondent will have the opportunity to provide information/witnesses pertaining to the incident and the alleged violations. A respondent has the right to bring in an Advisor to the Conduct Board Hearing. However, the College reserves the right to set forth policies on Advisor involvement. The Conduct Board will consider the information and use a preponderance of information to determine the finding. Sanctions will be assigned and the respondent will be notified. The student has the right to appeal the findings and the sanctions outcomes for a Conduct Hearing. See the Appeal Process on page 31 of the Student Code of Conduct.

### **E. Hearing in Absentia**

If a student fails to respond to the request to appear for a Conduct Conference, Conduct Hearing, and/or Conduct Board, the Conduct Officer will go forward with a review of the incident and determine an outcome and possible sanctions in the student's absence. In this case, the student forfeits the right to appeal.

### **F. Notice of Decision**

The Conduct Officer will notify the respondent of the decision and any accompanying sanctions in writing/via email.

## **Advisors in the Process**

A student may choose to have an Advisor present for Conduct Hearings or Conduct Boards. An Advisor can be a parent/guardian, a member of the College Community, or other individual as long as the individual is not legal counsel. Note: Title IX Investigations do not limit the choice of Advisor. The student must speak on their own behalf. The Advisor is not permitted to participate in the hearing; rather they will lend personal support to the student.

Advisors are:

- Not permitted to address the hearing officers while the hearing is in session.
- Not permitted to speak with or question the opposing party or any other involved individuals.

## Student Conduct Authorities

### **A. Dean of Students**

The Dean of Students, in regards to Student Conduct has the following roles and authorities including but not limited to:

1. Determining the conduct and appeal process for certain cases, including assignment of Conduct Administrators to cases.
2. Developing policies and procedural rules for cases of student conduct that are consistent with the provisions of the Student Code of Conduct.
3. As an arbitrator of disputes within the student community in cases that do not involve violations of the Student Code of Conduct.
4. In the absence of a formal specified procedure or policy, the directives of the Dean of Students will have the full force of procedure/policy.
5. The Dean reserves the right to designate individuals as necessary to aid in the Student Code of Conduct process.

### **B. Director of Community Standards**

The Director of Community Standards serves as a designee of the Dean of Students and is responsible for the implementation and coordination of the Student Code of Conduct and Process. Authority is extended to the Appeals Process.

### **C. Community Standards Coordinator**

The Community Standards Coordinator serves as a designee of the Dean of Students and the Director of Community Standards and as a primary Conduct Officer responsible for outcomes of the Student Conduct Process.

The Community Standards Coordinator serves as a designee of the Dean of Students and is responsible for the implementation and coordination of the Student Code of Conduct Process. Authority is extended to the Appeals Process.

### **D. Conduct Officer**

Conduct Officers serve as designees of the Dean of Students and the Community Standards Coordinator and are responsible for generating findings and sanctions in student conduct cases. Decisions made by a Conduct Officer are final, pending the Appeal Process.

### **E. Conduct Board**

The Conduct Board serves as a designee of the Dean of Students and consists of College Administrators. Board decisions are final, pending the Appeal Process.

**F. Appeal Officer**

An Appeal Officer serves as a designee of the Dean of Students and is responsible for deciding appealed Student Conduct cases. Decisions made by the Appeal Officer are final with no chance to appeal further.

## **Student Withdrawal during the Student Code of Conduct Process**

A student who withdraws from Nichols College after a complaint has been referred to the Office of Community Standards but before the Student Code of Conduct Process can be completed may or may not be allowed to re-enroll at another point in time. The determination will be made depending on the outcome of the Student Conduct Process, which will continue in an effort to find resolution regardless of a student's enrollment status.