

# THE STUDENT CONDUCT PROCESS

The student conduct process outlines the steps involved in examining and adjudicating reports of Student Code of Conduct violations. The topics covered in this section are listed below. Detailed descriptions of them follow.

## Introduction and Philosophy

Methodist University views its role in the administration of institutional policy as one of both ensuring fairness and providing an educational opportunity for the student. This approach protects the campus community by providing a system of sanctions that are educational and hold students accountable for violating university policies. Sanctions are assigned to encourage the growth and development of students and support the practice of responsible behavior in a community. This educational approach requires a need for understanding and self-discipline on the part of the student as well as a respect for the rights and privileges of others.

The basic philosophy and principles that guide the Student Code of Conduct at Methodist University are:

- The student conduct process is necessary and effective when it furthers the learning experience of a student and/or provides protections for the community of which s/he is a member.
- When action responding to potential Student Code of Conduct violations becomes necessary, that action should be handled expeditiously and thoroughly.
- Consideration will be given to all information relevant to the case. This is to ensure that a fair process and appropriate consideration are extended to all students.

The Methodist University student conduct system is designed to provide fairness and appropriate consideration for those students charged with violating the policies of the university and/or the wider society. Hearing officers will adhere to the following to ensure fairness:

- Hearings are restricted to those directly involved with the incident and those requested to be present by the institution.
- The student charged with a code of conduct violation that may result in suspension and/or expulsion may bring an advisor from the Methodist University community (currently enrolled student, faculty or staff member) to the hearing. Advisors may only counsel the student and may not actively participate in the hearings.
- Family members, attorneys or other legal counsel may not attend or serve as advisors in campus student conduct proceedings.
- In cases alleging personal violence, sexual harassment, or sexual misconduct, the person bringing a complaint forward (or reporting party) may bring an advisor from the Methodist community (currently enrolled student, faculty or staff member) to the hearing. Advisors may only counsel the student and may not actively participate in the hearings.

## Preponderance of Evidence

Methodist University hearings, unlike proceedings of a court of law, do not require conclusive proof. Due to the nature of the student conduct system and the need to balance the rights and privileges of all members of the university community, hearing decisions must be based on preponderance of evidence. A preponderance of evidence exists when a reasonable person, after evaluating all information available at the time of the hearing, would conclude that it is more likely than not a violation has occurred. The student has the right to appeal a hearing decision based on the grounds and procedures outlined in the Methodist Student Handbook.

## Reasonable Cause

Reasonable Cause means that there is sufficient evidence to allege that a student has violated the Code of Conduct. Evidence is sufficient if a reasonable person would believe that further inquiry into whether a violation occurred is no longer warranted.

## Jurisdiction

This Code applies to student conduct which occurs on campus or off campus while the student is enrolled at the University. The Code of Conduct applies to all students during interim periods between semesters and during breaks. The University reserves the right to administratively sanction or dismiss students, without applying the official protocol of the Code of Conduct, before their first official day of class if their behavior does not align with University expectations, principles and/or policies while attending University special programs to include orientation programs, summer camps and sport camps, etc. In cases where the physical and/or emotional safety are at risk or have been compromised, the University reserves the right to sanction, suspend and/or remove student organizations without applying the official protocol of the Code of Conduct. The University reserves the right to deny admission or readmission to any person because of previous misconduct which may substantially affect the interest of the University, or to admit or readmit such persons in an appropriate disciplinary status. The University reserves the right to change these behavioral standards and disciplinary procedures at any time upon general notice to the University community.

## Authority for the administration of this Code

The Vice President for Student Affairs and Dean of Students is responsible to the President for the administration of this Code. The primary assistant to the Dean of Students for matters of student conduct is the Sr. Associate Dean of Students, to whom the administration of this Code and the disciplinary system is normally delegated. Yet, the Dean of Students retains authority over the administering of the Student Code of Conduct. Any question of interpretation regarding the Student Code of Conduct shall be referred to the Dean of Students or designee for final determination.

## The Authority of the Dean of Students

It is impossible for a single Student Conduct Code to cover every situation. With this in mind, the President, and the Board of Trustees of Methodist University have authorized the Vice President of Student Affairs and Dean of Students to enforce, by sanction or policy, situations that may not

specifically be addressed in this handbook including matters that are governed by local, state, and/or federal laws.

### **Involuntary Withdrawal Policy**

In unusual and extraordinary circumstances where the emotional and/or physical welfare of the student and/or elements of the University community are in jeopardy, it may become necessary to take steps temporarily separating a student or students from the University community. Under such circumstances, and with medical and/or psychological consultation, the University, through the Dean of Students or his/her designee, reserves the rights to exercise its responsibility to involuntarily withdraw a student from the University. Further, the University reserves the right to interview a student who has been withdrawn, when and if that student contemplates readmission.

### **Student Organizations**

#### **Preface**

Methodist University is committed to creating and sustaining a campus learning environment where students can immerse themselves in the dynamic student engagement activities provided to enhance the educational experience beyond the classroom. The University manages and advises a broad range of student organizations, clubs, fraternities, and sororities. Participation in these organizations are limited to currently enrolled Methodist University students. As such, students are not only bound to the Student Code of Conduct, but student organizations, as a whole, are as well.

When a report of an alleged violation of the Student Code of Conduct is received by the Student Involvement Center, the Dean of Students Office, Public Safety, or any other University office, the procedures described herein will be activated. Methodist University has the right to address any alleged misconduct of any student organization or student group and/or any individuals affiliated with such groups.

The processes for adjudicating Student Code of Conduct violations are separate from may be pursued independently of federal law, state law, or local ordinances. The University may determine how the alleged violation/s impact the student organization's status and/or affiliation with the University until the conduct process has been completed. The University may choose not to pursue the alleged violations of any student organization when deemed appropriate. The University may choose to restrict students' contact with the organization and vice versa when facts and circumstances dictate such action to be appropriate. Finally, the Dean of Students office may determine which University personnel should be informed of the status and outcome of the conduct process.

These procedures do not apply to sexual discrimination, sexual harassment, sexual violence or any other Title IX-related offenses. Title IX cases are investigated and adjudicated as outlined in the Methodist University Handbook.

#### **Interim Measures**

In some circumstances, the Dean of Students office may issue interim measures pending consideration of the case through these procedures. Interim measures may include, but are not limited to: an order for the organization to cease and desist all activities and operations, a loss of privileges, membership recruitment restrictions, and the issuance of No Contact Orders. It is the obligation of the Dean of Students office to determine if and when interim measures are justified. Interim measures will vary dependent upon, but not limited to, factors such as: 1) the physical and emotional safety of the campus community including the organization's members, 2) the maintenance of public order, and 3) the effective sustainment of the educational process. If interim measure are justified, the Dean of Students office will issue, in writing, all measures to the organization's leadership and any specific individuals associated to the situation. Failure to comply with the interim measures may result in a violation of the Code of Conduct.

#### **Group Responsibility**

Any student organization, club, fraternity, or sorority can be held responsible for the actions of the organization as a whole or the actions of individual members. Students are responsible for the behaviors of inactive members, former members, and/ or guests who are associated with the alleged violations. Each student organization has the responsibility of taking reasonable measures to assure that their actions and behaviors are not in violation of University policies. Therefore, it is the duty of each organization to educate its members on the Methodist University Code of Conduct, University policies, policies connected specifically to the organization, and applicable laws and statutes in order to reduce the risk of harm and potential for violations of any policies, laws, and statutes.

When determining if a student organization will be held collectively responsible for individual actions of its members or guests, all available evidence and circumstances surrounding the specific incident will be fully reviewed and evaluated. Finding a group responsible for any violation does not require a minimum number of individuals being found responsible for said violation. A student organization may be sanctioned for activities and/or behaviors not officially sponsored by the organization when the majority of the individuals found responsible for the activities and/or behaviors are members of the student organization.

#### **Preliminary Review**

All reports or complaints of alleged misconduct involving a student organization or group will be initially reviewed by the Associate Dean of Students/Director of the Student Involvement Center or a member of the staff of the Student Involvement Center. The Director will meet with the complainant/s, if identified, to hear an oral complaint and explain the investigation, adjudication, and appeal processes. Complaints are not recorded and investigative techniques are not applied during the preliminary review. Following the meeting with the complainant/s, the leader/s within the organization will be requested to meet with the Director. During said meeting/s, the Director will inform the leader/s of the complaint and conduct processes. Meeting/s with student leader/s will not include investigative techniques and recordings. Following the preliminary review, the Director will formally notify the Dean of Students office of the complaint/s and fully recuse any and all staff within the Student Involvement Center of all conduct proceedings from that point forward. In some circumstances, the Director may issue an order for the organization to cease and desist all activities and operations at the time of the preliminary review.

#### **Investigation**

Upon receiving notice of the complaint/s from the Associate Dean of Students/Director of the Student Involvement Center, the Dean of Students office will initiate a thorough investigation into the complaint/s. The Dean of Students office has the authority to appoint additional staff members to assist with investigations. Investigations may include, but are not limited to, collection of written statements; questioning of complainant/s, respondent/s, any and/or all members associated with the organization, and witnesses; review of video; and photo and written evidence.

After a complete review of the alleged violations, the Dean of Students office may choose to determine if a violation occurred and take one of the following actions: 1) Clear all individuals and the organization as a whole of any and all alleged violations associated with the reported incident; 2) Formally charge individuals and not the organization as a whole by submitting, in writing, a Notice of Alleged Violation to the identified respondents and/or the organization's leadership; 3) Formally charge the organization as a whole, not including individual students, by submitting, in writing, a Notice of Alleged Violation to the organization's leadership; and 4) Formally charge individuals and the organization as a whole by submitting, in writing, a Notice of Alleged Violation to the identified respondents and the organization's leadership.

In such cases that the individuals and/or organization accepts responsibility for the alleged complaint, the Dean of Students office will notify the organization in a conduct decision letter of the final determination and sanctions. Organizations and/or individuals (when individuals and not the organization are held accountable) may submit appeals. It is not permissible for individuals to submit appeals on behalf of oneself when only the organization was found responsible.

#### **Adjudication**

Upon receiving a Notice of Alleged Violation, individuals and/or leadership associated with the organization identified in the complaint will be provided a fair and impartial hearing conducted by the Student Organization Hearing Board. The Student Organization Hearing Board will be composed of three members from the Administrative Hearing Board appointed by the Chair of the Administrative Hearing Board AND to include two students from either the Student Community Court or the Student Government Association appointed by the Chief Justice of the Student Community Court. A member of Administrative Hearing Board will serve as the Chair of the Student Organization Hearing Board. Participation on the Student Organization Hearing Board may not include any member directly affiliated with the responding organizations and its members AND may not include any staff members affiliated with the Student Involvement Center.

The Dean of Students office will present the findings of their investigation to the Student Organization Hearing Board with a written statement and verbal presentation. The Board may question the representative/s from the Dean of Students office. The Dean does not participate in the Hearing and will only answer procedural questions after the initial presentation and questioning phase has concluded.

During the hearing, the complainant/s will be given the first opportunity to present the complaint. If specific individuals are identified in the complaint, they will be heard by the Board next in no specific order. Leaders from the organization will next be heard by the Board. Witnesses will be the last individuals to present their statements. Throughout the testimony and questioning phase, a University-affiliated advisor may be present during the hearing.

After all testimony and questioning has been completed, the formal hearing will conclude. All key individuals associated with the case will be informed by the Board that they will deliberate, vote, and recommend a decision to the Dean of Students. Afterwards, individuals are excused from any further participation in the hearing. Deliberation will begin and the Board will vote on each charge individually. Recommended decision/s and sanction/s will be presented in writing to the Dean of Students by the next business day. The Dean of Students will provide the decision/s, sanction/s, and appeal procedures in writing two business days after receiving recommendations from the Board.

#### **Appeal**

Organizations may appeal the decision/s of the Student Organization Hearing Board to the Appeal Board. Appeals must be submitted two business days after the decision is sent via email to the organization in writing. Appeals must include the completion of an appeal form which is available in the Dean of Students office or online. Organizations may appeal for any of the following reasons: 1) Information is available that was not available at the time of the decision, 2) The sanction that was given is inconsistent with the Methodist University Code of Conduct, and 3) The Methodist University personnel/staff failed to follow established procedures which significantly impacted the rights of the organization (students). Appeal procedures do not include a re-hearing of the case. The decision of the Appeal Board is final.

#### **Sanctions**

If the organization is found responsible, sanctions may include, but are not limited by the following: 1) Written Reprimand, 2) Community Service Hours, 3) Educational Activities, 4) Restitution, 5) Social Suspension, 6) Loss of Membership Recruitment, 7) Probation and Suspension-Related Restrictions, 8) Probation, 9) Temporary Removal, and 10) Permanent Removal. Organizations found responsible for similar violations within a two-year period, may receive more punitive sanctions.

#### **Advisors**

Advisors must come from within the Methodist University community (currently enrolled student, faculty or staff member). Their role is to counsel the student and may not actively participate in the process. In cases alleging assault by one student against another (including sexual offenses), the alleged victim may also bring an advisor from the Methodist community to the hearing. In cases alleging sexual harassment or sexual misconduct, the individual bringing charges will be notified of the outcome of campus student conduct hearings as permitted by the Student-Right-to-Know and Campus Security Act. Advisors may only be present in cases that may result in suspension or expulsion from the University.

#### **Email Notification**

All students are responsible for checking their Methodist University e-mail daily for messages from the University. All Official University information

(e.g., grades, academic notices, code of conduct notices, campus calendars, attendance policy updates, registration and financial information, etc.) will be sent electronically only. No University information will be sent to any other e-mail address.

### **Responsible for One's Action(s)**

Students are responsible for their actions. Being under the influence of alcohol or other drugs is no excuse for improper action and, in fact, makes the violation more serious. Students are also responsible for their actions during off-campus trips. Those students whose behavior puts themselves or others at risk or who unreasonably disrupt the University environment will be expelled from the University.

### **Student Identification Cards**

Students must carry their University Identification Card at all times. All students must present their University Identification Card to any faculty or staff member upon request, failure to present their card will be considered a violation of the University's Failure to Comply with the Direction of a University Official policy. Students will be subject to the code of conduct sanctions outlined under this policy. Also students are not authorized to carry and/or use another student's identification card. If students are found in possession and/or using another student's identification card, this violation will be considered a violation of the theft policy, and students will be subject to the code of conduct sanctions outlined under this policy.

### **Accused Student Rights**

Students whose conduct is under review based on an alleged violation of the Code of Conduct have the following rights:

- a. Written notice of the charges against them;
- b. To be presumed "not in violation" until found to be "in violation";
- c. To respond to the evidence and/or present witnesses;
- d. To have access to the Student Handbook;
- e. To have a faculty, staff or student advisor present in cases that may result in suspension or expulsion from the University, but who will only advise the student and not actively participate in the hearing

### **Good Samaritan/Medical Amnesty Policy**

Every Methodist University student is expected to exercise personal responsibility for their own health and safety, and every Methodist student has a responsibility to care for one another; therefore, this policy has been designed to save lives, and also applies to individual students who seek help for another student in need. This will allow students who may also be under the influence of alcohol, drugs or other substances to care for each other without worry of being charged with a violation of the *Methodist University Code of Conduct* themselves.

Students who seek assistance for an alcohol or drug related medical emergency will not be charged with an alcohol or illegal substances violation of the *Methodist University Code of Conduct*. In order to use this Good Samaritan policy, a student must seek medical assistance for other students or oneself, participate in a meeting with the Dean of Students or designee and agree to comply with the conditions set by the Dean of Students or designee. If the conditions are met, the incident will not become part of the student's conduct record. However, students must meet with a Student Affairs staff member to determine if a counseling evaluation will be required. If the conditions are not met, the student's case will then go through the hearing process and the case will become a part of their conduct record.

This protection only applies to the Methodist University alcohol and drug policies. If other alleged violations are associated with the incident, then disciplinary action may be pursued through the Dean of Students Office.

When a person's health and/or safety is threatened or appears to be at risk from alcohol or drug consumption, the best course of action is to:

- Call 911;
- Call the Methodist University Public Safety Department at (910) 630-7577
- You may also seek assistance from a resident assistant (RA) and/or the residential coordinator (RC); or
- Cape Fear Valley Medical Center Emergency Room, 1638 Owen Drive, Fayetteville, NC 28304, (910) 615-8000

### **The Silent Witness Program**

Community members who have information or knowledge with regard to criminal or illegal activity may anonymously report that information through the Silent Witness program. Submissions should be made to [www.methodist.edu/student\\_life/ps\\_silent.htm](http://www.methodist.edu/student_life/ps_silent.htm).