

# Student Rights and Complaint Resolution Procedures

## Purpose

This document establishes complaint resolution procedures (CRP) in order to better serve students, faculty, and staff. The purposes of the complaint resolution procedures include:

- To provide for the education and personal growth of the student;
- To provide fair inquiries concerning alleged violations of the Code of Student Rights and Responsibilities;
- To determine whether any individual student is responsible or not responsible for violation(s) outlined in the Code as well as the possibility charges are unfounded;
- To allow for consideration of extenuating or mitigating factors where a violation has been found to exist; and
- To determine a conflict approach/outcome that will be appropriate and will also help the student involved make a positive contribution to the college community.
- The established complaint resolution processes and rights are afforded to student organizations involved in conduct complaints.
- Student Rights and Due Process in the CRP
- Right to a Complaint Resolution Procedures
- Students alleged to have violated the Code will be afforded the opportunity to resolve the allegation within the established CRPs.

## College Conduct Advisor

All involved students have the right to a College conduct advisor. The conduct advisor must be a member of the College community (faculty, administrator, staff, coach, recognized College affiliate). The advisor must have experience or knowledge of the College conduct system. The role of the advisor is to provide support and to assist in preparing for the hearing. Since the complaint resolution process is not a civil or criminal court hearing, the advisor's role is not that of an attorney. This person may not address the hearing officer or hearing board or ask questions of any witnesses. For assistance in selecting an advisor, contact Student Affairs.

## Witnesses

Witnesses are permitted to participate in the complaint resolution proceedings. A list of witnesses must be submitted to the appropriate conduct officer no later than two (2) business days prior to the administrative conference. Witnesses may present information on behalf of the student or the complainant. It is the responsibility of the student or the complainant to secure witnesses or witness statement. Witness(es) will be asked to provide information concerning only the violation(s) being adjudicated. Since the complaint resolution process does not have the authority to subpoena, witness statements may be submitted in place of having witness(es) present during the hearing. Witness statements should be submitted to Student Affairs no later than two (2) business days prior to the hearing for consideration by the board members.

### **Standard of Proof**

Standard of Proof is “more likely than not” the College policy has been violated (also referred to as preponderance of the evidence). Proof needs to show that the facts are more likely to be so than not so. Evidence, when considered and compared with that opposed to it, has more convincing force and produces in the hearing officer’s mind the belief that what is sought is more likely true than not true (Journal of College and University Law).

### **Violation of Policy**

A student is considered to have violated the Code when the student: 1. Admits responsibility for a violation, or 2. Is found responsible for one or more violations of the Code determined by the College standard of proof.

### **Conduct Process Environment**

All hearings are closed to the public. Only individuals involved in the situation may be present. Involved individuals may include:

- Conduct officers and/or conduct board members,
- Student accused of violating College policy,
- College conduct advisor,
- Complainant, and
- Witnesses (witnesses will remain only for the duration of their own statement).
- Initiation, Investigation, and Disposition of Complaints
- Documentation/Reporting Alleged Violations of College Policy

Any alleged violation should be reported as soon as possible following the discovery of the alleged inappropriate behavior. Any potential violations of College policy may be reported in the following manner:

- A report may be filed with Campus Security;
- A report may be filed with the Department of Student Affairs;
- A report of Sexual Violence/Harassment may be filed with the Title IX Coordinator. Title IX Coordinators, BJ Riley, 812-535-5267, Jennifer Ramsey 812-535-5206 and Deanna Babcock, 812-535-5299. For the Sexual Harassment/Sexual Assault/Sexual Violence policy see Appendix C.
- Any student, faculty, staff member, or guest of Saint Mary-of-the-Woods College may officially report an alleged violation of College policy as outlined in the Code.

### **Notification and Process**

Notwithstanding uncontrollable circumstances, the Associate Vice President for Student Affairs or her/his designee will notify the accused student within ten (10) business days of receipt of the complaint. This notification will include:

The nature of the alleged inappropriate behavior,

The dates, time, and place of the alleged inappropriate behavior,

The process in which to review all information relevant to the situation,

The date, time, and place of the hearing,

The fact that at the time of the administrative conference, students will be provided an opportunity to present and review relevant statements, information, and documentation,

The sanction(s) applicable in found responsible for a violation of the Code,

A description of the preservation and the release of information from the conduct record, and

A notice that a decision will be made in the student's absence if the student chooses not to appear at the hearing. Failure to appear may be a factor when determining conduct process outcomes.