

**Appeal Procedures**

The board shall review the appeal and the written documentation from the original hearing. If they desire, they may also review the recording of the hearing or request additional information. The board then has one of the following options following this review:

1. Uphold the finding of responsibility and the sanctions as originally imposed;
2. Uphold the finding of responsibility but reduce the sanction;
3. Overturn the finding of responsibility; or
4. Return the matter to the hearing body for further action or for a new proceeding.

A recording of the proceedings shall be made at Review board hearings. The recording shall be kept confidential in the files of the director of residence life/coordinator of judicial affairs. All hearings shall be closed.

**Administrative Hearing**

An administrative hearing has the same level of authority as a College judicial board. The primary difference is that the proceedings are conducted by a Le Moyne administrator instead of an entire board. On occasion, another administrator(s) may serve to assist in the proceedings. The director of residence life/coordinator of judicial affairs can assign a case to an administrative hearing due to time restrictions, the need for a high level of confidentiality, or other circumstances deemed appropriate.

**Fundamental Fairness**

To insure that procedures in disciplinary cases meet fundamental standards of fairness, and to ensure that students involved in such cases realize that their case has been processed in a fair and judicious manner, the following procedural guidelines shall be applied. These guidelines are not meant to imply that student disciplinary cases are analogous to legal proceedings in the civil or criminal courts.

1. Students against whom allegations have been made shall be considered not responsible until proven responsible.
2. Students accused of violating a College policy shall be notified in writing of the specific charge(s) before the case is considered.
3. The student shall be free from disciplinary sanction, pending the conclusion of

a case. However, where the nature of the case indicates that there is a danger to the immediate well-being of the College community, appropriate interim measures may be taken by the vice president for student development or the director of residence life/coordinator of judicial affairs, including temporary suspension from the College and its residence halls.

4. The facts of the case shall be determined solely on evidence presented at the meeting/hearing.
5. The student shall have the right to have the case heard within a reasonable amount of time. The student shall receive the final decision of a disciplinary hearing/meeting in writing as soon as possible after the case is brought to a close.

**Misconduct Subject to Disciplinary Action**

Disciplinary proceedings may be initiated in response to conduct that occurs on College premises or at events officially sponsored by Le Moyne College, conduct that arises out of membership in the Le Moyne community or conduct elsewhere, otherwise proscribable under this code, that adversely affects the College, its affiliated organizations, or members of the College community or their pursuit of its objects.

**Level A:** Any student engaging in any of the following acts shall be subject to the appropriate sanctions not to exceed deferred residence/college suspension:

1. Disorderly conduct.
2. Disturbing the peace.
3. Violation of quiet hours.
4. Minor theft or possession of stolen property (under \$100).
5. Violation of the campus alcohol policy.
6. Violation of visitation/guest policies.
7. Appropriation of common or public furniture in private rooms or apartments.
8. Minor destruction or defacing of property (under \$100).
9. Littering in a public area or on campus grounds.
10. Unapproved room change.
11. Engaging in hall sports.

**Level B:** Any student engaging in any of the following acts shall be subject to the maximum penalty of suspension or dismissal from the College:

1. Repeated violations of any Level A offense.
2. Known violation of the terms of any disciplinary sanction imposed in accordance with this code.
3. Failure to comply with the directions of College personnel acting in the performance of their duties and/or harassment of such College personnel.
4. Unauthorized use or possession of fireworks.
5. Lewd, obscene or indecent expression.
6. Verbal or physical harassment.
7. Unauthorized entry, presence in or use of College premises, facilities or property.
8. Intentional or reckless causing of physical harm to any person, or intentional or reckless causing of reasonable apprehension of such harm.
9. Intentional initiation of or the causing of the initiation of any false report, warning or threat of fire, explosion or emergency.
10. Intentional or reckless misuse or damage of fire safety equipment. Intentionally or carelessly starting a fire.
11. Unauthorized use, possession or storage of any weapon.
12. Unauthorized use, possession or distribution of any controlled substance or illegal drug.
13. Stigmatizing or disparaging statements related to race, gender, ethnicity, sexual orientation, religious preference, age or people with disabilities.
14. Any comment designed to incite violence.
15. Major theft or possession of stolen property (over \$100).
16. Major destruction or defacing of property (over \$100).
17. Intentional or reckless interference with the freedom of expression of others.
18. Dishonesty, such as the known falsification of official records or the giving of false information.
19. Forgery, unauthorized alteration or unauthorized use of any document or instrument of identification.
20. Breaking and entering.
21. Misuse or abuse of the campus telephone or computer systems.