

- When the testimony of witnesses and the questioning of their testimony are complete, summary statements may be made by the complainant and the accused student.
- After any such statements, the chairperson will direct those present, except board members, to leave the room.
- Upon a responsible or not responsible determination, the chairperson will inform the board of precedents, possible sanctions and the student's prior disciplinary record, if any.
- As soon as possible, the chairperson will inform the complainant, the student charged, and the director of residence life/coordinator of judicial affairs of the decision. The decision of the board is effective immediately following the hearing and shall be substantiated in writing.
- A recording of the proceedings shall be made at Judicial Board hearings. The recording will be destroyed at the conclusion of the case.

### Judicial Review Board

A judicial review board will respond to appeals from students who have had disciplinary sanctions placed upon them by a College judicial board. Appeals to the judicial review board must be in writing and submitted to the director of residence life/coordinator of judicial affairs within five class days of the date of the findings letter. It is expected that the board will meet to review and make a decision on the appeal within a reasonable period of time of the receipt of the appeal. All decisions of the judicial review board are made by majority vote and are not subject to further review.

Appeals of board decisions must be based on questions of improper procedure, new evidence uncovered after the hearing, or excessively harsh sanction. If a student believes there are grounds for an appeal on the basis of an excessively harsh sanction(s), the student must meet with the vice president for student development to discuss the matter. If the vice president determines that there are no grounds for appeal, then the decision stands. If the vice president determines that there may be grounds for an appeal, the director of residence life/coordinator of judicial affairs will empanel a board to hear the appeal. All decisions of the judicial review board are final. In cases where the sanction is residence or College suspension and the sanction extends for more than a full semester,

at the end of the first full semester that sanction is in effect the student can petition the vice president for student development to have the sanction reviewed. If the vice president determines that a review may be in order, the director of residence life/coordinator of judicial affairs will empanel a review board to evaluate the student's recent behavior and determine if a reduction or elimination of the sanction is in order. A sanction will not be reduced just because a student has remained out of trouble. The student must demonstrate that he or she has prepared himself or herself to contribute actively and positively as a member of the Le Moyne community.

### Membership

The review board shall be selected from a judicial pool by the director of resident life/coordinator of judicial affairs and composed as follows: a faculty member, one administrator and one Le Moyne student. The chairperson of the board (faculty member) conducts the proceedings and is a voting member.

### 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 will be destroyed at the conclusion of the case.

### 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.
22. Tampering with campus or United States mail.
23. Refusing to show or surrender a College ID card upon request by College agents or employees acting in the performance of their duties.
24. Engaging in acts or deeds which violate existing federal, state, county or city laws or ordinances.

Any violation of published College regulations or policies stated in the Residence Hall Agreement, that are not covered in the lists of Level A and B offenses, will be sent to the director of residence life/coordinator of judicial affairs for determination of severity.

### Definition of Terms

The term “distribution” means sale or provision. The term “College” means Le Moyne College. The term “reckless” means conduct that one should reasonably be expected to know would create a substantial risk of harm to persons or property or that would otherwise be likely to result in interference with normal activities. The term “student” means a person taking or auditing graduate or undergraduate courses at the institution on a full-time or part-time basis. The term “College premises” means buildings or grounds owned, leased, operated, controlled or supervised by the College. The term “weapon” means any object or substance designed or used to inflict a wound, cause injury to or to incapacitate a person including, but not limited to, firearms, pellet guns, knives and chemicals such as mace or tear gas. The term “College-sponsored activity”

means any activity on or off campus that is initiated, aided, authorized or supervised by the College.

### Disciplinary Sanctions

One or more of the following sanctions may be imposed after a finding of misconduct. An accused student should be aware that one or more sanctions may be imposed, and that records of prior misconduct may have an influence on the sanction(s).

1. **Written Warning:** The student may receive official written notice of misconduct with the additional admonition that further incidents may be cause for more severe disciplinary action.
2. **Restitution:** The student may be ordered to make restitution for destruction of, damage to or misappropriation of College or personal property. Restitution may be in monetary terms or may take the form of appropriate service or other compensation.
3. **Fines:** May not exceed \$300 per occurrence. In addition, a fine not to exceed \$100 per occurrence or per item may be implemented in the event of violation of fire safety regulations or the removal of furniture from a common or public area.
4. **Community Service:** The student shall be assigned a specific number of hours to work for a community or College organization.
5. **Social Probation:** Social privileges (to an individual or group) may be forfeited for a specified period of time.
6. **Disciplinary Probation:** A student may be placed on disciplinary probation for serious misconduct or repetitious minor misconduct. A student on disciplinary probation who is found to be responsible for further violations of College policy during the time period stipulated will be subject to more severe disciplinary action including suspension or dismissal from Le Moyne College.
7. **Deferred Residence Suspension:** A student may be placed on deferred residence suspension for serious misconduct or repetitious minor misconduct. A student on deferred residence suspension found to be responsible for further violations of College policy during the time period stipulated will be suspended from all College-owned or leased housing and subject to further sanctions.
8. **Deferred College Suspension:** A student may be placed on deferred College suspension for serious misconduct or repeated misconduct. A student on