

Judicial Procedures and Disciplinary Sanctions for Student and Residential Policies

Individuals assume certain responsibilities for upholding and maintaining the standards and expectations of the community to which they belong. Cornell College expects students to comply with civil laws as well as with College regulations. Student conduct that violates these laws and regulations may result in College disciplinary action. Since Cornell does not function as a sanctuary from law enforcement agencies, the College will cooperate fully with these agencies when they are investigating alleged criminal activities.

The judicial process is also based on the assumption that disciplinary procedures, when required, should also be an educational process. Disciplinary sanctions are imposed to help students develop individual responsibility and encourage self-discipline, to foster a respect for the rights of others, and to protect the rights, freedoms and safety of members of the campus community.

The purposes of the judicial process are:

1. To provide a fair process for accountability of student conduct;
2. To promote the development of individual integrity;
3. To protect the rights of members of the Cornell community; and
4. To uphold the non-academic rules and regulations of the College.

The Dean of Students has the responsibility for administration of the judicial process. Individuals filing complaints retain the option of also filing complaints with law enforcement agencies.

Steps in the Judicial Process

1. An allegation of a student violation of College policy is initiated by filing a complaint with the Dean of Students or by the Dean of Students in response to an incident or report.
2. The Dean or the Dean's designee may do some preliminary investigation of the charges, shall contact the individual(s) by letter and instruct the accused student(s) to make an appointment with a specified staff member in Student Affairs.
3. The accused student shall admit or deny responsibility for the alleged actions in writing.
4. If the charges are admitted sanctions shall be determined by the Dean of Students or the Dean's designee, and the complainant shall be notified of the action in writing.
5. If the charges are denied, the accused student shall select the option of having an administrative hearing or a hearing by the Judicial Board. The Dean of Students or the Dean's designee reserves the right to direct matters to the Judicial Board instead of an administrative hearing. Administrative hearings shall be conducted by a hearing officer who shall be the Dean of Students or a designee from the Student Affairs staff. If the Dean of Students determines a timely hearing by the Judicial Board is not possible, the process shall be an administrative hearing.
6. In an administrative hearing, the Dean or designee shall conduct an investigation into the matter and shall attempt to find all the relevant facts in the case.
7. The hearing officer or the Judicial Board shall notify the accused student and the complainant in writing of the decision and of any sanctions.
8. An appeal may be filed in writing to the Dean of Students by either the accused student or the complainant within three class days or thirty days, whichever occurs first, after the student is notified of the decision.

9. The Dean of Students may suspend a student, pending a hearing, if there is reason to believe that the action is in the best interests of the College or to protect the safety of the student or of others.

The Judicial Board

1. The Judicial Board shall be composed of:

- a. Two faculty members, appointed by the President of the College, with the agreement of the Committee on Committees, to staggered, two-year, renewable terms. Faculty members shall have at least three years of service as full time members of the teaching faculty.
- b. One administrative member, who is not on the Student Affairs Staff, appointed by the President for a two-year, renewable term.
- c. Two members of the student body, with at least sophomore standing, appointed by Student Senate to one-year, renewable terms.
- d. The Chair shall be the faculty member serving the second year of a term. If no member qualifies, the Committee on Committees shall designate one of the faculty members as Chair.

2. A quorum must be present to hear a case. A quorum shall consist of the Chair, either the other faculty member or the administrative member, and one student member. In the absence of the Chair, the other faculty member shall serve as Chair.

Hearing Procedures for Judicial Board

1. The accused student and the complainant shall be provided with written notice of the hearing at least 72 hours prior to the hearing.

2. Innocence shall be presumed until the evidence has been presented and a judgment has been made.

3. Both the accused student and the complainant shall have the opportunity to attend the hearing, to question the other, to hear and respond to evidence regarding the charges, and to present witnesses on his/her behalf. The complainant and the accused student are expected to be present at the hearing. If the accused student does not attend the hearing, he or she forfeits the right to respond to evidence and to question witnesses and the complainant.

4. The accused student and complainant may each be accompanied by an adviser who is a current member of the Cornell faculty, staff or student body. The adviser may not participate in the hearing, but may consult with the accused student or complainant during the hearing.

5. Judicial Board hearings are generally open to members of the campus community, and shall be announced by posting on the glass display case on the main floor of the Commons 24 hours in advance of the scheduled hearing. Either party in the hearing may request a closed hearing. The Chair of the Judicial Board shall make final determination about whether a hearing is open. Judicial Board members must maintain confidentiality regarding matters relating to a hearing.

6. Members of the Cornell faculty, staff or student body may be witnesses. The Dean of Students or the Judicial Board may determine whether others may appear in the interest of the case. The names of witnesses shall be provided by the accused student and the complainant 48 hours prior to the hearing. Each shall have access to the names of all witnesses, which shall be provided to them by the Chair 24 hours prior to the hearing. Witnesses may be questioned by both parties and by members of the Judicial Board or the Chair of the hearing.

7. All procedural questions shall be determined by the Chair of the hearing.

8. Judicial Board hearings shall be audio recorded and the recording will be the exclusive property of the College. It shall be retained until any appeal of the case is completed.

9. The Judicial Board shall meet in closed session to deliberate and reach a decision. Deliberations shall remain confidential.

10. Determination of the verdict shall be made on the basis of the preponderance of the evidence that the accused student violated College policy. In a hearing of the Judicial Board, a majority vote determines the outcome. The Chair votes only in the event of a tie.

11. When there is a finding of guilty in a Judicial Board hearing, the Dean of Students or designee shall provide any information about past violations by the student to be sanctioned or about sanctions assessed against others in similar cases.

12. The Judicial Board shall notify the accused student and the complainant in writing of the decision and of any sanctions. The Judicial Board shall also notify the Dean of Students.

Sanctions

The following sanctions may be imposed by the Judicial Board or the hearing officer following the determination of a violation of College policy. Any combination of these sanctions or other sanctions may be imposed. The sanctions listed are not exhaustive, but are intended to serve as guidelines.

1. **Warning.** Written notification that College policy has been violated and that further violation could result in more severe disciplinary action.

2. **Disciplinary Probation.** A written reprimand for a specified period of time for violation of regulations. Probationary status may include requirements or restrictions. Failure to meet the requirements or further violation of College policy during the period of probation may result in suspension or dismissal from the College.

3. **Disciplinary Suspension.** Exclusion from classes, residence and campus for a specified period of time. Application for readmission following the period of suspension shall be handled through the College's readmission procedures.

4. **Disciplinary Dismissal.** Permanent separation from the College.

5. **Fine.** A monetary penalty for property damage, theft, or other violations that result in cost or inconvenience to others.

6. **Restitution.** Charge for repair or replacement costs resulting from the violation.

7. **Service.** Designated work performed for the benefit of the College or the community.

Appeals

Either the accused student or the complainant may file a written appeal within three class days or thirty days, whichever occurs first, following receipt of the determination of the sanction or the decision from the hearing. The request shall be submitted to the Dean of Students. The Appeals Board reviews all written documents provided by the Dean of Students to determine the outcome of the case. These documents include, but are not limited to, the incident report(s), any investigation statements, charge letter, judicial hearing outcome letter, and the student's appeal letter. The Appeals Board may request any prior judicial information about the student or summary information of similar violations only if that information is relevant to their findings in the appealed case.

1. Appeals Board. The Appeals Board shall consist of one faculty member, one administrative member, and one student. Members shall be selected through the same process as members are selected for the Judicial Board, and shall serve one-year renewable terms. The faculty member shall be designated as chair. An alternate faculty member shall be appointed by the Committee on Committees to serve in the

absence of the faculty chair. The President will appoint one alternate administrative member. Student Senate will appoint one alternate student member. No member of the Appeals Board shall serve concurrently on the Judicial Board. Procedures shall be determined by the Appeals Board. Each member shall vote.

2. Basis for Appeal. The Appeals Board Chair shall decide whether or not to grant a request for appeal. Conditions for consideration of an appeal are:

- a. New evidence that has become available since the hearing;
- b. Procedural errors in the hearing; and
- c. Sanctions that are disproportionate to the violation. Please note that the Board will neither reconsider the facts of the case, nor overturn the decision of responsibility; however, the Board will consider whether the evidence as determined by either the Judicial Board or the hearing officer warrants the sanction applied. To appeal on these grounds a student must argue that the sanction is excessive and explain why (or if the complainant appeals, that the sanction is too lenient and why).

3. Disposition of Appeals. The Board may:

- a. Refer the case back to the Judicial Board or the Dean, whoever heard the case, if the Appeals Board determines that there is new evidence or procedural error(s);
- b. Modify the sanction if the Appeals Board determines that it is disproportionate;
- c. Determine that the original sanction shall stand.

4. Decisions of the Appeals Board are final.

Notification and Release of Information

1. The Dean of Students is responsible for releasing information relating to College disciplinary cases. Release of information shall comply with the Cornell policy on "Confidentiality of Student Records".

2. Names of students being investigated or charged with violations of College policy shall not be released.

3. The Dean of Students shall make available a summary of disciplinary action for the previous year to the President at the beginning of the following year. This report shall be shared with the Student Life committee and available to the College community. The Dean of Students shall also compile a report in compliance with specifications in the Clery Act, file the report with the federal government, and distribute it to the campus community by October 1 each year.

4. A student's parent(s) shall be notified when a student is placed on disciplinary probation or is suspended or dismissed from the College.

Passed by the Faculty: April 9, 1996.

Revised by the Faculty: May 27, 2003.

Suspension

Suspension, as defined by Cornell College, is dismissal from the College with the possibility, but not the promise, of readmission at some future time. Suspension may be imposed for unsatisfactory scholarship (academic suspension), unsatisfactory campus citizenship (disciplinary suspension), or failure to resolve financial obligations to the College (financial suspension). A student who is suspended or dismissed from Cornell is not permitted to remain in College housing. He/she must vacate the residence hall within 48 hours following suspension unless an extension is granted from the Dean of Students. A student suspended or expelled for disciplinary reasons, or restricted from College housing or dining facilities for disciplinary reasons, is required to fulfill the financial commitments of his/her room and board contracts with the College for the remainder of the semester during which the suspension, expulsion or restriction occurs.