

Office of Residence Life and Housing

Residence Hall Judicial Manual

2020-2021

Mission

Livingstone College's judicial system is designed to ensure due process, with the speedy and constructive resolution of all disputes. A developmental approach to discipline is employed whenever possible. This judicial system operates on the principle that justice will best be served by promoting the development of self-knowledge and self-discipline that is expressed in socially desirable ways, rather than harmful, destructive, or immature attitudes or behaviors.

LIVINGSTONE COLLEGE SACS STATEMENT

Livingstone College is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award certificates and the associate and baccalaureate degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Livingstone College.

Title IX Compliance

Notice of Non-Discrimination

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the gender of students and employees of educational institutions which receive federal financial assistance.

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal Financial Assistance.

College Title IX Coordinators in accordance with Title IX regulations, the College has designated a Title IX Coordinator and Deputy Title IX Coordinator for faculty and staff. The Title IX Coordinator is charged with monitoring compliance with these regulations, questions regarding Title IX, as well as concerns and complaints of non-compliance. The Title IX Coordinator is responsible for receiving student complaints of sexual harassment, including sexual assault, sexual violence or other sexual misconduct.

What is Title IX?

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance. Title IX prohibits sexual misconduct, including sexual harassment which is a form of gender discrimination.

Programs and activities that receive funds from the United States Department of Education (ED) must operate in a nondiscriminatory manner. Title IX prohibits discrimination on the basis of sex in: admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing and employment. Additionally, Title IX prohibits retaliation against any person because he or she opposed an unlawful educational practice or policy, or made charges, testified or participated in any complaint action under Title IX. An act of retaliation in any manner is considered a violation of Title IX. For a more detailed understanding of these protections please see ED Title IX regulations (Volume 34, Code of Federal Regulations, and Part 106).

Students: If you are a student who believes you have been subjected to (1) sexual harassment by College faculty or staff; or (2) any other form of gender discrimination under Title IX, you may report such misconduct or file a formal complaint with the Title IX Program Coordinator. Complaints must be submitted in writing not more than 300 days after the incident(s) in question. The entire complaint procedure and complaint form can be found on Livingstone College's website.

What is sexual harassment and sexual violence? Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment also includes sexual violence, defined as physical acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol.

A number of acts fall into the category of sexual violence including, but not limited to rape, sexual assault, sexual battery, and sexual coercion.

What is interpersonal violence?

The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards a partner in an intimate relationship. Including any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Interpersonal Violence can be a single act or a pattern of behavior in relationships. Intimate partner relationships are defined as short or long-term relationships (current or former) between persons intended to provide some emotional/romantic and/or physical intimacy. Interpersonal Violence includes:

Domestic Violence – includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

Dating Violence - violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship. Stalking – engaging in a course of conduct directed at specific person that would cause a reasonable person to: Fear for his or her safety or the safety of other; or suffer substantial emotional distress

If you are a student who believes you have been or are the victim of sexual harassment, including sexual assault, sexual violence or other sexual misconduct, by another College student, you may report such conduct or file a complaint under Title IX with the Title IX Program Coordinator. Complaints of student sexual misconduct are addressed by the Sexual Misconduct Hearing Panel and are governed by the College's "Sexual Misconduct Policy and Procedures."

Employees: If you are an employee who believes you have been subjected to discrimination under Title IX, including sexual harassment, or who wishes to file a complaint under Title IX, you can do so with the Title IX Deputy in the Human Resources Office.

Federal and state laws prohibit the taking of retaliatory measures against any individual who files a complaint in good faith.

Definition of Sexual Harassment for Title IX Purposes

Sexual harassment is broadly to include any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect: Any instance of quid pro quo harassment by a school's employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Prohibits sex-based misconduct in a manner consistent with the First Amendment. Quid pro quo harassment and Clery Act/VAWA offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, because such misconduct is sufficiently serious to deprive a person of equal access.

Occurring in a School's "Education Program or Activity" and "in the United States"

The Title IX statute applies to persons in the United States with respect to education programs or activities that receive federal financial assistance. Livingstone College will respond when sexual harassment occurs in the school's education program or activity, against a person in the United States. Education program or activity includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by Livingstone College (such as a fraternity or sorority house). Title IX applies to all of a school's education programs or activities, whether such programs or activities occur on-campus or off-campus. Livingstone College may address sexual harassment affecting its students or employees that falls outside Title IX's jurisdiction in any manner the school chooses, including providing supportive measures or pursuing discipline.

Assessable Reporting to the Title IX Coordinator

The employee designated by a recipient to coordinate its efforts to comply with Title IX responsibilities must be referred to as the "Title IX Coordinator." Livingstone College prominently display on their websites the required contact information for the Title IX Coordinator. - Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator.

School's Mandatory Response Obligations: The Deliberate Indifference Standard

Must respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of the known circumstances. Must offer supportive measures to the person alleged to be the victim (referred to as the "complainant"). The Title IX Coordinator must promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal

complaint, and explain to the complainant the process for filing a formal complaint. Must follow a grievance process that complies with the Final Rule before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent. Must not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX. Investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator. Affirm that a complainant's wishes with respect to whether the school investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

If the allegations in a formal complaint do not meet the definition of sexual harassment in the Final Rule, or did not occur in the school's education program or activity against a person in the United States, the Final Rule clarifies that the school must dismiss such allegations *for purposes of Title IX* but may still address the allegations in any manner the school deems appropriate under the school's own code of conduct.

School's Mandatory Response Obligations:

Defining "Complainant," "Respondent," "Formal Complaint," "Supportive Measures"

When responding to sexual harassment (e.g., by offering supportive measures to a complainant and refraining from disciplining a respondent without following a Title IX grievance process, which includes investigating formal complaints of sexual harassment),

A complainant is defined as an individual *who is alleged to be the victim* of conduct that could constitute sexual harassment.

- This clarifies that any third party as well as the complainant may report sexual harassment.
- While parents and guardians do not become complainants (or respondents), the Final Rule expressly recognizes the legal rights of parents and guardians to act on behalf of parties (including by filing formal complaints) in Title IX matters.

A respondent is as an individual who has been reported to be the perpetrator of conduct **that could constitute sexual harassment**.

Grievance Process, General Requirements

Prescribes a consistent, transparent grievance process for resolving formal complaints of sexual harassment. The grievance process must:

- Treat complainants equitably by providing remedies any time a respondent is found responsible, and treat respondents equitably by not imposing disciplinary sanctions without following the grievance process.
- Remedies, which are required to be provided to a complainant when a respondent is found responsible, must be designed to maintain the complainant's equal access to education and may include the same individualized services as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

Require objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.

- Require Title IX personnel (Title IX Coordinators, investigators, decision-makers, people who facilitate any informal resolution process) to be free from conflicts of interest or bias for or against complainants or respondents.
- The grievance process must not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. The grievance process for handling formal complaints of sexual harassment, must apply equally to both parties.

Investigations

Must investigate the allegations in any formal complaint and send written notice to both parties (complainants and respondents) of the allegations upon receipt of a formal complaint.

During the grievance process and when investigating:

- The burden of gathering evidence and burden of proof must remain on schools, not on the parties.
- Must provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- Must not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag orders").
- Parties must have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney.
- Must send written notice of any investigative interviews, meetings, or hearings.
- Must send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.
- Must send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.
- Must dismiss allegations of conduct that do not meet the Final Rule's definition of sexual harassment or did not occur in a school's education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude the school from addressing the conduct in any manner the school deems appropriate.
- May, in discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the school, or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

- Must give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.
- May, in discretion, consolidate formal complaints where the allegations arise out of the same facts.
- Protects the privacy of a party's medical, psychological, and similar treatment records by stating that the school cannot access or use such records unless the school obtains the party's voluntary, written consent to do so.

Live Hearings & Cross-Examination

The grievance process must provide for a live hearing:

- At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- At the request of either party, the recipient must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.
- Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.
- If a party does not have an advisor present at the live hearing, the school must provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party.
- If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.

Must create an audio or audiovisual recording, or transcript, of any live hearing.

Rape Shield Protections for Complainants

Rape shield protections for complainants deeming irrelevant questions and evidence about a complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.

Standard of Evidence & Written Determination

Requires the school's grievance process to state whether the standard of evidence to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard. The grievance process is consistent by requiring applying the same standard of evidence for all formal complaints of sexual harassment whether the respondent is a student or an employee (including faculty member).

- The decision-maker (who cannot be the same person as the Title IX Coordinator or the investigator) must issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.

The written determination must be sent simultaneously to the parties along with information about how to file an appeal.

Appeals

Must offer both parties an appeal from a determination regarding responsibility, and from a school's dismissal of a formal complaint or any allegations therein, on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.

- May offer an appeal equally to both parties on additional bases.

Informal Resolution

Allows Livingstone College, in its discretion, to choose to offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution. Any person who facilitates an informal resolution must be well trained.

Livingstone College may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. Similarly, Livingstone College may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed.

- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

Livingstone College must not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Retaliation Prohibited

Prohibits retaliation.

- Charging an individual with code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation.
- Livingstone College must keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.
- Complaints alleging retaliation may be filed according to a school's prompt and equitable grievance procedures.
- The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX grievance proceeding does not constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statements.

INCIDENT REPORTS

The Incident Report form was developed as a means of communicating observed violations of student code of conduct and residence hall regulations.

The following guidelines should be used when initiating and preparing an Incident Report.

Initiation of an Incident Report

An Incident Report should be prepared:

1. When a residence life staff member observes a violation of a residence hall regulation within the residence hall.
2. When a residence life staff member observes a violation of Residence Hall Violation and/or College Student Code of Conduct within the residence hall.
3. When one student files a complaint against another student for violating one of the Residence Hall Violation and/or College Student Code of Conduct. The student filing the complaint must have personally observed the incident in question. A staff member must prepare the report.
4. Relative to incidents not covered by the above guidelines only after consultation with the Residence Hall Director.
5. Incident Reports are never written on hearsay.

Residential Student - Minor violations of students living in the residence halls for are handled by the Residence Hall Director. Students with repetitive minor violations are referred to the Assistant Dean of Students/Judicial Coordinator. All major violations are handled by the Office of the Dean of Students/Residence Life and Housing.

Non-Residential Student - Students not living in the residence hall are referred directly to the Office of the Dean of Students/ Residence Life and Housing for both minor and major violations.

Non-Student - When non-students are involved in a any type of violation, Campus Police should be notified and an Incident Report should be forwarded to the Dean of Students/Residence Life and Housing.

MAJOR/MINOR VIOLATIONS

The Student Handbook lists the College's Student Code of Conduct and the Residence Hall Violations. It is the reference for all violations. The lists below are general guidelines you should use in deciding whether an incident should be referred to the Office of Residence Life and Housing. It is, however, by no means complete.

Major Violations

The following incidents, occurring in the residence hall, should, in most cases, be regarded as major violations and referred to the Office of Residence Life and Housing via an Incident Report.

- Any drug related violation
- Violations involving "failure to comply"
- Malicious vandalism of university property
- Tampering with fire safety equipment
- Physical abuse of anyone in the university community
- Use of fireworks or any conduct that threatens the health and safety of others
- Throwing any objects from the windows of residence halls
- Major violation of alcohol policy sponsoring a keg party
- Theft
- Unauthorized possession of keys
- Any alcohol related violation

Minor Violations

The following violations should, in most cases, be regarded as minor violations and should be handled through the use of the Disciplinary Option Acceptance Form for students living in the residence halls.

- Violation of pet policy
- Violation of noise policy
- Visitation Violation
- Violation of policies regarding electrical appliances or multiple plugs
- Removal of furniture from public areas

No more than three Hall Director handled minor violations will be given to any one individual during the academic year. The fourth violation should be referred to the Area Director of that zone.

PREPARATION OF AN INCIDENT REPORT

Incident Reports must be prepared on an Incident Report Form. For reporting major violations that are referred to the Office of Residence Life and Housing, follow these guidelines:

1. Incident Reports referred to the Office of Residence Life and Housing must be prepared/reviewed by the professional staff member. The professional residence life staff member must review and sign the form.
2. The first section of the Incident Report is used for listing all individuals involved in the incident whether they are being charged or not. This includes roommates, visitors, witnesses, etc. Please try to give full names and correct student ID number. It is necessary to have this information so the incident may be investigated properly.
3. Description of Incident - This section of the Incident Report should be a factual account of the incident in question. This section should contain a "blow-by-blow" account of the

incident in factual terms that relate directly to the incident and in proper sequence. It will often be necessary to continue this section on a separate sheet of 8¹/₂ x 11 plain white paper with the appropriate heading clearly marked. **Do not use slang or foul language, unless you are quoting something, which was said during an incident.** When foul language or poor spelling and grammar are used in an incident report, it is a negative reflection on you and on the Office of Residence Life and Housing.

4. Comments or Recommendations - This section may contain pertinent hearsay or value judgments. If there isn't sufficient space, please continue on a sheet of 8¹/₂ x 11 plain white paper with the appropriate heading clearly marked.
5. Any Incident Reports that required contacting administrative personnel on the protocol list must be filed with the appropriate personnel first thing the next morning. All other incident reports must be filed with the Office of Residence Life and Housing within two working days.
6. Incident Reports are confidential information and should not be discussed with other students or left at the main desk.
7. Incident Reports for major violations should be distributed to:
 - a. Office of the Dean of Students/Residence Life and Housing
 - b. Student's Residence Hall Director

For reporting minor Residence Hall Director Option violations follow these guidelines:

1. Incident Reports for minor infractions may be written by the Resident Assistant who observed the violation.
2. The RA should list the names of all the persons involved in the violation, including the roommates, visitors, etc.
3. Incident - This section should follow step 4 for major violations.
4. Comments or Recommendations - This section should have pertinent attitude or value judgments. No personal recommendations.
5. The original draft should be kept in the student's residence hall folder. Reports written for minor violations do not have to be distributed to anyone else.

Holding Student Conduct Meetings

Residence Hall Directors will meet with a number of students to discuss their conduct. Most of these meetings will take place after a staff member has documented an incident. Meetings held after a violation has occurred are referred to as preliminary interviews. These interviews are a time for the RHD to gather more information from the students involved (to hear their side) and to inform students about the next steps of the judicial process. For first-time, low-level

violations, the preliminary interview may also be the formal conduct meeting if the students involved enter a plea of responsible.

Residence Hall Directors should strive to schedule all conduct meetings within 48 hours of being notified of a need for a meeting. The inability to meet within this time frame should be discussed with the Dean of Students/Residence Life or the Assistant Dean of Students/Judicial Coordinator.

Meetings should take place in a private location, preferably the RHD's office or apartment, but some RHDs may prefer to use a Student Affairs Office space depending on the time of day, number of students, etc. Privacy should be assured no matter what location used.

Tips for Conduct Meetings

- Try to hold your hearings in a more “formal” setting (your office) to show their importance yet let the student see where you work and get to know your personality a little.
- Try to make the student(s) comfortable by trying to get to know them first.
- Make sure they know the hearing is confidential and it is their choice to tell others the outcome (including the RA).
- Be prepared for anger, tears, nonchalance, excuses, rationalizations, and confrontations. Each case is different.
- Remember to keep your cool, and you didn't do anything wrong... it is because of the student's actions you are meeting!
- Reassure the student(s) you would like to maintain your relationship, or move on from here.
- Hear cases involving more than one student with everyone involved in attendance.
- Try to “visit” the student(s) in a few days/week to talk and see how they are doing.

Student Conduct Sanction Options

Each violation level of the Student Code of Conduct has possible sanction options listed in the Campus Life Handbook. Sanctions are expected to be educational in nature and to help students learn from their actions, understand why the behavior is a violation of the conduct code and think about ways they can avoid violating the conduct code in the future. Sanctions for payment to replace items damaged or stolen are often given for students involved in vandalism or destruction of property.

Residence Hall Directors are encouraged to use creativity in personalizing sanctions to the situation and student involved. RHDs may ask students what kinds of sanctions they feel will help them avoid repeating the behavior. Most students understand the sanction will help them learn and can tell you best how they learn. Keep track of what you assign so you don't have to reinvent the wheel each time. **Be fair and consistent. Try not to let personal opinions about the student(s) influence your decision.**

Some commonly used sanctions include behavioral contracts, asking students to create an educational bulletin board to help educate others (especially good for violations of fire safety measures), writing 2-4 page papers reflecting on how they could have altered their behavior at

multiple times during the incident to avoid violating the conduct code, researching what other institutions have as part of their student conduct code for similar items (visitation, escort policy), writing a paper about the process of changing the policy they violated (especially good for visitation policy violations by students who disagree with the policy).

While individual cases should not be discussed, RHDs are encouraged to discuss with other RHDs, RAs and students what types of sanctions are most educational. Of course, after an incident in your hall is not the best time to ask others since they will know exactly why you are asking! Discussions about potential sanctions can be great for staff meetings with RAs.

When in doubt, or when struggling to determine a sanction, ask the Dean of Residence Life and Housing for advice and ideas.

Delivering Student Conduct Letters

Once judicial paperwork has been submitted to the Dean of Students Office, he will write an official judicial letter to all students involved in the situation. This letter and all the violation documentation will be put in the student's file. As the RHD, you will be expected to have the student sign for the judicial letter. If the student does not pick up the letter within 24 hours days, it will be returned to The Dean of Students Office. When you receive a letter to deliver, please deliver within 24 hours and notify Dean Roper when the letter has been delivered.

Confiscated Student Items

Residence Hall Directors may confiscate items from students in conjunction with Security Officers. Typically, Security will take the confiscated items (alcohol containers, drug paraphernalia, candles, etc.) with them. Depending on the items, they may be given back to the student after the case is heard or they will be destroyed. RAs **should NOT** confiscate items without Security or an RHD present. Residence Hall Directors **should NOT** confiscate drug related items without Security and/or Salisbury Police present. Residence Hall Directors are encouraged to give all confiscated to Security as soon as possible after the confiscation takes place.

Off-campus Behaviors

Students are held responsible through the on-campus judicial system for off-campus behaviors, especially those involving serious offenses. Speak to the Judicial Administrator if you have concerns or hear of students involved in off-campus situations.

Tips

- Write legibly in ink, or type or your reports.
- Call Mr. Roper, ext. 6821, to check on priors. This is critical!
- Ask yourself what charge is appropriate. Is it alcohol or accessory? Disorderly or guest?
- Read over the reports and ask yourself:
 - What is not clear about the situation?
 - How can I resolve?
 - Do I know everything I need to from the RA?

- Do I need to get clarification from the RA after talking with the student before I hand in paperwork?
- Have I done all I can to resolve the case?
- Have I reviewed the case with the student(s).
- Do the facts support a “Not Responsible” plea?
- What do I want the students to experience from judicial?
- Should I adjust the charge based on new & viable information?
- Do I need to make any recommendations/suggestions to the hearing officers? If so, attach the information in writing to the paperwork. Share with hearing officers other behaviors, sanction ideas.
- Have you asked the student or RA any questions you have?
- Have you used a sanction to maximize learning while emphasizing ceasing the behavior?

Student Code of Conduct Form Uses (Copies of forms in Appendices)

Incident Report Form – Completed by RAs, RHDs, Security Officers or other students about any violation of the Student Code of Conduct witnessed by them.

Witness Statement – Completed by witnesses to a Code of Conduct violation such as RAs (other than the primary RA witness), other students, faculty/staff, etc. The form may be used by RHDs and Security Officers if they are not the primary person dealing with an incident and/or have additional information.

Incident Notice Form – After RAs document an incident, they give this form to the residents involved instructing them to call the RHD to schedule the preliminary interview. Copies of the form are provided to RHDs by Mr. Roper.

Preliminary Interview Report – Utilized by RHDs (only) to record the information gathered in the preliminary interview.

Disciplinary Action Summary Sheet – Utilized by Residence Life staff to record the plea of students and document the assigned sanctions for students found responsible. After completion of the form by the RHD, it is reviewed by the Dean of Residence Life and Housing. After which, a sanction notification letter is sent to the student(s) involved.

Cover Sheet - The cover sheet is the form which should be attached to the front of all judicial paperwork to be turned in to Mr. Roper in Residence Life and Housing.

Behavioral Contract – Commonly used as part of the sanction for first-time violations as a written documentation of the student’s reminder about the policy. This form is rarely used as the sole sanction.

Code of Conduct Incident Notice Card

TO: _____

Residence Hall/Room: _____

As a result of this incident, you are required to contact and meet with the Residence Hall Director, _____, within 24 hours or next business day.

I may be reached either in the office, at ext. _____ from 10 am to 4 pm. At this meeting, you will discuss the implications of the incident, the facts of the case, and any further action necessary. It is your responsibility to schedule this meeting ASAP.

Thank you for your cooperation.

Disciplinary Action Summary Sheet

STUDENT'S NAME _____

Student ID Number: _____ Hall/Room _____

Phone Ext. /Cell # _____

Violation in STUDENT HANDBOOK on Page # _____

Violation _____

Violation Date: _____ Approximate Violation Time: _____

I am entering a plea of **Responsible** to the violations listed above and wish to have my case heard by the Hall Director.

Student Signature _____ Date _____

I am entering a plea of **NOT RESPONSIBLE** to the violation(s) listed above. I agree to contact the Dean of Students Office within 48 hours to schedule a hearing date with the Judicial Hearing Officer to state my reason for the Not Responsible plea.

Student Signature _____ Date _____



_____ Responsible _____ Not Responsible of
of _____
(list violation)

SANCTION RECOMMENDED: _____

SIGNED: _____ Date: _____
Hall Director



Cc: Student Judicial File
Dean of Residence Life and Housing

Code of Conduct Behavioral Contract

Name: _____

Residence Hall/Room Number: _____

Date: _____

I am fully aware of the _____ policy for _____ Hall as specified in the STUDENT HANDBOOK and as it has been communicated to me by my Residence Hall Director. I understand I am “responsible” for violating this policy.

Initials

I agree to comply with the residence hall policies in the future and recognize any further violations will result in more serious consequences through the judicial process.

Initials

Furthermore, I understand my housing contract outlines that I must comply with residence hall and College policies. Failure to do so may result in cancellation of my housing contract, although my housing financial responsibility will continue.

Initials

Resident’s signature: _____ Date: _____

Hall Director’s signature: _____ Date: _____

Disciplinary Cover Sheet

TODAY'S DATE: _____

INFOMATION ON ACCUSED: (use the back if additional space is needed)

1. Name: _____	Violation: _____
School ID# _____	Hall & Room # _____
Class Status: <input type="checkbox"/> Fresh. <input type="checkbox"/> Soph. <input type="checkbox"/> Jr. <input type="checkbox"/> Sr.	

2. Name: _____	Violation: _____
School ID # _____	Hall & Room # _____
Class Status: <input type="checkbox"/> Fresh. <input type="checkbox"/> Soph. <input type="checkbox"/> Jr. <input type="checkbox"/> Sr.	

3. Name: _____	Violation: _____
School ID # _____	Hall & Room # _____
Class Status: <input type="checkbox"/> Fresh. <input type="checkbox"/> Soph. <input type="checkbox"/> Jr. <input type="checkbox"/> Sr.	

4. Name: _____	Violation: _____
School ID # _____	Hall & Room # _____
Class Status: _____	

Brief Description

VIOLATION REFERRED BY:

Signature

Date

Title

Code of Conduct Behavioral Contract

Name: _____

Residence Hall/Room Number: _____

Date: _____

I am fully aware of the _____ policy for _____ Hall as specified in the STUDENT HANDBOOK and as it has been communicated to me by my Residence Hall Director. I understand I am “responsible” for violating this policy.

Initials

I agree to comply with the residence hall policies in the future and recognize any further violations will result in more serious consequences through the judicial process.

Initials

Furthermore, I understand my housing contract outlines that I must comply with residence hall and College policies. Failure to do so may result in cancellation of my housing contract, although my housing financial responsibility will continue.

Initials

Resident’s signature: _____ Date: _____

Hall Director’s signature: _____ Date: _____

Code of Conduct Hall Director Interview Report

Date of Incident: _____ Time of Incident: _____ a.m p.m

Location of Incident: _____ Room # _____

Name(s) of student(s) involved in the violation: (print)

1. _____ Phone/Cell # _____

2. _____ Phone/Cell # _____

3. _____ Phone/Cell # _____

4. _____ Phone/Cell # _____

5. _____ Phone/Cell # _____

Meeting date: _____ Time: _____ a.m./p.m.

Location: _____

Students Present: _____

Preliminary hearing notes:

