

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.

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. 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 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 Services 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

Resolution of allegations of Conduct Code violations by student organizations may be delegated to the Dean of Student's office for investigation and resolution. When so delegated, the Dean of Students or designee will provide a hearing to determine whether the organization is in violation and, if so, whether recognition should be withdrawn by the University or lesser sanctions imposed on the organization. Hearing procedures applying to organizations need not parallel those accorded by this Code to individual students. Members of Student Organizations may be held accountable for individual violations of this Code in addition to sanctions imposed on the organization.

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 College 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.