

# PROCESS AND PROCEDURE FOR STUDENT CONDUCT VIOLATIONS

## Process and Procedures for Student Conduct Violations

Student behavior that violates University policy will be addressed following the guidelines described below. Students should understand that University officials have the responsibility to determine which path is most suitable for the student and the situation and may select a path that differs from what is described. University officials retain full and sole discretion in determining what path and/or process to use in addressing student behavior concerns. Any member of the community (e.g., students, faculty or staff) may file a report against a student for violations of the Student Code of Conduct. A report may be filed with the Office of Student Life and Engagement.

### Academic Policy Violations

The process and procedures for any Academic Policy violations (<https://catalog.baypath.edu/traditional-undergraduate/academic-policies-procedures/>) including but not limited to plagiarism, cheating, intellectual property theft, and unauthorized use of AI in course work can be found in the Academic Catalog.

### Sexual Misconduct Policy Violations

Please consult the Title IX Policy (<https://catalog.baypath.edu/traditional-undergraduate/academic-policies-procedures/sexual-misconduct-civil-rights-policy-title-ix/>) for complete information about the policy, prohibited behavior, where and how to report or seek assistance, and process and procedures for resolving reports and complaints.

### Code of Conduct Violation Resolutions

There are three different types of resolutions for alleged Code of Conduct violations, depending on the type and frequency of the conduct:

- Advisory Resolution: for minor or low-level first-time violations only.
- Informal Resolution: for repeated minor/low-level violations OR moderate-level first-time violations.
- Formal Resolution (Student Conduct Review Board): for habitually repeated minor/low-level violations OR Serious first-time violations.

### Advisory Resolutions

Students who have committed minor or low-level first-time violations will be notified in writing and required to participate in a conversation with the Director of Student Life to discuss the behavior of concern and to be offered consultation and assistance. The conversation will be documented in a letter to the student with expectations for future behavior and information about the consequences of future violations. This letter will be retained on file. This response is not considered informal or formal judicial action but is an advisory step to assist the student to make good decisions.

If the student repeats behavior in violation of a University policy, information about the first violation along with the new violation may be referred for judicial action as described below. Students should be aware that a University staff member will verify that no academic violations have taken place previously. A previous academic violation may move the matter to the next level(s) if the combination of academic/student conduct violations warrant it.

### Informal Resolutions

Students who have committed repeated minor/low-level violations or moderate-level first-time violations will meet with the Director of Student Life to discuss the behavior and to determine what action will help the student make changes in behavior and decision-making. The Director will determine what response is needed to support and reinforce the importance of the student making changes in behavior going forward.

This response is considered informal judicial action (an Informal Resolution), and the University official may assign sanctions up to and including probation for a designated period of time, depending on the violation committed (see the following section on Sanctions for more information.)

The student may elect to have the matter referred to the Student Conduct Review Board with the understanding that under this process, the hearing board can assign the full range of sanctions, up to and including dismissal or expulsion from the University, if found responsible for a violation of University policy.

### Informal Resolution Process

Students who meet with a University official to address policy violation allegations using the informal resolution process can expect the following:

- To receive information about the basis for allegations that the student's behavior was in violation of University policy, including copies of Student Life & Engagement Incident Report Forms reviewed by the Director of Student Life in preparation for the informal resolution, as well as witnesses of the incident.
- To select and bring an advisor who is a University faculty or staff member who is not involved in the case and will not serve as a witness, but will be present to advise the student. The advisor is not permitted to speak for the student or participate in the informal resolution. With the exception of sexual misconduct or Title IX related-matters, the advisor may not serve as legal counsel for the student.
- To receive a letter confirming the decision of the Director of Student Life and describing the assignment of sanctions if the student is found responsible for violating University policy. This letter will also be kept on file in the Student Life office.
- The student may request the involvement of case and/or character witnesses but the Director of Student Life has sole discretion to involve or invite any and all witnesses.
- Outcomes of an informal resolution are final and are not subject to appeal.

### Formal Resolution (Student Conduct Review Board)

Students who have committed habitually repeated minor/low-level violations or serious first-time violations will meet with the Director of Student Life to review the behavior. In most situations, the Director will refer the matter to a Student Conduct Review Board Hearing Panel, and will inform the student of the referral.

In rare situations, the Director of Student Life may elect to address the behavior using the informal resolution process (see above), depending on the unique circumstances of the case. If the Director elects to use informal resolution, the student may opt to have the matter heard by a Student Conduct Review Board Hearing Panel with the understanding that the hearing panel can assign the full range of sanctions, up to and including dismissal or expulsion from the University, if found responsible for a violation of University policy.

## **Student Conduct Review Board Process**

### **Composition**

The Student Conduct Review Board is a 10-person board composed of students, staff and faculty appointed by the Dean of Students each academic year. Faculty and staff occupy 6 of the positions on the board with the remaining 4 positions consisting of students. The members of the Student Conduct Review Board are selected annually by the Director of Student Life or their designee.

### **Hearing Panel**

Cases referred to this level are reviewed by a Student Conduct Review Board Hearing Panel, a smaller three (3) person panel composed of at minimum one (1) student and two (2) faculty/staff members drawn from the Student Conduct Review Board. One member of the panel will serve as the Hearing Panel Chair. If in the sole judgment of the Director of Student Life it is appropriate to alter the composition of the hearing panel, the Director can arrange that the panel be composed of all faculty/staff or all students.

If a student conduct violation is referred to the Student Conduct Review Board for resolution by a Hearing Panel, the Director of Student Life will notify those involved that a referral has been made and a hearing panel will be convened. Although elements of a hearing panel process for student conduct violations are similar to those for academic violations as detailed in the Academic Catalog, there are significant differences. Students appearing before a hearing panel for student conduct violations should consult the procedures outlined below.

### **Definition of Terms**

- Respondent: the student whose behavior is alleged to violate University policy and who is the subject of the complaint.
- Complainant: the individual reporting the violation or making a complaint. In cases in which the report comes from a University employee or student employee (e.g., resident assistant, student information desk worker, etc.), the University is considered the complainant. In these situations, the reporting individual may serve as a witness.
- Witnesses (Case or Character): there are two types of witnesses who may be invited to participate in a disciplinary board hearing or, less commonly, informal resolution.
  - A case witness is someone who was involved or has appropriate knowledge of the student behavior and/or situation. This individual is able to address questions of what happened.
  - A character witness is able to speak to the respondent student's personal qualities and character.

A Hearing Panel has the sole discretion to limit the number of case or character witnesses depending on relevance and necessity of the information being provided by them.

- Business Days: Monday through Friday on days the University is in operation (i.e. official holidays where the University is closed do not count as Business Days).
- Respondent's Advisor: a University faculty or staff member who assists the respondent during the disciplinary hearing process. The advisor is not permitted to speak for the student or participate in the disciplinary hearing process.

## **Notice to Student(s) of a Student Conduct Review Board Hearing Panel**

The notice to the student/respondent will include a summary of the complaint and will advise the student of their respondent rights and responsibilities, including the right to obtain an advisor.

If more than one student is involved in the violation, a single hearing will occur for them. If respondents would like to request separate hearings they must submit a written request justifying the need for separate hearings to the Director of Student Life. This request must be made prior to the appointment of the Student Conduct Review Board Hearing Panel and prior to the scheduling of the Hearing. The Director will evaluate the request and make a determination whether or not to grant it. The decision to hold a single hearing or separate hearings is at the discretion of the Director. The decision is final and is not subject to appeal.

The Hearing Panel, a three (3) person subset of the larger Student Conduct Review Board, will typically consist of at least one student with no member having a vested interest in the matter. The composition of the Hearing Panel is solely determined by and is at the discretion of the Director of Student Life. The Director may attend the hearing to advise the Hearing Panel as needed during the proceedings and subsequent deliberation.

## **Interim Measures – Temporary Suspension or Restriction Pending a Hearing**

The Director of Student Life or their designee(s), may suspend a student who is the subject of a serious conduct incident as determined by the University, without prejudice, from the campus or assign other forms of restrictions, pending a hearing by a Student Conduct Review Board hearing panel, Standing Committee for Academic Integrity and Classroom Behavior or Sexual Misconduct Policy review and resolution process.

## **Scheduling a Hearing and Witnesses**

The Hearing Panel will handle the matter in a timely fashion by scheduling a hearing to take place within fourteen (14) days of formation, unless the University determines that circumstances merit additional time.

Before the Hearing convenes the respondent(s) will be given the opportunity to obtain the advice of an advisor, as defined above, and to request any witnesses or to present any information relevant to the allegations.

- Information relevant to the allegations as well as the names of any requested witnesses must be sent in writing to the Director of Student Life.
- The Chair of the Hearing Panel will determine the relevance of any witnesses presented by the parties and may limit their participation or testimony accordingly.
- The respondent is responsible for communicating to his/her/their witness(es) the date, time and location of the Hearing. The Hearing will not stop or be delayed if a respondent's witness does not attend or arrives too late to participate.
- Witnesses will wait outside the Hearing room until invited to enter by the Chair of the Hearing Panel and will leave the Hearing room once their statements and any questions are concluded.

- Neither a complainant nor respondent may question a witness directly. Questions are directed to the Chair of the Hearing Panel who may ask the question.

### Student Conduct Review Board Hearing Process and Agenda

The purpose of the Student Conduct Review Board Hearing Panel is to hear relevant information to determine whether, based on a preponderance of evidence, a violation of University policy has occurred and to determine sanctions, as appropriate. Witnesses, including the complainant and the respondent, will present evidence to, and answer questions from, the Hearing Panel. A record will be kept of the proceedings, which will include a summary of the testimony and findings of fact.

The Hearing Panel will typically follow an established agenda in order to ensure reasonable consistency of the process as well as to permit the student respondent(s) to prepare. This agenda will be provided to the student(s) involved ahead of the hearing.

The Hearing Panel has the sole discretion to set time limitations, make relevance determinations, and make changes to the hearing agenda as needed. Any changes made to the agenda of the Hearing are not a basis for appeal.

Additional information can be found at the following links:

- Information for Students Appearing Before a Student Conduct Review Board Hearing Panel ([https://drive.google.com/file/d/1fjUK7W5n-3zm49pAhHJYm-c46cDKKadj/view?usp=drive\\_link](https://drive.google.com/file/d/1fjUK7W5n-3zm49pAhHJYm-c46cDKKadj/view?usp=drive_link))
- Sample Student Hearing Agenda ([https://drive.google.com/file/d/1uOFqO8ZRNLm\\_ENYQb9imuLqM3luzkcdT/view?usp=drive\\_link](https://drive.google.com/file/d/1uOFqO8ZRNLm_ENYQb9imuLqM3luzkcdT/view?usp=drive_link))

### Hearing Panel Deliberation Standards and Process

The deliberations of the Hearing Panel will occur after closing statements and the dismissal of all other Hearing participants, including the student respondent. Deliberations are not open to anyone outside the Hearing Panel, with the exception of the University official handling student conduct violations or their designee, and are confidential. The proceedings of a Hearing Panel will be private, and members of the panel and all those participating are expected to scrupulously respect the confidentiality of the process.

If the respondent was found responsible for earlier violations involving academic integrity or student conduct, this history is not used when determining the validity of the complaint under current investigation. This history will be made available to the Hearing Panel members by the University official handling student conduct policy violations only if/when considering sanctions.

### Student Conduct Review Board Hearing Panel Decision

The Hearing Panel will decide, based on the information provided during the Hearing, whether or not a student conduct violation has occurred. The decision of the hearing committee will be based solely upon matters introduced into evidence during the hearing. A vote of two Hearing Panel members will be considered a majority decision. The Hearing Panel will then determine what sanctions are appropriate for the violation that occurred, if any.

The Hearing Panel will provide their decision and the accompanying sanctions to the University official handling student conduct policy

violations after the deliberations end. The University official will notify the student respondent(s) in writing of the outcome within 20 days of the end of the hearing.

### Appeals

A respondent has the right to appeal a decision of a Student Conduct Review Board Hearing Panel to request further consideration by the Panel or a reconsideration of sanctions if they can show:

- The decision is unsupported by or contrary to the evidence.
- The decision is the result of procedural error or bias.
- The sanction is unfair, and the respondent seeks reconsideration of the sanction(s) imposed.
- There is newly discovered evidence, unknown at the time of the hearing.

### Appeal Process

A respondent who believes the hearing panel's process or decision meets one or more of the above may make an appeal to request further consideration by the Board or a reconsideration of sanctions following the process below:

1. Emailing a request for appeal to the Dean of Students or designated University Official within seven (7) days of receiving the notification of the hearing board's decision. This email must also include any newly discovered evidence, if applicable.
2. The Dean of Students or designated officer will determine whether the appeal has merit based on the statement and evidence provided in the email by the respondent. The decision by the Dean of Students or designated officer to hear or not hear the appeal is final and may not be further appealed.
3. If the Dean of Students or designated officer declines to hear the evidence, the original decision and sanctions determined by the Hearing Panel will be upheld, the appeal will be considered decided on the record and the matter will be closed.
4. If the Dean of Students or designated officer determines that an appeal is merited then the matter may be sent back to the Student Conduct Review Board Hearing Panel or to the appropriate Executive Staff member for reconsideration, where they may consider the evidence and render a decision on the appeal. Potential outcomes of this reconsideration are:
  - a. To affirm the original decision and sanctions as determined by the Hearing Panel.
  - b. To uphold the original decision of the Hearing Panel regarding the violation but to modify the sanctions for the violation as appropriate.
  - c. To reject and dismiss the original decision and sanctions determined by the Hearing Panel.

See below for a sample of what a formal appeal could look like. Please note that this is for reference only and should not be copied and pasted to use as your own appeal email.

Subject: Formal Appeal of Code of Conduct Violation Decision

Dear [Dean of Students & Engagement or Designated Representative]

I am writing to formally appeal the decision issued on [insert date] regarding the Code of Conduct violation for which I was found responsible. After careful reflection and further review of the circumstances surrounding my case, I am submitting this appeal on the following grounds as outlined in the university's Code of Conduct policy:

[Depending on the circumstances you will want to explain why you are appealing based on the following possibilities. Please provide as much detail as possible about your individual case and reasons for appeal.]

1. **The decision is unsupported by or contrary to the evidence**

**presented.** During the original hearing, the conclusion reached did not, in my view, align with the facts and documentation submitted. For example, [briefly state the contradiction—e.g., “the claim that I collaborated inappropriately on an assignment is not supported by the communication logs or submission data that were provided”].

2. **The decision is the result of procedural error or bias.** I believe that procedural errors may have impacted the fairness of the process. Specifically, [describe the procedural issue—e.g., “I was not given access to the full incident report prior to the hearing, limiting my ability to respond fully” or “a panelist demonstrated a potential conflict of interest due to a prior interaction with me”].

3. **The sanction imposed is disproportionate and unfair.** While I understand and respect the university's standards, I believe the sanction imposed—[state the sanction, e.g., academic probation, suspension, etc.]—is disproportionate given the context and the nature of the incident. I respectfully request reconsideration in light of my conduct record and the circumstances presented.

4. **There is newly discovered evidence that was not available at the time of the original hearing.** Since the time of the hearing, I have obtained new evidence that directly relates to the incident and supports my account. This includes [briefly describe new evidence—e.g., “a time-stamped email from my professor confirming an extension” or “witness testimony that contradicts the initial claim”]. Copies of this new documentation are attached for your review.

I am committed to maintaining the standards of integrity expected of students at Bay Path University/Cambridge College, and I hope you will consider these grounds for appeal as valid and worthy of review. I respectfully request that the outcome and/or the sanctions imposed be re-evaluated in light of this appeal.

Thank you for your time and attention to this matter. Please let me know if additional information is required or if a meeting would be helpful to clarify any points raised in this appeal.

Sincerely,  
[Your Full Name]  
[Your Student ID Number]