

PROCEDURES & SAFEGUARDS FOR STUDENTS IN THE ROCKHURST DISCIPLINARY PROCESS



As a Rockhurst student organization charged with a violation of the Student Code of Conduct, you are provided certain rights and processes in the University's Disciplinary system. The process began when a member of the University community alleged that your organization violated the rules and regulations of the Student Code of Conduct. Although additional investigation may be done, charges have been initiated and your organization will receive a letter outlining the process and the specifics of the charges.

A Hearing will be scheduled between your organization and a Hearing Examiner. At the Hearing, the Hearing Examiner will explain the process and the allegations against your organization. You will have the opportunity to discuss and respond to the allegations.

The Assistant Dean of Students or designate will determine whether it is more likely than not that your organization is responsible for the alleged Student Code of Conduct violations, and if so, will impose appropriate sanctions.

If your organization plans to appeal, a Notice of Intent to Appeal must be filed in writing to the Associate Vice President for Student Development in the Office of Student Development (Massman 1) within three (3) business days of your receipt of the decision (or attempt to deliver). The intent must specify the basis on which your organization is appealing, the decision or part of the decision including sanctions you are appealing, and the facts in support of the appeal. An appeal is not a rehearing and is not granted on the basis of disagreement with the original decision.

Acceptable basis for an appeal is limited to the following:

- a. There was a denial of a fair hearing
- b. There is new and additional evidence not available at the time of the hearing
- c. There was insufficient evidence to establish the student's misconduct or responsibility for the misconduct
- d. The decision was arbitrary and capricious.

The appropriate University administrator will review documents relevant to the appeal and speak with the Hearing Examiner or Committee Member or the appealing student organization as needed. The student organization may request a hearing before the appropriate University administrator, which can be granted or denied by that administrator. If a hearing is granted, the appealing student organization will meet with the appropriate University administrator. Any decision to grant or deny a hearing on appeal is not appealable.

An appeal may result in one of the following actions:

- a. Leaving the original sanction intact
- b. Reversal of the original decision or sanction(s)
- c. Modification of the sanction(s), including changes that could result in either a reduction or increase in sanctions appropriate to the misconduct or based on new information considered during the appeal.

Please refer to page 154 of your Student Handbook for the complete appeal procedure.

Throughout the Disciplinary process, your organization may have an advisor present. Your advisor's role is to counsel you in a manner that does not disrupt the proceedings. Written or whispered words are appropriate. Your advisor may not represent you, or address other parties, witnesses or the Hearing Board.

By signing below it indicates that we understand our student organization's rights and responsibilities as a member of the Rockhurst community charged with a violation of the rules and regulations of the Student Code of Conduct, and that we are making an informed decision in reference to the charge(s) in question. We understand:

- 1) our right to review relevant information and documents included in my disciplinary file,
- 2) the sanctions possible for my alleged behavior,
- 3) our right to have an advisor present throughout the process,
- 4) our choice whether to appear at the hearing or answer questions and the fact that the hearing may proceed in my absence or despite my silence and a decision be made based upon the available information, and
- 5) the appeal process.

Student Organization Representative Signature: _____ Date: _____

Student Organization Representative Printed Name: _____ Position: _____



Student Code of Conduct Hearing Form

Student organization is charged with violating the following Student Code of Conduct Rules:

- Student organization representative was not in attendance at the Hearing
 - Rescheduled conference for _____
 - Adjudicated student organization without them being present

Please check one:

- Student Organization is found Responsible**
- Student organization accepts responsibility (Mutual Consent)**
- Sent student organization to Board Hearing**

Violation(s) _____ Cleary Act
 Violation(s) _____ Cleary Act
 Violation(s) _____ Cleary Act

Sanctions and Conditions (include brief summary. Give in depth outline in Sanction letter)

I understand that my organization is being found responsible for the above violations and that we are responsible for completing the outlined sanctions and conditions. I also understand that if we do not agree to a mutual consent my student organization is able to appeal this decision based on the Rockhurst University appeal policy found on page 154 of the Student Handbook.

Student Signature

Date

If student organization agrees to a mutual consent:

I understand the above sanctions and conditions have been given to my student organization as a result of my acceptance of responsibility for the violations noted above. We are aware that failure to abide by and/or complete the sanctions and conditions may result in additional judicial charges. I know that student organizations taking responsibility and choosing to use Mutual Consent are not allowed to appeal the agreed upon violations and sanctions.

Student Signature: _____ Date: _____

I rescind the following charge(s):

Staff Signature: _____ Date: _____

Title/position: _____