

Procedures for Reporting and Responding to Complaints of Violations of the Student Code of Conduct Involving a Student as a *Responding Party*, Other Than Violations of the Policy On Discrimination, Harassment, and Related Misconduct and Academic Dishonesty

I.	OVERVIEW.....	3
II.	EMERGENCY LAW ENFORCEMENT, MEDICAL, AND CRISIS RESPONSE RESOURCES.....	4
III.	RESOURCES AND REPORTING OPTIONS.....	5
A.	Confidential Resources	5
B.	Reporting Options	5
1.	Anonymous Reporting	7
2.	Reporting Considerations: Timeliness and Location of Incident.....	7
3.	Amnesty Reporting	7
IV.	PROCEDURAL OPTIONS.....	8
A.	Time Frame for Resolution.....	8
B.	Initial Assessment	8
C.	Voluntary Resolution.....	9
D.	Investigation.....	11
1.	Investigative Process.....	11
2.	Relevance and Special Considerations.....	13
3.	Review of Draft Investigation Report.....	14
4.	Investigative Finding	14
E.	Outcome Conference	15
F.	Adjudication Options	15
1.	Imposition of Final Finding, Sanction, and Remedy	15
2.	Administrative Review of an Investigative Finding of No <i>Prohibited Conduct</i>	16
3.	<i>Adjudication</i> by a Hearing Panel: Review of an Investigative Finding of <i>Prohibited Conduct</i>	16
4.	<i>Adjudication</i> by a <i>Hearing Panel</i> : Review of Recommended Sanction Only.....	16
G.	Imposition of Sanctions.....	17
1.	Sanctions that Impact a Student’s Status.....	18
2.	Sanctions that Do Not Impact a Student’s Status	19

H. Remedies.....	20
I. Hearing Process.....	20
1. Hearing Panel	20
2. Pre-Hearing Meeting.....	21
3. Hearing Procedures.....	21
J. Notice of Hearing Outcome	22
K. Appeal/Review of <i>Hearing Outcome</i>	22
1. Appeal to the College.....	22
2. Further Review/Appeal in Matters of Suspension or Dismissal	24
L. Post-Resolution Follow Up.....	24
M. ADDITIONAL CONSIDERATIONS	24
1. Role of the Support Person, Attorney, and Non-Attorney Advocate	24
a. Support Person.....	25
b. Attorney or Non-Attorney Advocate.....	25
2. External Agreements.....	26
3. <i>Records of Student Discipline and Effect of Withdrawal</i>	26

I. OVERVIEW

This document sets forth procedures for reporting, investigating, and responding to violations of the Student Code of Conduct, except academic dishonesty and the Policy On Discrimination, Harassment, and Related Misconduct (hereinafter collectively referred to as “*Prohibited Conduct*”) involving a student as the *Responding Party*.

All community members are strongly encouraged to report to the College any incident of *Prohibited Conduct*. Many College administrators are specifically trained to support individuals affected by such *Prohibited Conduct*, and the College is committed to promoting a safe and healthy educational and work environment.

Individuals are encouraged to report incidents of *Prohibited Conduct* to the Office of Human Resources, the Title IX Coordinator, the Office of the Vice President for Student Affairs, or the Franklin College Security Office. As an alternative, as outlined below, an individual can also seek confidential assistance that does not involve notice to the College.

Upon receipt of a report, the *Response Team*,² a core group of administrators that includes the Title IX Coordinator, Director of Security, Provost and Dean of the College, Vice President for Student Affairs and Dean of Students, will offer appropriate resources to support the *Reporting Party* (e.g., medical care, counseling resources, safe housing) and conduct an *Initial Assessment*. The *Initial Assessment* will consider the nature of the report, the safety of the parties and the campus community, the *Reporting Party*'s expressed preference for resolution, and the necessity for any *Interim Protective Measures*.

Following this *Initial Assessment*, the *Response Team* may: 1) take no further action (e.g., at the *Reporting Party*'s request or where the conduct, on its face, would not rise to the level of *Prohibited Conduct*); 2) pursue *Voluntary Resolution* that does not involve disciplinary action against the *Responding Party*; or 3) pursue *Investigation* and *Adjudication* to determine if disciplinary action is warranted. Each resolution process is guided by the same principles of fairness and respect for all parties. Resources are available for both a *Reporting Party* and a *Responding Party* to provide support and guidance throughout the *Investigation* and resolution of the report.

The College encourages a *Reporting Party* to explore all available options for resolution, including a report described herein and a report to law enforcement. The processes are not mutually exclusive; an individual can choose to pursue both a report and a criminal *investigation* at the same time. If an individual has not already contacted the Security Office or a law enforcement agency, a member of the *Response Team* is available to assist a *Reporting Party* in contacting the College's Security Office or an appropriate law enforcement agency.

² The *Response Team* is a core group of administrators, who are responsible for the consistent application of the of the procedures described herein. Members of the *Response Team* can help any College community member understand the procedures and the options for resolving concerns raised herein in academic or work settings at the College. The *Response Team* will protect and safeguard the privacy of all individuals involved in a manner

consistent with the need for a careful assessment of and response to the report. The *Response Team* will consist of a small “need to know” number of individuals

II. EMERGENCY LAW ENFORCEMENT, MEDICAL, AND CRISIS RESPONSE RESOURCES

As a first priority, the College encourages all individuals to report violations of the *Prohibited Conduct* or potential criminal conduct by calling 911 or by contacting the Security Office. If the incident occurred off-campus, the Security Office will refer the report to the police department or law enforcement agency in the correct jurisdiction.

The College also encourages individuals to seek assistance from a medical provider or crisis response service immediately after an incident. This provides the opportunity to address physical well-being or health concerns, preserve any available evidence, and begin a timely investigative and remedial response. Emotional care, counseling, and crisis response are also available on and off campus.

Law Enforcement	Medical Providers & Crisis Response
<p>Franklin College Security Office 317-738-8888 Campus Security Web Page</p> <p>The Security Office will help any individual get to a safe place a, coordination with outside law enforcement, and information about the College’s resources and complaint processes.</p>	<p>Franklin College Campus Health Services 317-738-8090 Health Center Web Page After hours: 317-738-8888</p> <ul style="list-style-type: none"> • Confidential care for students • Medical referral
<p>Franklin Police Department If in an emergency, dial 911 317-736-3670 Franklin Police Department Web Page</p>	<p>Johnson County Hospital Emergency Room 317-736-2600• Confidential care for students</p> <ul style="list-style-type: none"> • evidence collection • After-hours medical care • Screening and treatment of STIs • Emergency contraceptives
<p>Johnson County Sheriff’s Department If in an emergency, dial 911</p> <p>317-736-9155 Johnson County Sheriff’s Department Web Page</p>	<p>Counseling & Psychological Services 317-738-8080 Counseling Center Web Page</p> <ul style="list-style-type: none"> • Confidential care for students • Individual and group counseling and referral

III. RESOURCES AND REPORTING OPTIONS

All individuals are encouraged to seek the support of on and off campus resources, regardless of when or where the incident occurred. Trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution is pursued. In general, the College provides two categories of resources: **Confidential Resources** and **Reporting Options**. Detailed information about each of these categories is provided below.

A. Confidential Resources

The trained professionals designated below can provide counseling, information, and support in a confidential setting. These confidential resources will not share information about a patient/client (including whether that individual has received services) without the individual’s express written permission unless there is a continuing threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (*e.g.*, suspected abuse or neglect of a minor).

On Campus Confidential Resources	Off Campus Confidential Resources
<p>Campus Health Services (317-738-8090) Health Center Web Page After hours: 317-738-8888</p>	<p>Johnson Memorial Hospital Emergency Room 317-736-2600</p>
<p>Counseling & Psychological Services 317-738-8080 Counseling Center Web Page</p>	
<p>Campus Ministry 317-738-8140</p>	

B. Reporting Options

The College encourages a *Reporting Party* to promptly report *Prohibited Conduct* directly to the Office of Human Resources, Equal Opportunity Officer, the Title IX Coordinator, the Office of the Vice President for Student Affairs, or the Franklin College Security Office.

The College encourages all individuals to promptly report *Prohibited Conduct* so that immediate and corrective action can be taken to eliminate the conduct, prevent its recurrence, and address its effects. The College will provide support and assistance and will respond consistent with the procedural options available at the time of the report. Upon receipt of a report, the Office of Human Resources, Equal Opportunity Officer or Title IX Coordinator will refer it to the *Response Team*, who will make an immediate assessment of the risk of harm to the parties or to the broader campus community and will take steps necessary to address any risks. These steps will include establishing *Interim Protective Measures* to provide for the safety of the parties and the campus community and, where appropriate, to assess whether any individual poses a serious threat of disruption of the academic process or a continuing danger to other members of the College community or College property.

The College recognizes that deciding whether to make a report and choosing how to proceed are personal decisions that may evolve over time. At the time a report is made, a *Reporting Party* does not have to decide whether to request any particular course of action. Through a coordinated effort, staff from the offices listed below provide support to assist each individual in making these important decisions, and consistent with the goal of safety for all community members. These staff will make every effort to respect an individual’s autonomy in making the determination as to how to proceed.

Any individual can also make a report to external law enforcement agencies.

On Campus Reporting Options	Off Campus Reporting Options For External Law Enforcement Action
Franklin College Security Office 317-738-8888 Campus Security Web Page	911
Office of Human Resources 101 Branigin Boulevard, Franklin Indiana 46131 317-738-8026 Franklin College Human Resources	Franklin Police Department If in an emergency, dial 911 317-736-3670 Franklin Police Department Web Page
Title IX Coordinator 101 Branigin Boulevard., Franklin, IN 46131 317-738-8028 Title IX	Johnson County Sheriff’s Department If in an emergency, dial 911 317-736-9155 Johnson County Sheriff’s Department Web Page
The Office of the Vice President for Student Affairs 101 Branigin Boulevard, Franklin Indiana 46131 317-738-8080 Student Life Web Page	Law Enforcement Agency in the Local Jurisdiction Where the Incident Occurred

1. Anonymous Reporting

Any individual may make a report of *Prohibited Conduct* to the College without disclosing one's name (an "anonymous report") and without identifying the *Responding Party* or requesting any action. Depending on the level of information available about the incident or the individuals involved, the College's ability to respond to an anonymous report may be limited. The Anonymous Reporting Form can be found by [clicking this link](#). The Office of Human Resources, Equal Opportunity Officer or Title IX Coordinator will receive the anonymous report and refer it to the *Response Team*, who will determine any appropriate next steps, including individual or community remedies.

A *Reporting Party* can also submit an anonymous report to Franklin College Security Office or other law enforcement agency. Anonymous reports can be submitted to Franklin College Security Office using the following link: ([click this link](#))

2. Reporting Considerations: Timeliness and Location of Incident

All individuals, including a *Reporting Party* or witness, are encouraged to report *Prohibited Conduct* regardless of when or where it occurred, as soon as possible to maximize the ability to respond promptly and effectively. The College does not, however, limit the time-frame for reporting. If the *Responding Party* is no longer a student at the time of the report, or if the conduct did not occur on campus, in the context of an education program or activity of the College, or have continuing adverse effects on campus or in an off-campus education program or activity, the College may not be able to fully investigate nor take disciplinary action against the *Responding Party*. In each instance, the College will still provide any fair and reasonable support and resources to a *Reporting Party* designed to end the *Prohibited Conduct*, prevent its recurrence, and address its effects. The *Response Team* will also help a *Reporting Party* identify external reporting options.

3. Amnesty Reporting

Any student who reports *Prohibited Conduct* either as a witness or as *Reporting Party* and cooperates with the *investigation* will not be subject to disciplinary action by the College for violations of the College's alcohol/drug policy occurring at or near the time of the reported *Prohibited Conduct*. Being intoxicated by drugs or alcohol does not diminish a student's responsibility to obtain consent and is no defense to any violation of the *Prohibited Conduct*.

IV. PROCEDURAL OPTIONS

A. Time Frame for Resolution

Consistent with the goal to maximize educational opportunities and minimize the disruptive nature of the *investigation* and resolution, the *Response Team* seeks to resolve all reports within one academic semester, depending on when the report is received. In general, an *Investigation* may last up to sixty (60) business days, from receipt of written notice from the *Reporting Party* of the intent to proceed with *Investigation* and sufficient information for the *Response Team* to determine that the report raises a potential issue of violation of the *Prohibited Conduct*.

Adjudication will generally take up to thirty (30) business days from the date of the Investigative Finding. Business days do not include weekends or holidays. The *Response Team* may set reasonable time frames for required actions. Those time frames may be extended for good cause as necessary to ensure the integrity and completeness of the *Investigation*, comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate delays by the parties, account for College breaks or vacations, or address other legitimate reasons, including the complexity of the *Investigation* (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

B. Initial Assessment

When a report is made, the *Response Team*, will conduct an *Initial Assessment*. The assessment will determine whether the alleged conduct would present a potential violation of the *Prohibited Conduct* and whether further action is warranted based on the alleged conduct.

The first step of the *Initial Assessment* will usually be a preliminary meeting between the *Reporting Party* and a member of the *Response Team* to gather facts that will enable *Response Teams* appropriate, to:

- Assess the nature and circumstances of the allegation
- Address any immediate concerns about the physical safety and emotional well-being of the parties
- If the conduct is criminal in nature, notify the *Reporting Party* of the option to notify law enforcement and to be assisted in doing so, as well as the option to decline to notify law enforcement
- Notify the *Reporting Party* of the availability of medical treatment to address any physical and mental health concerns and to preserve evidence
- Provide the *Reporting Party* with information about:
 - o On and off campus resources
 - o The available range of *Interim Protective Measures*
 - o An explanation of the procedural options, including *Voluntary Resolution* and *Investigation* and *Adjudication*

- Discuss the *Reporting Party*'s expressed preference for manner of resolution and any barriers to proceeding
- Explain the College's policy prohibiting *Retaliation*
- Explain the role of the *Support Person*, [Attorney](#) or [Non-Attorney Advocate](#)
- Conduct an assessment for potential pattern evidence or other similar conduct
- Assess the reported conduct for the need for a timely warning under federal law
- Enter non-identifying information about the report into the College's daily crime log if the conduct is potentially criminal in nature where a *Reporting Party* requests that their name or other identifiable information not be shared with the *Responding Party* or that no formal action be taken, the *Response Team* will balance this request against the following factors in reaching a determination whether the request can be honored:
 - the nature and scope of the alleged conduct, including whether the reported misconduct involves the use of a weapon;
 - the respective ages and roles of the [Reporting](#) and [Responding Parties](#);
 - the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
 - whether there have been other reports of misconduct by the *Responding Party*;
 - whether the report reveals a pattern of misconduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group
 - the *Reporting Party*'s wish to pursue disciplinary action;
 - whether the College possesses other means to obtain relevant evidence;
 - considerations of fundamental fairness and due process with respect to the *Responding Party* should the course of action include disciplinary action against the *Responding Party*; and the College's obligation to provide a safe and non-discriminatory environment.

Where possible based on the facts and circumstances, the *Response Team* will seek action consistent with the *Reporting Party*'s expressed preference for manner of resolution, recognizing that the College must move forward with cases in which there appears to be a threat to any individual or the College as a whole. The College's ability to fully investigate and respond to a report may be limited if the *Reporting Party* requests that their name not be disclosed to the *Responding Party* or declines to participate in an *Investigation*.

At the conclusion of the *Initial Assessment*, the *Response Team* will determine the appropriate resolution route. Resolution may include: 1) no further action, 2) *Voluntary Resolution*, or 3) the initiation of an *Investigation* and *Adjudication* that may lead to disciplinary action.

Regardless of the manner of resolution, a *Responding Party* may choose to accept responsibility at any stage in the process.

Charts that illustrates the procedural options described herein are found here: [click this link](#)

C. Voluntary Resolution

Voluntary Resolution, when selected by the *Reporting Party* and deemed appropriate by the *Response Team*, is a path designed to eliminate the conduct at issue, prevent its recurrence, and

remedy its effects in a manner that meets the expressed preference of the *Reporting Party* and the safety and welfare of the campus community. *Voluntary Resolution* does not involve an *Investigation* or disciplinary action against a *Responding Party*, and is not appropriate for all forms of *Prohibited Conduct*.

The College retains the discretion to determine, when selected by the *Reporting Party*, which cases are appropriate for *Voluntary Resolution*. If a *Reporting Party* requests *Voluntary Resolution*, and the *Response Team* concludes that *Voluntary Resolution* is appropriate based on the factors outlined in the *Initial Assessment*, members of the *Response Team* will take appropriate action by imposing individual and community remedies designed to maximize the *Reporting Party's* access to all employment, educational, and extracurricular opportunities and benefits at the College and to eliminate a potential hostile environment. A *Reporting Party* may request and decide to pursue *Voluntary Resolution* at any time. In those cases in which the *Voluntary Resolution* involves either the notification to or participation by the *Responding Party*, it is the *Responding Party's* decision whether to accept *Voluntary Resolution*.

Voluntary Resolution may include: establishing *Interim Protective Measures*; conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; facilitating a meeting with the *Responding Party* with the *Reporting Party* present; and any other remedy that can be tailored to the involved individuals to achieve the goals herein. In some forms of *Voluntary Resolution*, the remedies imposed will focus on supporting the *Reporting Party* with no participation or involvement by the *Responding Party*. In other forms of *Voluntary Resolution*, the *Responding Party* may agree to participate. Depending on the type of remedy used, it may be possible for a *Reporting Party* to maintain anonymity.

Voluntary Resolution may also include restorative principles that are designed to allow a *Responding Party* to accept responsibility for misconduct and acknowledge harm to the *Reporting Party* or to the College community. Restorative models will be used only with the consent of both parties, under the supervision of College-sanctioned trained professionals, and following a determination by the College that the matter is appropriate for a restorative approach.

The College will not compel a *Reporting Party* to engage in mediation, to confront directly the *Responding Party*, or to participate in any particular form of informal resolution. As the title implies, participation in *Voluntary Resolution* is a choice, and either party can request to end this manner of resolution and pursue an *Investigation* and *Adjudication* at any time, including if *Voluntary Resolution* is unsuccessful at resolving the report. Similarly, a *Reporting Party* can request to end an *Investigation* and pursue *Voluntary Resolution* at any time. In addition, either party may request *Interim Protective Measures* regardless of whether any particular course of action is sought.

To assess pattern or systemic behavior fairly, the Equal Opportunity Officer will maintain records of all reports and conduct referred for *Voluntary Resolution*. Information disclosed during the *Voluntary Resolution* process may be considered during a subsequent *Investigation* or

Adjudication. The time frame for completion of *Voluntary Resolution* may vary, but the College will seek to complete the process within thirty (30) business days of the *Reporting Party's* request.

D. Investigation

Following the *Initial Assessment*, and in consultation with the *Reporting Party*, the College will initiate a prompt, thorough, and impartial *Investigation* of conduct that is potential *Prohibited Conduct* and is not being addressed through *Voluntary Resolution*. The *Response Team* will designate an investigator(s) who has training and experience investigating allegations of *Prohibited Conduct*. The investigator will coordinate the gathering of information to make an investigative finding regarding whether the alleged conduct constitutes a *Prohibited Conduct* by a preponderance of the evidence. A preponderance of the evidence means that it is more likely than not that the conduct occurred.

Information gathered during the *Investigation* will be used to evaluate the appropriate course of action, provide for individual and campus safety, and identify the need for *Interim Protective Measures* and other remedies as necessary to eliminate the alleged conduct and to address its effects.

1. Investigative Process

The *Response Team* will send the *Reporting Party* and the *Responding Party* a written Notice of *Investigation*, which constitutes the formal charge. The Notice of *Investigation* will contain a summary of the allegation or conduct at issue, the range of potential violations of *Prohibited Conduct*, and the range of potential sanctions. Where appropriate, the Notice of *Investigation* will also contain notification that dismissal is a potential sanction and that dismissal precludes matriculation at the College. Upon receipt of the Notice of *Investigation*, or at any stage in the process, the *Responding Party* may choose to accept responsibility for the *Prohibited Conduct*. Once the Notice of *Investigation* has been delivered to the parties, the *Investigation* phase begins.

The *Response Team* will oversee the *Investigation*. The *Investigation* is designed to provide a fair and reliable gathering of the facts by a trained and impartial investigator. All individuals, including the *Reporting Party*, the *Responding Party*, and any third party witnesses, will be treated with appropriate sensitivity and respect throughout the *Investigation*. The *Investigation* will safeguard the privacy of the individuals involved in a manner consistent with federal law and College policy.

During the *Investigation*, the *Reporting Party* and *Responding Party* will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. The investigator will speak separately with the *Reporting Party*, the *Responding Party*, and any other individuals who are willing to participate and have information relevant to the determination of

responsibility. As part of the *Investigation*, the investigator may gather or receive information that is relevant to the determination of an appropriate sanction or remedy, including information about the impact of the alleged incident on parties.

Throughout the process, any participant may be accompanied by a *Support Person* present related to resolution of a report herein. The *Support Person* can be anyone of the individual's choosing who is not otherwise a party or witness involved in the *Investigation*.

The investigator will also gather any available physical or documentary evidence, including prior statements by the parties or witnesses, any communications between the parties, email messages, social media materials, text messages, and other records as appropriate and available.

The College will seek to conclude the *Investigation* within sixty (60) business days from the issuance of the Notice of *Investigation*. This Notice will generally be issued within five (5) days of receipt of written notice from the *Reporting Party* of the intent to proceed with *Investigation* and sufficient information for the *Response Team* to determine that the report falls within the *Prohibited Conduct*. The time frame for completion of the *Investigation*, or any designated time frames of steps in the *Investigation*, may be extended for good cause as necessary to ensure the integrity and completeness of the *Investigation*, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for College breaks or vacations, to account for complexities of a case (including the number of witnesses and volume of information provided by the parties), or to address other legitimate reasons. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Where the College is made aware that there is a concurrent criminal investigation, the *Response Team* will coordinate with law enforcement so that any College processes do not interfere with the integrity or the timing of the law enforcement investigation. At the request of law enforcement, the College may agree to defer the fact-finding portion of its *Investigation* until after the initial stages of a criminal investigation. The *Response Team* will nevertheless communicate with the parties regarding resources and accommodations, procedural options, anticipated timing, and the implementation of any necessary *Interim Protective Measures* for the safety and well-being of all affected individuals. If the College decides to defer the fact-finding portion of its *Investigation* until after the initial stages of a criminal investigation, the investigator will promptly resume fact-gathering as soon as law enforcement has released the case for review following the initial criminal investigation.

All community members, including students, faculty and other College employees, are expected to cooperate with the *Response Team* in the *Investigation*, as well as the *Adjudication*, of any report to assure fairness and procedural due process. The *Response Team* may request the appearance of persons from the College community who can provide substantial, relevant evidence. Both a *Reporting Party* and a *Responding Party* may decline to participate in proceedings hereunder; the *Response Team* will determine whether the *Investigation* and *Hearing* will proceed without

the *Reporting Party* pursuant to the factors set out in Section IV.B above or without the *Responding Party*.

2. Relevance and Special Considerations

The investigator has the discretion to determine the relevance of any witness or other evidence to the finding of responsibility, and may exclude information in preparing the *investigation report* if the information is irrelevant, immaterial, or more prejudicial than informative.

The investigator may also exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The investigator will not exclude direct observations or reasonable inferences drawn from the facts.

a) Character Evidence

Information that does not directly relate to the facts at issue, but instead, reflects upon the reputation, personality, qualities, or habits of an individual – that is, information regarding the character of the *Reporting Party*, the *Responding Party*, or any witness – is not relevant to the determination of whether there is *Prohibited Conduct*.

b) Consolidation of Reports

At the discretion of the College, multiple reports may be consolidated in one *Investigation* or one *Hearing Panel* if the information related to each incident would be relevant and probative in reaching a determination on the other incident. This includes matters where the determination has been made that there is relevant [Pattern Evidence](#) or where the evidence of the other conduct is inextricably intertwined with *Prohibited Conduct*. Matters may be consolidated where they involve multiple [Reporting Parties](#), multiple [Responding Parties](#), or related conduct involving the same parties

c) Impact Statement

The *Reporting Party* and *Responding Party* will be provided the opportunity to submit a written *Impact Statement*. These written *Impact Statements* will not be considered in the determination of responsibility, but will be provided to the investigator, and at the appropriate stage of the process, to the disciplinary authority or *Hearing Panel* for consideration in the determination of the sanction and remedy. The *Impact Statement* may be submitted at any time in the process, provided that it is received no later than ten (10) business days after the parties have been given notice of the opportunity to review the [draft Investigative Report](#). The parties may submit a supplemental *Impact Statement* to the disciplinary authority or *Hearing Panel* if there is a change in circumstances warranting an updated *Impact Statement*. The *Impact Statements* will be

shared with the parties, and may be redacted at the discretion of the *Response Team*, or in accordance with FERPA.

The *Response Team* may also consider a community *Impact Statement* as appropriate based on the nature and facts of the circumstances and the extent to which the conduct at issue was directed at and created a hostile environment for community members beyond the *Reporting Party*. The *Response Team* may limit the submission or use of community *Impact Statements*.

3. Review of Draft Investigation Report

At the conclusion of the *Investigation*, the investigator will prepare a written report that summarizes the information gathered, synthesizes the areas of agreement and disagreement between the parties with any supporting information or accounts, and includes an *Investigative Finding* regarding whether a *Prohibited Conduct* occurred. However, before the report is finalized, the *Reporting Party* and *Responding Party* will be given the opportunity to review a draft *Investigation Report*, which will not include the *Investigative Finding*, and may be presented in redacted format. The parties will not receive an electronic or written copy, nor may they photograph or copy the draft *Investigation Report*, but they will be permitted to take notes on the content.

A *Reporting Party* and *Responding Party* may submit any additional comment or information to the investigator within five (5) business days of the date of the notice of the opportunity to review of the draft *Investigation Report*. This is the final opportunity for the parties to identify any additional information or witnesses. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the investigator at this juncture will not be considered by the investigator or *Hearing Panel*.

4. Investigative Finding

Upon receipt of any additional information from the *Reporting Party* or *Responding Party*, or after the five (5) business day comment period has lapsed without comment, the investigator will make an *Investigative Finding*, by a preponderance of the evidence, regarding whether a *Prohibited Conduct* occurred and will recommend a sanction and/or remedy based on the *Investigative Finding*.

In reaching these determinations, the investigator will consult with the *Response Team* and any other designated administrator who has information relevant to the *Investigation*. The investigator may also seek information from the Office of the Vice President for Student Affairs regarding prior disciplinary history and Security Office regarding prior criminal history.

Both the *Reporting Party* and *Responding Party* will be notified of the *Investigative Finding* and the recommended sanction(s) and/or remedy(ies) in writing at the same time.

E. Outcome Conference

Upon issuance of the *Investigative Finding*, and where appropriate, a recommended sanction and/or remedy, each party will have the opportunity to meet, separately, with the Vice President for Student Affairs and Dean of Students or designee. The Vice President for Student Affairs and Dean of Students or designee will share the *Investigative Finding* and, as applicable, the recommended sanction with the *Reporting Party* and *Responding Party* and the remedy with the *Reporting Party*. During the [Outcome Conference](#), the parties will each have an opportunity to review the full *Investigation Report*. The parties will not, however, receive an electronic or written copy, nor may they photograph or copy the *Investigation Report*. The parties will be permitted to take notes on the content.

Where there has been an *Investigative Finding* that *Prohibited Conduct* has occurred, both the *Reporting Party* and *Responding Party* may:

1. Accept both the *Investigative Finding* and recommended sanction;
2. Accept the *Investigative Finding*, but request a *Hearing* on the recommended sanction; or,
3. Request a *Hearing* on the *Investigative Finding* and recommended sanction.

If either party requests a *Hearing*, the matter will be referred to a *Hearing Panel* to determine whether *Prohibited Conduct* was committed and/or to determine an appropriate sanction. Where there has been an *Investigative Finding* that no *Prohibited Conduct* occurred, the *Reporting Party* may:

1. Accept the *Investigative Finding* (on one or all of the alleged violations); or
2. Request Administrative Review of the *Investigative Finding* (on one or all of the alleged violations).

The *Reporting Party* and *Responding Party* must communicate their chosen course of action to the Vice President and Dean of Students or designee in writing (e.g., email, facsimile, letter) within five (5) business days of notification of the *Investigative Finding*.

F. Adjudication Options

At the conclusion of the *Outcome Conference*, one of the following will occur:

1. Imposition of Final Finding, Sanction, and Remedy

Where both the *Reporting Party* and the *Responding Party* agree to the *Investigative Finding* and any recommended sanction, or where neither party requests further review, the

outcome will become final. The finality of the outcome, which is not subject to further appeal or review, will be communicated to the parties, in writing at the same time.

2. Administrative Review of an Investigative Finding of No Prohibited Conduct

Where the *Reporting Party* requests administrative review of the *Investigative Finding* that no *Prohibited Conduct* occurred, the *Investigation Report* will be reviewed by a designee of the President. Both the *Responding Party* and the *Reporting Party* will have the opportunity to meet with the reviewer or submit additional information in writing. The designated reviewer may agree with the *Investigative Finding*, reverse the finding, or request additional investigative follow-up. The designated reviewer will render a decision in writing to both parties at the same time within ten (10) business days of receipt of the request for review. This timeframe may be extended for good cause provided that both the delay and the reason for the delay are communicated to the parties in writing.

Where the designated reviewer agrees with the *Investigative Finding*, this determination is final and is not subject to further appeal or review. Where the designated reviewer reverses the *Investigative Finding* that there is no *Prohibited Conduct*, the matter will be immediately forwarded for *Adjudication* by the *Hearing Panel*. Where the designated reviewer requests additional *Investigation*, the matter will be returned to the investigator for further review.

3. Adjudication by a Hearing Panel: Review of an Investigative Finding of Prohibited Conduct

If the *Responding Party* challenges the *Investigative Finding* that *Prohibited Conduct* occurred, the *Response Team* will issue a Notice of Hearing to the *Reporting Party* and the *Responding Party* and forward the report for *adjudication* by the *Hearing Panel*. The *Hearing Panel*'s role is twofold: determination that *Prohibited Conduct* occurred by a preponderance of the evidence and, if warranted, imposition of sanctions.

The College is responsible for establishing that *Prohibited Conduct* occurred, and the *Reporting Party* may choose their own level of engagement at the hearing. At the hearing, the investigator is responsible for and must present sufficient witness and/or documentary evidence to establish the violation. The *Responding Party* must be given an opportunity to question this evidence.

4. Adjudication by a Hearing Panel: Review of Recommended Sanction Only

Where either the *Reporting Party* or the *Responding Party* requests a hearing only on the recommended sanction, a *Hearing Panel* will be convened for the sole purpose of determining the appropriate sanction.

G. Imposition of Sanctions

The *Prohibited Conduct* prohibits a broad range of behaviors, which are serious in nature. In keeping with the College's commitment to foster an environment that is safe, inclusive, and free of *Prohibited Conduct*, the procedures provide that the investigator and *Hearing Panel* with wide latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the misconduct on the *Reporting Party* and surrounding community, and accountability for the *Responding Party*. The imposition of sanctions is designed to eliminate *Prohibited Conduct*, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and federal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some behavior, however, is so egregious in nature, harmful to the individuals involved, or so deleterious to the educational process that it requires severe sanctions, including suspension or dismissal from the College.

In cases that are resolved at the *Outcome Conference* after the *Investigation*, the investigator, in concert with the *Response Team*, is responsible for determining the appropriate sanction. In cases that are resolved through a *Hearing Panel*, the *Hearing Panel* is responsible for determining the appropriate sanction. In reaching this determination, the investigator or *Hearing Panel* may solicit information from the *Reporting Party*, the *Responding Party*, and any other individual who can provide information relevant to a determination regarding potential sanctions. The investigator and *Hearing Panel* may also review any written *Impact Statements* submitted by the *Reporting Party*, the *Responding Party*, or a community representative. A *Reporting Party* or *Responding Party* who elects to meet with the *Hearing Panel* may be accompanied by a *Support Person* and one other person: an *Attorney* or *Non-Attorney Advocate*.

In determining the appropriate sanction, the investigator and the *Hearing Panel* shall consider the following factors:

- the nature and violence of the conduct at issue;
- the impact of the conduct on the *Reporting Party*;
- the impact or implications of the conduct on the community or the College;
- prior misconduct by the *Responding Party*, including the *Responding Party's* relevant prior discipline history, both at the College or elsewhere, including criminal convictions;
- whether the *Responding Party* has accepted responsibility for the conduct;
- maintenance of a safe and respectful environment conducive to learning;
- protection of the College community; and,

- any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

The investigator and the *Hearing Panel* may also consider restorative outcomes that, taking into account the safety of the community as a whole, allow a *Responding Party* to develop insight about their responsibility for the behavior, learn about the impact of the behavior on the *Reporting Party* and the community, and identify how to prevent or change the behavior.

Where the investigator or *Hearing Panel* concludes that a sanction of suspension or dismissal is appropriate, and the *Responding Party* has not already been suspended on an interim basis, there will be an immediate assessment by the *Response Team* to determine whether the *Responding Party* poses a serious threat of disruption of the academic process or a continuing danger to other members of the College community or College property. The *Response Team* may impose interim suspension pending the conclusion of any appeal. Where the sanction is something other than suspension or dismissal, the imposition of sanction will be deferred pending the conclusion of any appeal. *Interim Protective Measures* in effect for the *Reporting Party* will continue pending the conclusion of any appeal.

1. Sanctions that Impact a Student's Status

Sanctions may be imposed individually or in combination. Sanctions that affect a student's status with the College include the following:

Dismissal, which must be approved by the President, means that a student is removed from the College permanently and may not be admitted to the College unless and until the President who imposed or approved the sanction (or the President's successor) concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education with the College. The College will not refund tuition or fees paid by the student. Parents of a dependent student, as determined by the Office of Financial Aid, will be notified when a student is dismissed.

Permanent Suspension, which must be approved by the President, means that the student is removed from good standing and must leave the College permanently without an expectation that the student may eventually return to the campus. Permanent suspension from the College will remain in effect until the President who imposed or approved the sanction (or the President's successor) concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education at the College. The College will not refund tuition or fees paid by the student. Parents of a dependent student, as determined by the Office of Financial Aid, will be notified when a student is suspended permanently.

Suspension for a Definite or Indefinite Period means that the student is removed from good standing and must leave the College for a definite or indefinite period. This

form of suspension anticipates that the student may eventually return if applicable conditions are satisfied. Academic work completed at another institution during a period in which a student is under suspension from the College may not be transferred toward the degree, but applicable health care or insurance benefits may be continued if the health insurance premium has already been paid. The College will not refund tuition or fees paid by the student. Parents of a dependent student, as determined by the Office of Financial Aid, will be notified when a student is suspended.

Probation for a Definite or Indefinite Period, including probation with associated conditions or requirements as set by the investigator or *Hearing Panel*, means that a student may remain at the College but may be required to satisfy specified conditions or requirements, report regularly to a designated administrator, and be barred from holding any office or participating in any activity in which the student represents the College, including athletics or other competitive teams, or from participating in any College- recognized student organizations either within or outside the College community. The sanction of probation prohibits graduation until the period of probation has ended and the student has complied with all requirements.

Dismissal, permanent suspension, suspension for a definite or indefinite period, and probation will be noted on a student's file.

2. Sanctions that Do Not Impact a Student's Status

Sanctions which do not affect a student's good standing status with the College include, but are not limited to:

Monetary Fines. For any single or combination of infractions related to a single incident, Monetary Fines shall a range from \$25–\$200, at the discretion of the investigator or the *Hearing Panel* .

Educational Requirements. Completion of projects, programs, or requirements designed to help the student manage behavior and understand why it was inappropriate.

“No Contact” Orders. Compliance with orders of no contact that limit access to specific College areas or forms of contact with particular persons.

Housing Restrictions. Exclusion from College housing or change in housing arrangements.

Compulsory Service. Completion of compulsory service under guidelines established by the *Response Team* in consultation with the Vice President for Student Affairs and Dean of Students. Completion of compulsory service will be monitored by the Vice President for Student Affairs and Dean of Students.

Written Warning. Written warning in the form of an official reprimand that is formally communicated by a letter giving the student notice that any subsequent *Prohibited Conduct* will carry more serious sanctions.

H. Remedies

The *Response Team* will seek to identify long-term or permanent remedies to address the effects of the conduct on the *Reporting Party*, restore the *Reporting Party*'s safety and well-being, and maximize the *Reporting Party*'s educational and employment opportunities. Such remedies should seek to restore to the *Reporting Party*, to the extent possible, all benefits and opportunities lost as a result of the *Prohibited Conduct*. *Response Team* will also identify remedies to address the effects of the conduct on the College community.

The *Response Team* will consider the appropriateness of remedies, including *Protective Measures*, on an ongoing basis to assure the safety and well-being of the parties throughout the process. Long-term remedies may include extending or making permanent any *Interim Protective Measures* or implementing additional measures tailored to achieve the goals herein. Many of the remedies and supports that a *Reporting Party* might need after a finding of responsibility will have already been provided as *Interim Protective Measures*, including but not limited to academic accommodations, short term counseling, and housing arrangements. The *Response Team* will, in all cases, consider whether there is a need for additional remedies. Additional remedies or supports may be included in the sanctions, such as reassignment or removal of the *Responding Party* from a class or a campus residence.

I. Hearing Process

The *Hearing Process* will generally be completed within ten (10) business days from the date of the request for a *Hearing*. As with all time frames stated herein, this time frame may be extended for good cause with notice to the parties in writing.

1. Hearing Panel

Upon receipt of a Notice of Hearing, a *Hearing Panel* will be designated to review all relevant information gathered in the *Investigation*. A *Hearing Panel* is comprised of three (3) individuals, selected from a pool of trained individuals by the *Response Team*. Any individual designated by the College to serve on a *Hearing Panel* must have sufficient training or experience to serve in this capacity. A College student shall serve as a panelist. A *Hearing Panel* member may decline to participate on the basis of an actual conflict of interest, bias, or lack of impartiality. In addition to the *Hearing Panel*, a *Hearing Chair*, selected by the *Response Team*, will conduct and preside over the hearings. The *Hearing Chair* is not a voting member of any *Hearing Panel*, but is available to provide consistency in process, informed understanding of definitions, and guidance as to available sanctions; the *Hearing Chair* will also draft the *Hearing Panel* findings.

2. Pre-Hearing Meeting

As a first step, the *Hearing Chair* will meet separately with the investigator and each party to resolve pre-hearing concerns. At this pre-hearing meeting, the parties will each have the opportunity to identify the witnesses (who have already been identified to and interviewed by the investigator) they wish to call at the hearing; raise any challenge to the composition of the *Hearing Panel* based on bias, conflict of interest or lack of impartiality; and identify any evolving or new information not previously identified through the *Investigation* or available through the exercise of due diligence. The parties will also have the opportunity to address questions about the process. If not participating in the hearing, the *Reporting Party* is not required to attend this meeting.

Both parties have the ability to challenge a *Hearing Panel* member on the basis of an actual conflict of interest, bias, or lack of impartiality. The request must be submitted in writing or raised no later than the date of the pre-hearing meeting and must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. Failure to object prior to the date of the pre-hearing meeting eliminates the possibility of appealing the outcome of the hearing based on the assertion that a member of the *Hearing Panel* had a conflict of interest, was biased, or lacked impartiality. The *Hearing Chair* shall decide if a member of the *Hearing Panel* is excused.

3. Hearing Procedures

The *Hearing* will take place in a closed session. At the *Hearing*, the investigator will be responsible for presenting the evidence supporting the *Investigative Finding of Prohibited Conduct*. However, the *Hearing Panel* will make its own determination by a preponderance of the evidence whether *Prohibited Conduct* occurred. In reaching a determination, the *Hearing Panel* will solicit information from the investigator, the *Reporting Party*, the *Responding Party*, and any witnesses as appropriate to ensure a full assessment of the relevant facts. This information shall be provided in the presence of the parties, unless a party waives their right to participate.

During the hearing, each party may be accompanied by a *Support Person* and one additional person: an *Attorney* or *Non-Attorney Advocate*. Subject to the discretion of the *Hearing Chair*, upon request, a party or witness may participate by telephone or videoconference from a different physical location or may request that a visual barrier be placed to limit the individual's exposure to other hearing participants. Questions directed to the parties will be made through the *Hearing Chair*, who will screen them for relevance. Questions may be directed to the investigator. Similarly, the parties have the right to question witnesses; however, the *Hearing Chair* has the discretion to determine that the questions will be made through the *Hearing Chair* in cases where the *Hearing Chair* determines that questioning by the parties will be unduly

intimidating or burdensome to a witness. In all such instances, the *Hearing Chair* may require measures to assure the integrity of the process.

The *Hearing Panel* will not review any *Impact Statements* unless a determination of *Prohibited Conduct* is made. After a consideration of all of the relevant information, the *Hearing Panel* will make a determination by a preponderance of the evidence whether *Prohibited Conduct* occurred. Preponderance of the evidence means that it is more likely than not that the conduct occurred. The *Hearing Panel's* determination must be reached by a majority vote. If so, the *Hearing Panel* will also impose a sanction.

J. Notice of Hearing Outcome

Within five (5) business days of the conclusion of the Hearing, the College will provide a written Notice of *Hearing Outcome* to the *Reporting Party* and the *Responding Party* at the same time. The College will also provide written notice, at the same time to both parties, of any change in the Outcome that occurs before the Outcome becomes final.

The Notice of *Hearing Outcome* will include the finding by the *Hearing Panel* as to whether there was *Prohibited Conduct*, the rationale for the result, and a brief summary of the evidence on which the decision is based, as appropriate. Where there is a finding of *Prohibited Conduct*, the *Responding Party* will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. The *Reporting Party* will be informed of any sanctions and remedies that directly relate to the *Reporting Party*, including information about the *Responding Party's* presence on campus (or in a shared class or residence hall), that may help a *Reporting Party* make informed decisions or work with the College to eliminate *Prohibited Conduct* and prevent its recurrence.

The Notice of *Hearing Outcome* will also include information about the appeal process, including the available grounds for an appeal, the time frame for submitting an appeal, and the name of the Appeals Officer who will be assigned to review any appeal filed. If neither party seeks an appeal within three (3) business days of the Notice of Outcome, any sanction imposed by the *Hearing Panel* will take effect immediately.

K. Appeal/Review of Hearing Outcome

1. Appeal to the College

The Appeals Officer is an impartial decision-maker who serves as the President's designee. It is typically a Vice President. Either party may appeal the *Hearing Outcome* only on the following grounds:

- A violation of procedural due process (material deviation from established procedures that would substantially affect the Outcome);

- Newly discovered information has been obtained that was not previously available during the *Investigation* or *Adjudication Processes* through the exercise of due diligence, and this newly discovered information would substantially affect the Outcome.⁴

The parties may appeal the portions of the *Hearing Outcome* that directly relate to that party. Mere dissatisfaction with the *Hearing Outcome* is not a valid basis for appeal.

The appeal must be submitted in writing to the Appeals Officer within three (3) business days of the Notice of *Hearing Outcome*. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. Receipt of the written appeal will be acknowledged in writing.

The Appeals Officer will assess the written appeal to determine whether the appeal is timely filed and, if so, whether the appeal is properly framed based on the two permissible grounds. If the Appeals Officer determines that the appeal does not properly fit within one of the two grounds, the appeal will be denied.

If the appeal is properly filed, each party will be given the opportunity to review the written appeal and respond to it in writing to the Appeals Officer. Any response by the opposing party must be submitted to the Appeals Officer within three (3) business days from being provided the appeal. If both parties file an appeal, the appeal documents from each party will be considered together in one appeal review process.

⁴ The time frame for filing an appeal based on newly discovered information may be extended at the discretion of the *Response Team* where the evidence could not reasonably have been discovered within the time frame and compelling justification exists for its consideration.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, because the *Hearing Outcome* will be presumed to have been decided reasonably and appropriately. Appeals are not intended to be a rehearing of the matter. The scope of the appeal will be limited only to the two permissible grounds that have been accepted for review. Appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal. The Appeals Officer will defer to the original *Hearing Panel*, making changes to *Hearing Panel's* findings only where there is clear error. Depending on the basis of the requested appeal, the Appeals Officer may:

- Affirm the Outcome;
- Alter the Outcome;
- Return the matter to the *Hearing Panel* with instructions to reconvene to cure a procedural error or to assess the weight and impact of newly discovered information.
- Where the procedural error cannot be cured by returning the matter to the original *Hearing Panel*, convene a hearing before a newly constituted *Hearing Panel*.

The Appeals Officer will render a written decision on the appeal to both parties within ten (10) business days from the date of the submission of all appeal documents. Appeal decisions by the Appeals Officer are final with the exception of cases involving suspension or dismissal that allow for further appeal on specified grounds.

2. Further Review/Appeal in Matters of Suspension or Dismissal

Where the Appeal to the College affirms a *Hearing Outcome* that includes suspension or dismissal, either party may further appeal the *Hearing Outcome* to the President on the following grounds:

- 1) Violation of due process; and,
- 2) Material deviation from Policies adopted by the Board of Trustees.

If the President decides to review, a written decision will be made within fifteen (15) business days from the date of the decision to review. The President may:

1. Affirm the decision;
2. Alter the decision;
3. Return the matter with instructions.

Any decision by the President is final.

L. Post-Resolution Follow Up

After a sanction or remedy is issued, the Vice President for Student Affairs and Dean of Students will periodically contact the *Reporting Party* to ensure the *Prohibited Conduct* has ended and to determine if additional remedies are necessary and will contact the *Responding Party* to assure compliance with any sanctions that have been imposed. The *Reporting Party* may decline future contact. Any violation by a *Responding Party* of a sanction or protective measure imposed herein or a failure by a College employee to provide a specified remedy should be reported to the *Response Team*

The *Reporting Party* and *Responding Party* are encouraged to provide the *Response Team* with feedback about their experience with the process and recommendations regarding ways to improve the effectiveness of the procedures herein.

M. ADDITIONAL CONSIDERATIONS

1. Role of the Support Person, Attorney, and Non-Attorney Advocate

At any meeting or hearing related to the resolution of a report herein with the *Reporting Party* or *Responding Party*, the parties may have a *Support Person* present. In addition, the parties may have a second person present: an additional *Support Person*, a *Non-Attorney Advocate*, or,

at the party's own initiative and expense, an *Attorney*. The parties must provide three (3) business days advance notice to the staff member hosting the meeting (unless the meeting is called on shorter notice) of the name and relationship of any individual who will accompany them to a meeting, so that all parties are aware of who will be present at any meeting.

a. Support Person

A *Reporting Party* and *Responding Party* may also choose to be assisted by a *Support Person* of their choice. A *Support Person* is someone who can provide emotional, logistical, or other kinds of assistance. The *Support Person* is a non-participant who is present to assist a *Reporting Party* or *Responding Party* by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the party in a way that does not disrupt or delay the proceeding. Once chosen by a student to serve as a *Support Person*, the individual must meet with the Hearing Coordinator in advance of any participation in the proceedings to understand the expectations of the role, privacy considerations, and appropriate decorum. The *Support Person* cannot be a fact witness or provide testimony in the proceedings.

b. Attorney or Non-Attorney Advocate

A *Reporting Party* and a *Responding Party* may, at their own initiative and expense, be assisted by an *Attorney* or *Non-Attorney Advocate*. The *Attorney* or *Non-Attorney Advocate* may accompany the party to any investigative, administrative, or adjudicative meeting or proceeding herein that requires the presence of the party including the hearing before the *Hearing Panel*. The *Attorney* or *Non-Attorney Advocate* must meet with the *Hearing Chair* in advance of any participation in the proceedings to understand the expectations of the role, privacy, and appropriate decorum.

In order for an *Attorney* or *Non-Attorney Advocate* to participate in a hearing, the *Reporting Party* or *Responding Party* must complete and submit an informational form to the *Hearing Chair* no later than three (3) business days prior to the *Hearing*. Even if a party submits this form authorizing the Indiana licensed *Attorney* or *Non-Attorney Advocate* to receive information or documents regarding the party, the College, its officials, and the members of the *Hearing Panel* will at all times communicate and correspond directly with the party. It is the party's responsibility to communicate and share information with the *Attorney* or *Non-Attorney Advocate*.

When scheduling a hearing before the *Hearing Panel* in which a party has notified the College that an *Attorney* or *Non-Attorney Advocate* plans to participate, the College will make reasonable efforts to accommodate the *Attorney* or *Non-Attorney Advocate*'s schedule, while balancing the College's commitment to a prompt and equitable process. The College will prioritize the availability of the parties, witnesses, and *Hearing Panel* members assigned to the matter when determining the date and time for the proceeding. Throughout the *Investigation* and *Adjudication*, the *Attorney* or *Non-Attorney Advocate* may fully participate in the proceeding to the same extent afforded to the party the *Attorney* or *Non-Attorney Advocate* represents. A party's *Attorney* or *Non-Attorney Advocate* may not delay, disrupt, or otherwise interfere with the *hearing procedures*.

A party's inclusion of a *Support Person, Attorney, or Non-Attorney Advocate* is at the sole expense of the party.

2. External Agreements

The College will not recognize or enforce agreements between the parties outside of these procedures. The College will recognize, however, a lawfully issued protective order under Indiana law.

3. Records of Student Discipline and Effect of Withdrawal

The existence of a pending *Investigation* or *Adjudication* will be noted as part of a student's file. In addition, currently active sanctions of probation, suspension, or dismissal will be noted as part of a student's file. In the event that a *Responding Party* chooses to withdraw from the College prior to the resolution of disciplinary charges, the *Responding Party's* file will be marked with the notation "Student Withdrew with Disciplinary Charges Pending." In the event of a withdrawal, or where the *Responding Party* declines to participate in proceedings herein, the *Investigation* and *Hearing* may proceed without the *Responding Party*. After withdrawing, the *Responding Party* will not be eligible to return to the College until the proceedings herein have been finally concluded.

Records documenting disciplinary actions brought against students for Prohibited Conduct shall be maintained by appropriate offices, including the Office of Human Resources and Division of Student Affairs, as part of a student disciplinary record separate from the transcript. Records will be retained for a period of seven (7) years from the date on which all appeal rights have expired or have been exhausted. In the event that a student remains at the College for longer than the seven (7)-year retention date, the Office of Human Resources will maintain relevant records of the report and resolution for as long as the student remains enrolled at the College. Thereafter, the records will be destroyed, unless destruction at the end of a lesser period shall be permitted in accordance with a disciplinary records retention policy adopted by the President. Disciplinary action involving dismissal, degree revocation, and negative notation on student's file will be retained for a period of seven (7) years from the date on which all appeal rights have expired or have been exhausted, and thereafter destroyed, unless destruction at the end of a lesser period shall be permitted in accordance with a disciplinary records retention policy adopted by the President.