

STUDENT CONDUCT AND DISCIPLINARY SYSTEM

The Student Life Staff is responsible for the implementation of the student conduct and disciplinary system at the University. Members of the Student Life Staff, The University Discipline Board for Students, and/or the Student Conduct Board will hear disciplinary cases and sanctions may be imposed as outlined in the Student Handbook.

Criminal courts make a determination of guilt or innocence of an accused. Civil courts resolve non-criminal disputes between parties, usually for a money judgment. Gonzaga's disciplinary hearing process makes a determination of responsibility, that is, **whether the accused more likely than not committed the alleged act.**

Gonzaga University Hearings are not criminal or civil judicial proceedings. Information for a finding is based on a standard that an act was "more likely than not" to have occurred. The information does not have to be in the form of physical "evidence" nor does the alleged violation have to be witnessed. Circumstantial information can be sufficient in some instances for the University to determine that an act was "more likely than not" to have occurred. The University's standard for determining whether a violation has occurred is different from criminal law.

Although the terms and procedures may be similar to criminal law or the criminal court system, they are specific to Gonzaga University and limited to the meaning and use given them by the University. An act not criminally prosecuted may still violate University policy.

DISCIPLINARY PROCEDURES

The Chief Judicial Officer is responsible for initiating disciplinary proceedings for infractions where there is sufficient information to believe that a violation may have occurred and disciplinary action is appropriate.

Any member of the University community may file a complaint against any student or student organization for misconduct. Complaints involving conduct in the residence halls can be filed with the appropriate Residence Life staff member and will generally be processed under the residence hall judicial system. Other complaints can be filed with the Student Life Office and processed through the campus judicial system. Complaints may also arise from information documented in Security Department reports or forwarded to the Student Life staff by other University departments, and University community members.

Jeopardy

A student may be placed in "jeopardy" while pending criminal, civil and/or University charges are being resolved. The term jeopardy is defined as a student being placed on notice that they have been alleged to have been involved in an incident that is in the process of being investigated. While the case is under investigation the student is expected to be aware of their jeopardy status, to fully comply with the investigation, and to understand that their violation of any University policy during this period may result in an immediate interim suspension. Jeopardy may be imposed concurrently with or independent of other actions or sanctions.

General

The Chief Judicial Officer manages the overall disciplinary system for the Student Life division. Specific responsibilities for disciplinary interventions and resolutions rest with various departments and judicial bodies. There is also a mutual and shared responsibility which Gonzaga promotes, allowing for cooperation and collaboration between University departments regarding student conduct issues.

The Office of Housing and Residence Life is empowered to maintain a disciplinary system which applies to students residing in University facilities. These processes are consistent with those

of the Student Life Office although some procedures may be different for off-campus conduct. A particular case may be transferred from one office to the other at any time.

In matters of discipline pertaining to group or individual misconduct within the residence life facilities, the Housing/Residence Life staff members are immediately responsible for the communication and enforcement of policies, rules and expectations. The authority and responsibility of the Housing/Residence Life staff member extends to all areas of campus and University-sponsored events.

Student disciplinary records are maintained in the Housing/Residence Life Office and the Student Life Office. These records usually include copies of incident reports, hearing records, and any sanctions issued. For information about misconduct and discipline that is academic in nature, please refer to the Academics section of the student handbook.

HEARING PROCESS

Normally, the hearing process is as follows:

1. The student will be informed by a judicial officer or designee that a concern has been raised and a response by the student is necessary.
2. Student Conduct Meeting is held after the student responds to the judicial officer's request to schedule a meeting. The meeting is attended only by the student and the hearing officer. The judicial officer makes a preliminary review of the facts to determine how to proceed. If a hearing is necessary the judicial officer will decide upon the appropriate hearing option. Many times, the matter can be resolved during a less formal conduct meeting with the student.

During the meeting the student is advised of the nature of the concern and provided an opportunity to respond and discuss. The student may choose to accept responsibility for his or her involvement in the incident. The student is also advised, if appropriate, of the opportunity to provide additional relevant information to present his or her side of the situation. This informal method is the preferred disciplinary intervention for the University because it allows for more conversation, more agreement as to decisions, and provides an opportunity for resolution at the lowest level. In most cases the student conduct meeting serves the same purpose as a hearing.

3. A conduct hearing will be scheduled for a student who chooses not to respond to the judicial officer's request. The student will be notified in advance of the date, time and location of the hearing. Should the student choose not to attend the hearing, it will be held in his/her absence. Generally, any decisions made at the hearing are not eligible for appeal as a result of the student's decision not to participate.
4. Student Conduct Hearings are a formal administrative hearing with a minimum of two University officials as designated by the Chief Judicial Officer. A student participating in this process will:
 - a. Receive advance notice of date, time, and place of the initial hearing in a manner appropriate as decided by a judicial officer.
 - b. Receive a statement of the alleged violations
 - c. Be informed of privileges afforded the student. These include:
 - adequate time to prepare a case
 - a support person present during the hearing (If the student's support person happens to be an attorney, he/she can not act as legal counsel.) Support persons may not speak or participate directly in the hearing unless invited by the hearing officers.
 - have an opportunity to present information both written and in the form of other persons with relevant information to present their side of the story.
5. The student alleged to have committed the violation will be informed of the disposition of the case, as well as any sanctions imposed, after a decision has been reached by the

judicial officer. Students who are considered by the University to be victims of a crime of violence in which another student is accused, will at a minimum, be verbally notified of the outcome of the case.

6. A student found responsible will have an opportunity to appeal the decision for an appropriate cause as outlined in the Student Handbook. At the discretion of the Chief Judicial Officer, victims of certain other offenses may appeal the decision.

The Vice President for Student Life, the Chief Judicial Officer or her/his designee may also utilize other hearing types and procedures at their discretion. This includes, but is not limited to: the presence of other parties at a hearing or deliberation who have a legitimate role to play in the hearing process.

CONDUCT BOARD HEARINGS

There are various conduct boards that may be referred cases when appropriate by the Chief Judicial Officer or his/her designee. The process for hearings by conduct boards generally follow that of a student conduct hearing.

During the hearing process the incident is reviewed by hearing board members. The process involves the board or officer listening to and speaking with the accused and considering other relevant information, including witnesses. The board members make a determination of responsibility for the allegation and recommend sanctions, if appropriate, to the Chief Judicial Officer.

Student Judicial Board

These boards use the same procedures as a student conduct hearing. Student Judicial Boards play a significant and equal role in both dispute and behavioral resolution to incidents with students arising from situations on or off campus. In addition, Boards are available to help mediate disputes, provide interpersonal mediation, and impose binding arbitration. Boards are also available to hear appeals of certain cases from students. Boards are comprised of student members and a staff/faculty member advisor. A simple majority of the members must be present to hear a case. Boards are authorized to recommend sanctions as outlined in the Student Handbook.

University Discipline Board for Students

The UDB will be chaired by the Chief Judicial Officer or his/her designee, with a minimum of one faculty member, one student member and one staff member present for the hearing. The Chair will be a non-voting member of the hearing board.

This type of hearing will be utilized for cases the Chief Judicial Officer deems as extremely serious and may include but not be limited to: sexual misconduct, violent acts, threats and intimidation, use of a weapon, and selling of drugs, or where suspension or dismissal are likely. Students whose cases will go before the University Discipline Committee will be provided a trained staff member to assist them throughout the process.

FACILITATED DISCUSSION

A facilitated discussion about a conflict by a neutral third party is sometimes an option for students in a number of situations. A hearing officer may recommend a facilitated discussion as a way to deal with conflict. Students interested in pursuing this option can contact the Chief Judicial Officer. Facilitated discussion provides an opportunity for students to deal with conflict with the help of a neutral party. Ground rules for discussion are delineated, rights of all parties are protected, and an agreement can generally be arrived at that reflects consensus by the involved parties. Some examples where facilitated discussion might be appropriate are:

Roommate conflicts, situations where two or more individuals can't come to an understanding or an incident that involves individuals with differing levels of power. For a facilitated discussion to be successful, all parties need to be willing to participate.

DISCIPLINARY SANCTIONS

Sanctions in a disciplinary action are a developmental tool, whose purpose is to redirect the student's behavior towards a pattern more acceptable with the University community:

- ❖ If such redirection is feasible
- ❖ To protect the University community from possible harm or injury by the student
- ❖ To give redress to a person for loss, harm, or destruction of property resulting from the action of the accused student
- ❖ To allow students an opportunity to heal damage done to a community, to other individuals, to the campus environment, or to student social network.
- ❖ To allow students to place themselves in other people's shoes and to both learn about and feel the true impact of their attitudes and behavior on others.

It is important to note that a student's behavioral/disciplinary history is cumulative. Increased sanctions may be imposed to take into consideration the student's overall record of violations of all types, not simply of a particular type.

Representatives of the Student Life Office may impose the following sanctions on a student or group of students:

1. POSITIVE ACTIONS: Positive Actions are required activities that are intended to engage the student in a positive learning experience related to the student's inappropriate behavior. Positive Actions are intended to allow students to reflect upon their inappropriate behavior, to learn about the behavior in which they engaged and understand why it is inappropriate or unacceptable. This action may include, but is not limited to, engaging in a campus or community service project, attending or presenting a program related to the implications of the student's conduct, writing a paper, interviewing someone, or engaging in some type of personal assessment or counseling. Please note: There may be some costs associated with participation in sanctioned educational programs.

2. RESTORATIVE ACTIONS: Restorative actions are assignments given to students that help them reflect upon the impact their behavior has made on people, communities, or environments while also providing them opportunities to restore the health of those entities and/or heal the damage their behavior has done. These actions may include but are not limited to: sincere written apologies, designing action plans for positive contributions to the people or communities impacted, and joining on-going task forces, or committees that are addressing the topics and social forces from which the student's behavior arose.

A. **Restitution:** Student actions can damage, deface, or destroy University property or private property on or off campus. In addition, certain behaviors and attitudes can cause less quantifiable harm to other people, to the general campus community, and to the environment that houses the community the student lives within or even environments off campus. Restitution is an assignment to pay back the entities harmed by the behavior. Even when there are times when less quantifiable damage has been done, restitution can be used to help supplement programming accounts which fund major community building activities throughout the campus community.

B. **Fines:** A reasonable monetary fine may be assessed against a student as a resolution to and deterrent from violations of student conduct code. This sanction can be rendered in conjunction with other sanctions.

C. **Non-Paid Work/Compensatory Service:** Non-paid work for the University or for a specified area of the University may be assigned to a student as a disciplinary sanction in addition to any other sanction which may be imposed.

3. LOSS OF PRIVILEGES/RESTRICTIVE SANCTIONS:

- A. Restrictions on institutional representation and participation: (including leadership positions and University events)
- B. Loss of eligibility for campus employment, institutionally-arranged internships and possibly off-campus state workstudy
- C. Communication and contact restrictions with other members of the Gonzaga Community
- D. Ineligibility to receive financial aid
- E. Campus facility restrictions
- F. Withholding a recommendation for study abroad or other similar opportunity
- G. Residence-Related Sanctions:

Extension Of Residence: A student may be mandated to live on campus in campus owned residence halls for a specified time after normally qualified to be released from the on campus residence requirement. Normally, this is reserved for students exhibiting entrenched violations of student conduct code which may indicate the student is not ready to represent GU in the local community as a positive citizen and neighbor.

Removal From Residence: Serious infractions of residence regulations or patterns of misconduct may lead to the removal of a student from the residence. This sanction may require the immediate removal of the student from the residence environment, cancellation of the housing contract, and forfeiture of residence fees. This may mean short term removal for a fixed period of time as well as permanent removal and ineligibility to reside in University housing in the future. Restriction from visiting University facilities may also be imposed, which may include a criminal trespass warning. In some cases the student may also be suspended from the University since the University requires freshmen and sophomores to live on-campus.

Mandated Relocation of On-Campus Residence: In some instances students may be moved to a different residential facility if it is deemed more appropriate for helping that student achieve his or her academic goals, positive behavioral patterns and uphold a more peaceful community on campus.

Loss of Priority Housing Selection: A student may have his or her position to select priority housing set aside and be placed in a lower, less desirable position to select on-campus housing for the next academic year.

4. CONDUCT STATUS LEVELS:

- A. **Warning:** Notice to a student, either verbally or in writing that he/she has failed to meet the University's standards of conduct. The warning will include a caution that the continuation or repetition of the conduct involved or other misconduct will result in a more serious sanction.
- B. **Reprimand:** Formal action censuring the student for failure to meet the University's standards of conduct. Reprimands are always made in writing to the student by the official taking the action.
- C. **Conduct Review Period:** An official warning that the student's conduct is in violation of our code of conduct and behavioral expectations, but is not sufficiently serious to warrant expulsion, dismissal, suspension, or probation. A student on conduct review shall have their conduct under review for a specified period of time. This sanction may require regular meetings with an appropriate official to ascertain and evaluate compliance with student conduct expectations. Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct. If there is a finding of responsibility for subsequent violations of policies, rules and expectations during this period of time, more severe sanctions will be administered.

- D. **Conduct Probation:** Conduct probation recognizes a serious offense for which is contrary to the policies, rules and expectations of the University and for which action needs to be taken by the Student Life Staff. The student is placed on conduct probation status with the University for a specified period of time. In addition to the period of time listed in the written notice, a behavioral contract may also be set forth. The behavioral contract will include specific obligations which the student must meet. Notification may be sent to the student's academic advisor as well as to other University personnel on a need-to-know basis. Any violation of conduct probation will be handled immediately by the Student Life Staff.
- E. **Disciplinary Probation:** Disciplinary Probation is a notice to the student that his or her behavior is of such a nature as to place that student in danger of removal from the University. The student is placed on disciplinary probation for a specified period of time, a behavioral contract is set forth, and specific obligations are outlined. Dependent students must notify their parents of the probationary status and have them verify this notification with the Student Life Staff. Notification is sent to the student's academic advisor as well as to other University personnel on a need-to-know basis. Any violation of this probation or other University policies, rules and expectations may cause the student to be immediately removed from the University. While probation is usually reserved for repeated infractions, it may be imposed for any serious violation. When a student is placed on disciplinary probation, at least one of the following restrictions combined with other sanctions will be imposed:
1. Restriction from representing the University in any public performance, athletic event, committee, organization, or from holding any student governmental office or office in any recognized student organization, or participating in any organized University function.
 2. Ineligibility to receive financial assistance from any funds provided by the University, including grants, scholarships, waivers, etc. This sanction may not be imposed until the beginning of the following semester.
 3. Ineligibility to hold an on-campus job paid for by University or third-party funds.
 4. Withholding a recommendation for study abroad or other similar opportunity
- F. **Interim Suspension:** A student may be suspended for a period of time following a serious alleged violation of policy if it is determined a danger may exist to him/herself, others, or property. This suspension may be done immediately and the disciplinary hearing will follow.
- G. **Suspension:** Suspension from the University involves the exclusion of the student from participation in any academic or other activities of the University for a specified period of time. Written notification of this action will be provided to the student and his/her parents or guardian if the student is a dependent (as defined by FERPA). Suspension from the University further involves the following:
1. notation of the suspension on the student's disciplinary record;
 2. the student will be withdrawn from all courses carried that semester;
 3. the student will forfeit fees according to the normal refund schedule of the University;
 4. the student will be restricted from visiting the University premises (which may include a criminal trespass warning) except when engaged in official business approved in writing by the Student Life staff;
 5. the suspension may include any other disciplinary action that is judged to be of value to the student or necessary for the community.

Reinstatement from Suspension: When a student has concluded the suspension period and completed the conditions accompanying the suspension, he/she must submit a letter to the Vice President for Student Life requesting reinstatement and provide evidence that he/she has satisfied the terms of the suspension. In some cases, the student may need to reapply to the University. The student may return to the University only after an affirmative decision has been made by the Vice President for Student Life and the student has been readmitted by Admissions (if applicable).

- H. **Dismissal:** Dismissal is permanent expulsion from the University; it may be ordered as a result of very serious violations or for repeated offenses. In addition to forfeiting all tuition paid, the student suffers all the other losses and restrictions imposed upon suspended students, and is not eligible to apply for re-admission at any time. The student must leave the campus on the date determined by the Vice President of Student Life or Chief Judicial Officer. The student will be restricted from visiting the University, which may include a criminal trespass warning.
- I. **Participation In, Or Postponement Of Activity/Participation And Conferring Of Honors And Degrees:** The University reserves the right to prevent, delay or postpone the involvement of a student in any University-related activity, or delay or postpone the conferring of any honor or degree as a form of sanction, or while any of the student conduct procedures or actions are pending.

NOTIFICATION OF PARENTS

The University may, in its discretion, send notice and/or copies of disciplinary documents to the parents or legal guardians of students involved in disciplinary matters. The University, in compliance with the Family Educational Rights and Privacy Act (FERPA), may send reports to parents or legal guardians of a dependent student as defined in the Internal Revenue Code. The University may also contact parents or legal guardians of students involved in alcohol or drug violations if the student is under 21 at the time of the violation. In some cases, as a condition of remaining at Gonzaga, a student may be required to notify his/her parents or legal guardians of his/her disciplinary standing within the University. Students may opt to sign a FERPA waiver, allowing the University to communicate with his/her parents or legal guardians or other designated individuals.

APPEALS PROCESS

Disciplinary actions rendered by members of the Student Life staff may be appealed to a judicial officer one professional level up from the person who rendered the original decision. The sanction(s) resulting from a disciplinary decision will be considered in place and enforced until modified by a decision in the appeals process. The filing of an appeal does not relieve a student from complying with the sanction(s) from the time they are initially imposed.

An appeal must be made in writing within three class or business days of the notification of the disposition of the case to the parties involved in the original decision. This notification will be made to the student in person or to the student's address location the student has designated it to be sent. The written appeal must be delivered to the office of the appeal judicial officer, whose name will be provided by the person who rendered the original decision and/or made the notification of the disposition.

Before determining the appeal, the appeal judicial officer will decide whether or not to even consider the appeal. The decision to consider the appeal is a separate action from actually determining the appeal. The appeal judicial officer will review the file, including the reasons for the appeal, and will decide if consideration of the appeal is appropriate. If the appeal judicial officer decides that consideration of the appeal is not appropriate the original decision and sanction(s) remain in place. If it is decided that consideration of the appeal is appropriate,

the appeal judicial officer will make a determination of the merits of the appeal based upon the information contained in the written request and file. At the discretion of the appeal judicial officer parties to the original decision may be heard in person as part of the appeals process.

The appeal must be based on one or more of the following circumstances. The written appeal must specifically demonstrate one or more of the circumstances.

1. The student has new information that was not available prior to the original hearing and that information is likely to have changed the outcome of the hearing;
2. The judicial process outlined in this publication was not adhered to during the original hearing and the alleged error is not a harmless error;
3. The student conduct code violations cited in the disciplinary finding do not seem to be applicable to the behaviors alleged and discussed during the hearing;
4. The sanction(s) do(es) not relate appropriately to the violation for which the student was found responsible.

The appeal judicial officer may take the following actions after considering or determining an appeal:

1. Remand the matter to the original judicial official to be reheard in whole or part. At the discretion of the appeal judicial officer a different official or hearing method may be designated;
2. Affirm the original decision and sanction(s);
3. Reverse the original decision and sanction(s);
4. Affirm or reverse the original decision in part and/or alter the sanction(s) which could increase or decrease the severity of the sanction(s).

A notification of the decision regarding the appeal will be made to the student in person, or sent to the address designated by the student, as well as communicated via University-issued e-mail address. The appeal decision will normally be rendered within two weeks of the written appeal.

ABUSE OF THE UNIVERSITY JUDICIAL SYSTEM

Abuse of the University judicial system will be treated as a separate disciplinary matter. Abuse includes, but is not limited to, failure to obey the request of a judicial body or official; falsification, distortion, or misrepresentation of information before a judicial body; attempting to influence or discourage an individual's proper participation in, or use of, the judicial system; verbal or physical harassment and/or intimidation of a member of a judicial body or any other participant in a disciplinary process. It also includes failure to fulfill sanctions, pay fines or return requested documents on time.

RECORD REQUESTS BY OUTSIDE ENTITIES

Students should be aware that information maintained in their disciplinary file or University record may be requested by entities outside the University in the future. Such requests include employment background checks, military or civilian clearances for sensitive information, graduate or other college admissions processes, professional licenses and certifications and court orders. The University follows FERPA guidance in responding to these requests.