

## CONDUCT SYSTEM

### Structure

Any member of the Methodist University community may file a written complaint of alleged violations with the Associate Dean of Students, the campus conduct officer. The Associate Dean of Students has the right to collect additional information and further investigate the alleged violations. The Student Code of Conduct, Residential Guidelines, and University policies will serve as the controlling rules for conduct. The Associate Dean of Students has the authority to assign a case to a specific hearing body after considering the seriousness of the incident, probationary status of student(s) involved, prior punishment for similar conduct by others, and the potential for suspension or expulsion from the University. All cases that may result in suspension or expulsion will be given to the Dean of Students or Associate Dean of Students for adjudication. All other cases will be assigned to a hearing officer in Housing and Residence Life or to the Student Community Court for adjudication. Depending upon the violation, the following methods of adjudication will be used to resolve any allegations: Educational Conferences, Student Community Court, and Dean or Associate Dean of Students.

### Educational Conferences

An educational conference is a meeting conducted by a Residence Life Staff Member or the Associate Dean of Students to adjudicate minor violations (those that are not likely to result in suspension or expulsion) when responsibility is freely admitted, and/or when there is no dispute of evidence.

Each student will receive a "Notice of Alleged Violation" notifying them that an education conference or hearing has been scheduled for them. If the students fails to attend the conference or hearing and/or fails to request a different meeting time, the Housing and Residence Life staff member or the Associate Dean of Students will review the case and assigned appropriate sanctions without the student being present. Students will also forfeit their right to an appeal; therefore, the decision of the staff member will be final.

Educational conferences have jurisdiction over, but are not limited to, such violations as:

- First and second alcohol policy violation
- First and second incidents of disruptive acts involving alcohol
- Tobacco policy violations
- Bias-related intimidation or harassment
- Fire safety
- Gambling
- Violations of key/access cards regulations
- Violation of telephone long-distance codes regulations
- Vandalism
- Visitation policy violations

Students have the right to appeal the decision made in an educational conference to the Student Community Court.

## **HEARING BODIES**

### **Student Community Court**

The function of the Student Community Court (SCC) is to provide a fair hearing and decision for students, and by students, in cases arising under the jurisdiction of the SCC.

The Student Community Court adjudicates minor violations that are not likely to result in suspension or expulsion, when responsibility is not freely admitted and/or there is dispute of evidence. Violations of a more serious nature (those that would result in suspension or expulsion) fall under the jurisdiction of the Dean of Students. The SCC also has jurisdiction over any traffic violation when responsibility is not freely admitted.

The SCC consists of a Chief Justice elected by the student body and up to twelve Associate Justices, who will be appointed by the SGA Senate with approval of the SGA President and by nomination of the Chief Justice. The SCC has the right to adopt its bylaws in order to function consistently and appropriately. The bylaws must not contradict Methodist University policies or the SGA Constitution.

The SCC has power to require the attendance of any witness to testify in any matter related to the hearing process. Witnesses who cannot attend the hearing must submit a pertinent reason before the appointed hearing date for not being present at the hearing. The SCC may impose sanctions of up to \$100 for failure to cooperate or attend a hearing.

A hearing body of three to five Associate Justices and the Chief Justice will hear cases. If the decision of the Associate Justices results in a tie, the Chief Justice will cast a tie-breaking vote.

All sessions of the court are closed. Records of the hearings must be maintained. If a student is found responsible, the Student Community Court may impose sanctions, with the exception of suspension, as authorized by the Methodist University Student Code of Conduct. Students who are found responsible by the SCC may appeal the decision to the Dean of Students.

### **Student Community Court Traffic and Parking Hearings**

Students may appeal their on-campus parking and traffic citation to the SCC, which will have the power to hear and determine traffic and parking cases. The established guidelines of the Student Community Court must be followed by the SCC. Students will have only three business days from the date of the citation to file an appeal with the Associate Dean of Students, which will be heard by the SCC. Appeals of parking or traffic citations decided by the SCC will be heard by the Dean of Students or designee.

### **Vice President for Student Affairs**

The Vice President for Student Affairs (hereafter referred to as the Dean of Students) will hear charges of violations of a more serious nature (those that can result in suspension or expulsion). All hearings before the Dean of Students are closed. The Dean of Students shall conduct such investigations and interviews, as the Dean deems appropriate. All hearings will be recorded. The Dean may assign such sanctions that the Dean deems appropriate. Sanctions by the Dean of Students may be appealed to the Appeals Board.

### **Associate Dean of Students**

The Vice President for Student Affairs and Dean of Students may designate the Associate Dean of Students to hear Student Code of Conduct violations. In this case, the Associate Dean of Students will have the same authority rendered to the Dean of Students.

### **Administrative Hearing Board**

The administrative hearing board may be used for conduct cases involving personal violence, sexual misconduct or where there is a great dispute of the evidence. It is the decision of the Dean of Students or the Associate Dean of Students to use this board. The board is appointed by the Dean of Students. It is comprised of up to seven faculty and staff members. At least three board members and the Dean of students or the Associate Dean participate in each hearing. Students will be notified of the hearing date, time, and location(s).

### **Dean of Students' Hearing and Appeal Procedures**

If a student faces possible suspension or expulsion from Methodist University, he or she will have a conduct hearing with the Dean of Students. All hearings before the Dean of Students will be recorded. All hearings before the Dean of Students are closed; however, students are entitled to bring one Methodist University student, faculty or staff member to their hearing to be present during the time they are being questioned. Accused students will have the opportunity to call witnesses and present evidence to the Dean of Students.

In cases that can result in suspension or expulsion, it is the aim of the Dean of Students to complete the initial hearing and any appeals in the time frame of a week. If a student is suspended or expelled from Methodist University, he or she will be given a letter outlining the sanctions being imposed. The Dean of Students will also forward a copy of the letter to the Associate Dean of Students to be placed in the student's code of conduct file. All appropriate departments and offices will be notified of the disposition of the student's case by an email sent from the Dean of Students.

If the result of the hearing is suspension or expulsion, the student will have until 5:00 p.m. on the second business day (two working days) after the hearing to make a decision to appeal or not to file an appeal. If the student chooses not to appeal, the student must leave campus, and if applicable, the residence halls within two days of the time the decision is made. If the student chooses to appeal the suspension or expulsion, he or she will be allowed to remain in class, and if he or she is a residential student, he or she will be allowed to remain in the residence halls until the appeal process has been concluded. If the appeal process upholds the decision of the Dean of Students, the student must leave campus two days after the final decision has been rendered.

#### **Note:**

If the Dean of Students determines that a student poses a safety risk to anyone in the Methodist University Community, the Dean of Students has the authority to remove the student from campus, including classes, immediately.

## **APPEALS**

### **Criteria for an Appeal**

Consideration for an appeal will be based on one of the following:

1. information is available that was not available at the time of the decision;

2. the sanction that was given is inconsistent with the Methodist University Code of Conduct;
3. the facts of the case would not convince a reasonable person that the student was responsible;
4. the Methodist University personnel/staff failed to follow established procedures, which significantly impacted the rights of the student.

In order to submit an appeal, the student must complete an Appeal Form, which may be obtained in the Student Affairs Office.

### **Appeal Advice for Students**

Students, who are facing suspension or expulsion, are encouraged to seek the immediate counsel of Methodist University's Student Conduct Advisor, Tavares Hunter. Tavares Hunter, who operates independently of the Dean of Students office, will advise the student about whether or not there are appropriate grounds for an appeal to the Appeal Board. If it is determined that there are sufficient grounds for an appeal, Tavares Hunter will guide the student through the appeal process. Tavares Hunter also has the authority to meet with the Dean of Students to discuss the elements of the student's appeals. When appropriate, such discussions, in and of themselves, can lead to a change in the sanctions that have been issued by the Dean of Students.

Tavares Hunter can be reached at his office in Berns Student Center by calling 630-7249. He can also be reached via e-mail at [tthunter@methodist.edu](mailto:tthunter@methodist.edu).

### **Appeals**

Appeals must be submitted in writing, by completing an Appeal Form, to the Associate Dean of Students within two business days after the date of the hearing.

## **APPEAL BODIES**

### **Dean of Students**

The Dean of Students will hear appeals originating out of the Student Community Court. The Dean of Students shall conduct investigations and interviews as the Dean deems appropriate. Hearings before the Dean of Students are recorded. Hearings before the Dean of Students are closed. The Dean of Students has the authority to:

- 1.) to affirm the decision of the Student Community Court
- 2.) to negate or to alter the decision of the Student Community Court
- 3.) render a new decision and impose new sanctions if appropriate

The decision of the Dean of Students is the final decision of an appeal that originates out of the Student Community Court.

### **Appeal Board**

The President of the University appoints the Appeal Board which consists of five staff and faculty members. The Chairperson will convene the Appeal Board when notified by the Associate Dean of Students of an appeal. (A minimum of four members of the Appeal Board are required for a review with at least one member from each category (faculty, staff, students and

appointed chairperson). The Appeal Board will review the appeals of the Dean of Students and decide if a case meets one of the criteria for an appeal. If the board decides that the case does not meet any of the criteria for an appeal, the case will be dismissed. If the board decides the case does meet one of the criteria for an appeal, the board will hear the case at that time. The Associate Dean of Students will present the case for the University. Students making an appeal before the Appeal Board may enlist the aid of any member of the Methodist University community, including other students, faculty or administrators. Sessions of the Appeal Board are closed. The Appeal Board has the authority to:

- 1.) to affirm the decision of the Dean, Associate Dean, or Administrative Hearing Board
- 2.) to negate or to alter the decision of the Dean, Associate Dean, or Administrative Hearing Board
- 3.) to render a new decision and impose new sanctions if appropriate

Decisions of the Appeal Board are final.

### **SANCTIONS**

The following are sanctions that may result when a student has been found in violation of the code of conduct or residence hall guidelines. Sanctions are applied and enforced at the time the student is found responsible. Sanctions cannot be deferred or postponed. **These penalties are not absolutes and may be amended to benefit students in particular situations.**

#### **A Written Warning**

This shall be defined as a statement by the Student Community Court or the Dean of Students of the circumstances of the violation and an admonition that is made a part of the student's record in the Student Affairs Office.

#### **A Social Restriction**

This shall be defined as a restriction of a student from one or more of the following activities for a period of time specified by the Student Community Court or the Dean of Students:

- a. from all intramural sports
- b. from participation in clubs
- c. from operating motorized vehicles on campus
- d. from participation in visitation in residence halls
- e. from living in campus residence halls
- f. from attending athletic events

#### **Community Service Work**

The Community Court and/or the Dean of Students may assign a specific number of hours ranging from 5 - 100 for community service. Community service work may be assigned on campus or in the Fayetteville community. This is a sanction imposed for the benefit of the student and the community. A person will be assigned to supervise the work and report when the hours are completed.

#### **Disciplinary Probation**

The Student Community Court, the Dean of Students and the Associate Dean of Students may

place a student on disciplinary probation on which, the student continues in attendance; however, the student is in danger of suspension from the University for any breach of good conduct during the period of probation. Further, the student may not hold any general elective office while on disciplinary probation. A record of the disciplinary probation, circumstances, and sanctions is kept in the student's file in the Student Affairs Office.

### **Psychological Evaluation**

The Dean of Students may require a student to be evaluated by Methodist University Counseling and Psychological Services or by a local mental health specialist. A copy of the results of the evaluation, which can be used to determine disciplinary sanctions, will be made available to the Dean of Students. Based on the evaluation, the Dean may also require further counseling or treatment as a part of disciplinary sanctions. In that case, the content of consequent counseling or treatment will be held strictly confidential between the student and the mental health specialist. The Dean of Students may require documentation of the student's participation, but information about the content of the treatment will remain confidential.

### **Suspension**

**The student is separated from the University both academically and socially for a stated period of time, and or until the conditions of the suspension has been fully satisfied.** A suspended student will not be allowed to complete his or her ongoing academic studies. During the period of suspension, a suspended student is not allowed to return to the campus without the expressed and written approval of the Dean of Students. A student who is suspended for the remainder of the current semester also forfeits all tuition and other fees paid. The appropriate academic officials will be notified of the suspension.

### **Temporary Suspension**

If the Dean of Students or his/her designee determines that the behavior of an individual is dangerous to the welfare of persons and/or property in the University community and that immediate removal from the campus is necessary, a temporary suspension may be implemented. If temporary suspension is invoked, a student must leave the campus immediately and will not be allowed to return until the date and time of a scheduled hearing. The hearing will be scheduled within five business days after notification of temporary suspension. Students will be permitted to make up any work missed if a decision other than suspension or expulsion is reached.

### **Expulsion**

The student is permanently separated from the University both academically and socially. A copy of the expulsion letter is placed in the student's file in both the Student Affairs Office and the Registrar's Office. The student forfeits all tuition and other fees paid.

### **Involuntary Withdrawal (Conduct Issues)**

The Dean of Students or designee may carry out immediate, involuntary withdrawals concerning the conduct of a student. In extreme cases, prompt and decisive action may be required before there is an opportunity to conduct a hearing, as in cases in which a student's continued presence on campus substantially impedes the orderly functioning of the university

or constitutes an immediate threat to the well-being or property of members of the university community or if the student requires more supervision than the university staff can reasonably provide. Students withdrawn involuntarily shall have a prompt meeting with the Dean of Students or his designee to review the behavior that forms the basis for the student's withdrawal. In some cases the student may be required to reside off campus and/or be given restricted access to the campus without being involuntarily withdrawn pending the outcome of the hearing.

### **Withdrawal**

A student may choose to withdraw from the University rather than to face possible disciplinary action. A student who takes such an action will place his or her disciplinary hearing on hold until the time that the student decides to return to Methodist University. He or she will also receive no credit for the studies that were completed before his or her departure.

Further a student is subject to the forfeiture of all or part of the tuition and fees that have been paid to the University. If a student decides to return to Methodist University, he or she must apply to the Dean of Students for readmission and agree to participate in the hearing process that was suspended at the time of the student's withdrawal. Students in this category shall be eligible for readmission at the discretion of the Dean of Students.

### **Fines**

Methodist University reserves the right to fine students for non-compliance with the Housing Agreement, Residence Hall Guidelines, and the Code of Conduct. Below is a listing of possible fines.

This list is intended to be a guide for the Student Affairs staff in assessing fines for violations of the *Student Handbook* and University policy. It does not preclude the right of the institution to give greater or lesser fines for violations or for violations not listed (as appropriate).

The fines are payable in the Office of Student Accounts. All fines not paid within thirty days will be added to the student's bill in the Office of Student Accounts, indicating the purpose of the charge. Alcohol and other drug fines must be paid within 30 days of the citation or the student faces additional disciplinary action.

### **Amounts of Violations**

\$75.00	Illegal parking around residence halls
\$10.00	Student ID card replacement
\$50.00	Parked in handicapped space
\$25.00	Playing potentially dangerous sports in and around residence halls,(i.e., golf, baseball, hockey, soccer, water balloons, water guns, football, etc.)
\$50.00	Violating quiet hours
\$75.00	Scaling the outside walls of any University building
\$25.00	Visitation violation—not signing in/out a visitor
\$50.00	Visitation violation—beyond ten minutes late after visiting hours
\$25.00	Visitation violation-failure to escort visitor or be escorted

\$100.00 Not following proper check-out procedures from the residence halls  
\$25.00 Possession of incense, candles or items of like kind  
\$50.00 Traditional room cleaning  
\$100.00 Apartment cleaning  
\$120.00 Mattress replacement  
\$30.00 Mattress cover replacement  
\$100.00 Failure to vacate residence halls for a fire or fire drill  
\$100.00 Illegal room change  
\$100.00 Yanking or pulling open locked residence hall exterior doors  
\$100.00 Setting off alarm systems  
\$100.00 Possession of a weapon or explosive material  
\$100.00 Possession of an unauthorized pet in the residence hall  
\$100.00 Unauthorized use of University property and/or furniture  
\$100.00 Possession of a ceiling fan  
\$50.00 Removal of personal property