

STUDENT CONDUCT: FAQs

In campus hearings, legal terms like “guilt” and “innocence” are not applicable. The university never assumes an individual is in violation of university policy. Campus hearings are conducted to take into account the totality of evidence available from all relevant sources. The below information seeks to clarify the distinct differences between an administrative process (an alleged violation of university policy) and a court of law (an alleged violation of the law).

Administrative Conduct Process Language

Legal Process Language

• Hearing: meeting to determine if a student violated code of conduct	⇒ Trial, Court
• Hearing Officer, Conduct Officer: staff member who will meet with the student and decide the outcome	⇒ Judge
• Charge Letter: notice of possible policy violations and hearing information	⇒ Subpoena, Warrant
• Preponderance of evidence: standard to which hearing officer decides if the student violated policy (more likely than not)	⇒ Beyond a Reasonable Doubt
• Responsible, Not Responsible: findings of policy violations	⇒ Guilty, Innocent
• Accused: student who is charged with a policy violation	⇒ Defendant

Will my parents or guardian be informed of what happened?

If you are under the age of 21 and are found responsible for violating policy, we encourage you to have your parent or guardian call us to discuss the outcome of your hearing, particularly when you are removed from housing, suspended, or expelled. If you have violated the Alcohol and Other Drugs Policy, the Family Educational Rights and Privacy Act (FERPA) does allow us to disclose certain information to legal guardians. For students of any age, we will ask to speak with your parent or guardian in situations when there is a concern for your health and safety. **In order for us to be able to share all relevant information with your parents/guardians, you will be asked to complete a FERPA release form via Bearcat Web.*

What will happen if I am found responsible for violating a policy?

If a student is found in violation of the Code of Conduct, the hearing officer will then determine appropriate consequences, which can include warning, probation, on-campus restrictions, suspension, or expulsion. The outcome will often include conditions that a student must complete. Such educational sanctions include, but are not limited to, an intake meeting with a counselor, alcohol or other drugs assessment, community restitution hours, fines, loss of visitation, educational seminars, or other activities.

What sanctions are imposed for drug and alcohol related offenses?

Drug Offenses:

If found responsible, the type of violation, circumstances, or previous Conduct Code violations will modify the sanctions imposed. This modification may result in more severe or lenient sanctions. For instance, possession of marijuana (over 10 grams) and other types of illegal drug offenses will likely result in 2nd or 3rd step sanctions. Drug trafficking/distribution offenses, whether on or off campus, are considered 3rd step offenses. If criminal charges are also applicable and the student is eligible to complete a diversion program, sanctions will be reflective of any external expectations.

1. First step: Disciplinary probation, documentation of successful diversion program completion, parental notification OR disciplinary probation, \$100 fine, eight hours of community service, online substance use class, parental notification.

2. Second step: Extended disciplinary probation period, off-campus assessment, loss of privilege to live on campus for a period of time to be determined, 16 hours of community service, \$200 fine, educational sanctions, parental notification.
3. Third step: Expulsion OR suspension for a period of time to be determined, educational sanctions to be completed prior to return, parental notification.

Alcohol Offenses:

Again, if found responsible, the type of violation, circumstances, or previous Conduct Code violations will modify the sanctions imposed. If the student is also issued a ticket by the University Police Department and opts to complete a diversion program:

1. First offense: Residential probation, documentation of successful diversion program completion, parental notification.

If the student opts not to complete a diversion program or has violated the policy on more than one occasion:

1. First offense: Disciplinary probation, \$100 fine, eight hours of community service, online alcohol awareness class, parental notification.
2. Second offense: Extended disciplinary probation period, off-campus assessment, loss of visitation for six to eight weeks, 16 hours of community service, \$100 fine, educational sanction, parental notification.
3. Third offense: All sanctions from previous incidents remain in effect, loss of privilege to live on campus for a period to be determined, parental notification.

The situation happened off campus, why have I been charged?

Lander's philosophy is that a student represents the university both on and off campus. We expect students to be ambassadors of Lander at all times.

Can I bring witnesses?

If a student elects to go through a formal process, they are permitted to present witnesses during a student conduct hearing. You may ask your witnesses to either make a statement on your behalf or to present a statement before the hearing body. The hearing body may then ask your witnesses questions, based on the information they provide.

Can I have someone with me during my student conduct conference?

With the exception of sexual misconduct cases, an advisor should be an on-campus faculty, staff or student. If special circumstances exist, such as a student's possible separation from the university or in cases that also involve criminal proceedings, the student may request that a support person of their choosing be allowed to assume the advisor role. A student organization may also have special circumstances based on the role of their off-campus advisor. The vice president for Student Affairs or designee has the authority to grant this exception. An advisor is not permitted to participate directly in the hearing process, or to speak for the charged student(s) or student organization(s). The advisor, with the written permission of the charged student(s) or student organization(s) may:

- a. Advise the accused regarding preparation for the hearing;
- b. Accompany the accused to all disciplinary proceedings;
- c. Have access to evidence to be introduced at the hearing.

Students are also required to sign a privacy release form that permits another individual to be present during their student conduct conference.

**Please reference the [Notice of Non-Discrimination](#) and [Title IX](#) sections of the website for policies and grievance procedures related discrimination and harassment.*

If I've had previous discipline, is this going to make it worse for me?

Your previous disciplinary record is not considered in determining whether or not you have violated a policy. Previous conduct code violations are only considered once you have been found responsible or accept responsibility. You are likely to receive more stringent sanctions if you have had previous disciplinary case.

Does the University keep permanent record of my discipline history?

Any disciplinary correspondence and/or actions taken will be housed in the office of Student Affairs. Other than university expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, university suspension, university expulsion, or revocation or withholding of a degree, upon application to the student conduct administrator. Cases involving the imposition of sanctions other than residence hall expulsion, university suspension, university expulsion or revocation or withholding of a degree shall be expunged from the student's confidential record seven years after final disposition of the case.

I know my student could not have done this - so why do they have to go through the disciplinary process?

Developmentally, this is a period of exploration, experimentation, and testing for students. Being away from home for the first time is challenging. As students are testing the beliefs and values they learned at home, they sometimes make choices that are inconsistent with these values. Such testing is part of the development process and is normal; however, students must also learn that the choices they make have consequences.

Will a disciplinary record keep my student from getting into law school, graduate school, etc.?

A disciplinary record does not automatically exclude a student from further study, jobs, etc. That usually depends on the type and severity of misconduct. A disciplinary record may lead an admissions office to more closely scrutinize the student's application. We will only release information about a student's disciplinary record to another school or potential employer as allowed by FERPA and/or with the student's consent.

Can my student appeal a disciplinary decision?

Decisions of the presiding conduct authority may be appealed by a student organization, an accused student or a complaint of sexual misconduct. Other than any interim measures imposed pre-hearing (as a general safety precaution), sanctions will remain on hold pending the appeal outcome. Appeals are limited to the following:

- a) Procedural Error(s): A procedural irregularity affected the outcome of the matter.
- b) New Evidence: New evidence has been discovered that was not reasonably available at the time on the determination of responsibility or dismissal.
- c) A conflict of interest on the part of a Title IX Coordinator, an investigator that compiled the evidence, or a decision maker, and the conflict of interest affected the outcome.

An appeal must be made in writing to the vice president for Student Affairs within three business days upon written notice of the hearing outcome. The Vice President for Student Affairs will review the information submitted. Provided

that the appeal request is consistent with one of the above-mentioned categories, the information will then be forwarded to the appropriate appeal authority for further review. The Vice President for Student Affairs has the authority to send any appeal directly to the appellate board if he/she feels that they cannot remain impartial when evaluating the relevance of the designated appeal criteria. Further, the Vice President for Student Affairs has the authority to forgo an appellate board review and request that a new hearing be granted, when warranted.

Due to the often sensitive nature of Title IX and/or nondiscrimination policy grievances, it is important to utilize expressly trained employees for case disposition, whether acting as the original hearing authority or in an appellate review capacity. The appellate review will be conducted by members of the Civil Rights Grievance Committee that did not serve on the original hearing board, or have no knowledge of the original case proceedings. Based on the amount of evidence often accompanied with such grievances, the decision regarding an appeal will be sent within 10 business days upon receipt of the [Grievance Appeal Form](#).

Appellate boards may either:

1. Affirm the finding(s) of the original hearing authority, in which case the decision is final; or
2. Remand the case to the original hearing authority for further proceedings with directives to attend to procedural errors or new evidence; or
3. In extraordinary circumstances, the appellate board may direct a new hearing before a board that was not previously involved in the case resolution.

Based on the circumstances, appeal outcome notification deadlines are subject to change if exigent circumstances exist; however, any afforded extensions should be reasonable. Involved parties will be notified in writing about the status of the appeal and/or any resolutions, as applicable.

How are sanctions decided?

For certain violations there are sanctioning guidelines, but we also consider the needs of each individual student. This allows for consistency, but also ensures flexibility to ensure individualized needs are addressed. Sanctions may be imposed independently or in combination with other sanctions. Sanctions can be assigned to an individual student, group of students, and student organizations.

Do I need to hire an attorney to represent my student?

The accused student has the right to consult an advisor of his/her choice before, during, and after any conference, hearing, or appeal. Advisors are not permitted to speak or to participate directly in any hearing, conference, or appeal. The Office of Student Conduct recommends that you consult with an attorney if you are involved in concurrent criminal or civil proceedings regarding the same incident.

My student was charged criminally. Why are they being charged administratively (through the school) as well?

Members of the Lander University community are subject to all university rules and regulations, including those contained in the Code of Student Conduct. Additionally, they are also simultaneously subject to all local, state, or federal laws. The administrative process and the criminal process are two separate courses of action – one is not contingent upon the other.

What is my role as a parent in the university discipline process? How can I help my student?

You can help to guide your student through the process and be supportive while holding the student accountable to your expectations and the expectations of the university. Expect your student to set appointments, attend meetings,

and fulfill sanctions. Encourage them to be independent and know that our staff will treat them with respect and fairly in accordance with the policies.

My student is notified of a disciplinary violation. Do they have the opportunity to defend themselves?

Every student subject to the disciplinary process is afforded the opportunity to explain what happened during the incident and to present additional relevant information. Please reference the due process section of the Student Code of Conduct (located within *the [Lander University Student Handbook](#)*) for additional clarification.

Why is a particular rule or policy in place?

Policies are designed to support the university's educational mission and to ensure a safe environment where people can work, study, and live without undue interference. Policies are also designed to build and support the academic and social community by teaching students the value of good citizenship through accountability and self-awareness.