

# JUDICIAL PROCESS

The Office of Student Affairs employs an educational approach in handling violations of College policy and seeks to foster student development. The judicial process encourages individual responsibility, self-discipline and a respectful College environment.

## REPORTING INCIDENTS/HEARING PROCESS

### 1. Incident Report

- Anyone can report an incident if there is reason to believe a policy has been violated.
- In general, all persons present when a violation of policy occurs are alleged to be in violation of the policy (e.g., visitation, alcohol, and noise policies).
- Incident reports are submitted to the Office of Student Affairs.

### 2. Summons

- Written notification of specific charges will be delivered to the student either personally by a College administrator or Residence Life staff member, or via the U.S. Mail (in which case, an email notification of summons is also sent to the student's Saint Vincent account).
- When the letters are hand-delivered, students sign a form to verify that they have received a judicial summons. Their signature does not indicate admission of responsibility.
- When possible, summons letters will be delivered within 72 hours of the reported violation.
- When possible, the student will receive 24 hours advance written notice of the time and place of the hearing.
- For more severe charges resulting in possible removal from the residence halls or College, a student will receive 72 hours advance written notice.
- Students are expected to attend the scheduled disciplinary hearing. Failure to do so will result in a decision without the benefit of the student's testimony. In such cases, the student waives his/her right to review or appeal the decision.

### 3. Judicial Pre-Hearings and Hearings

- A pre-hearing may be scheduled when the alleged conduct is very serious. A pre-hearing is conducted at the request of the accused or the Office of Student Affairs.
- The purpose of the pre-hearing is to review the charges and the disciplinary procedures. The pre-hearing is not intended to review the content or the merits of the case but merely the procedural aspects of the judicial process.
- If the accused does not contact the Office of Student Affairs within 24 hours of notification then a pre-hearing will not be set. It is not necessary to conduct a pre-hearing in order to have a hearing.
- Neither parents/legal guardians nor legal counsel may be present at a judicial hearing.
- Parents and attorneys may meet with an administrator from the Office of Student Affairs prior to the hearing or after the hearing.
- The outcomes of judicial hearings are confidential except when the law requires specific disclosure.
- The rules of evidence in a court of law do not apply to a student judicial hearing.
- Responsibility is established based on the preponderance of evidence. A preponderance of evidence has been described as just enough evidence to make it more likely than not that a fact is true.

### 4. Judicial Hearing Officers

- The hearing officer is not bound to the standards of criminal or civil courts of law.
- A judicial hearing is conducted either by an individual (such as Residence Hall Director, Coordinator, Associate Director, or Director of Residence Life) or a panel, depending on the offense, the record of the individual(s) involved, and the discretion of the Office of Residence or Office of Student Affairs.
- Cases may also be heard by the Committee on the Code of the College, which is summoned at the prerogative of the Vice President for Student Affairs.

## **5. Committee on the Code of the College**

- The Vice President for Student Affairs may consult with this Committee concerning infractions of the Code of the College or may call this committee to hear an appeal for a prior hearing.
- The Committee may recommend corrective sanctions to the Vice President for Student Affairs.
- In cases of appeals, the Committee may maintain the sanction levied or may overturn or recommend amending the original sanction.
- The Vice President for Student Affairs may decide to apply the recommended sanctions or may amend them.
- The membership of this Committee is appointed to serve by the Vice President for Student Affairs and includes:
  - A member of the faculty who serves as Chair of this Committee.
  - A Residence Hall Director.
  - A Prefect.
  - A member of the Administration.
  - A member of the Student Government Association, appointed in consultation with the SGA President.
- In cases where a member of the Committee cannot hear the case or the appeal due to a conflict of interest, the Vice President for Student Affairs will appoint another member for the particular hearing.
- The Vice President for Student Affairs will provide training for conducting a fair and impartial hearing.
- The Vice President for Student Affairs may remove a member from the Committee with the consultation of the Chair.

## **6. Suspensions Pending Hearing**

- The Vice President for Student Affairs may suspend a student from the residence halls or from the campus pending the resolution of a disciplinary hearing.
- Suspensions pending a hearing do not assume responsibility before the fact, but are meant to protect all parties in a dispute until a formal decision is made regarding the case.
- This decision is not subject to appeal and can be made only by the Vice President for Student Affairs.