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**STUDENT CONDUCT ADMINISTRATION**

*2023-2024*

## **STUDENT DISCIPLINARY PROCEDURES**

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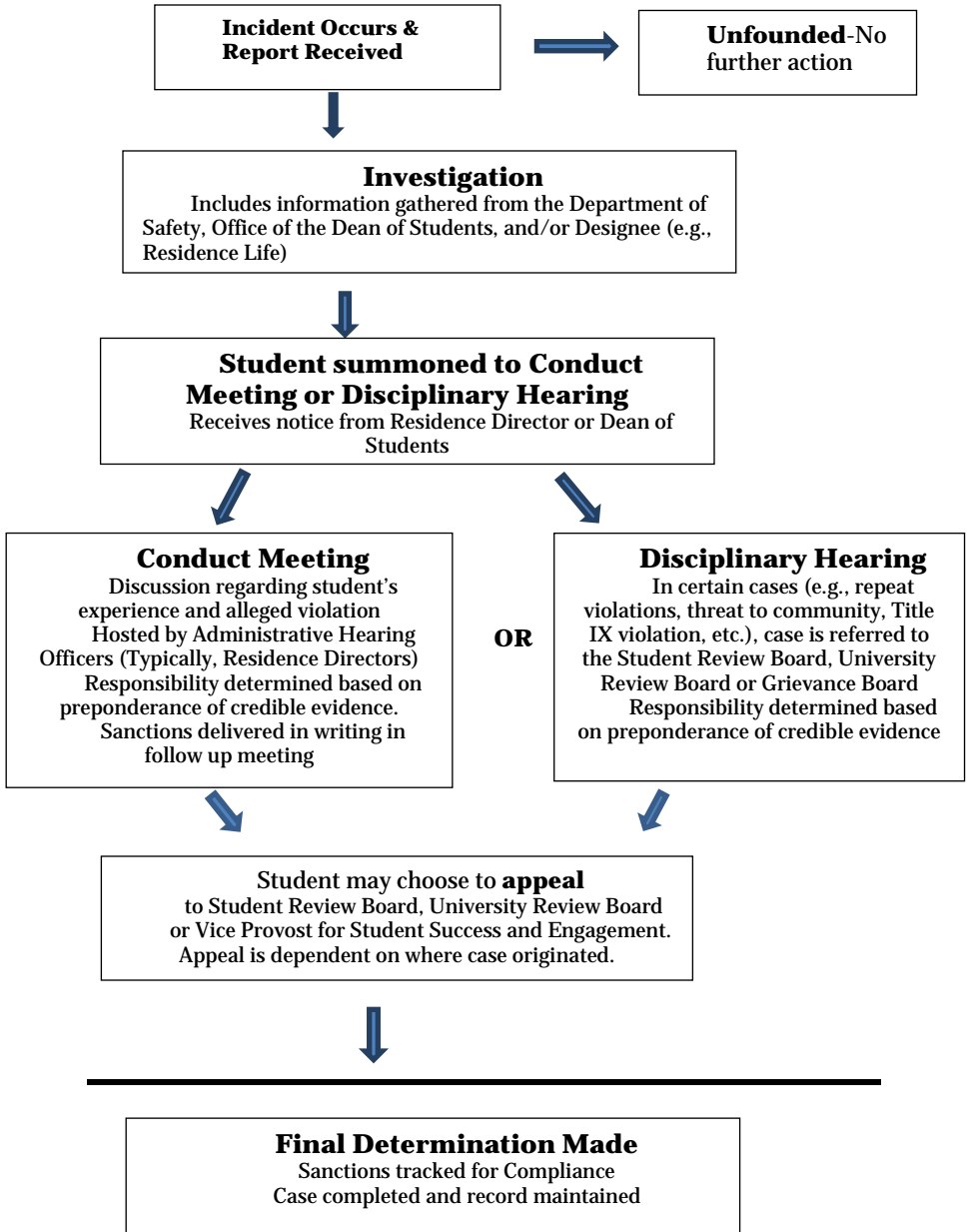
The purpose of discipline at Messiah University is to nurture personal growth and to maintain a University-wide atmosphere conducive to learning and academic excellence. Accountability to community standards is an educational endeavor intended to foster students' personal growth. As responsible citizens of our community, students are expected to uphold University guidelines and standards. Our standards are in place to support the mission of the University; when standards are violated, appropriate intervention takes place to maintain focus on educational objectives. We aspire to a redemptive, relational model in our discipline procedures while recognizing that the particular context of each matter should also be reflected in our intervention. We follow a redemptive model found in Matthew 18:12–17, a process that begins with confrontation in a personal relationship. As indicated in our Community Covenant, we have an obligation to confront misbehavior and to enlarge the circle of confrontation when behavior does not change appropriately. In some cases, the process may involve a disciplinary hearing. Disciplinary procedures are designed to educate students, to promote restoration and community responsibility, and to treat students justly. Disciplinary procedures which follow do not include academic violations. Academic violations are typically handled by respective academic departments.

**University Disciplinary Jurisdiction:** The University may exercise disciplinary jurisdiction over student conduct which occurs on or off University premises and which adversely affects the University community and/or the pursuit of University objectives. The conduct may involve a violation of local, state, or federal law or violation of University rules and standards. A victim (complainant) may file complaints through local law enforcement and/or University process.

**Violation of Law and University Discipline:** University disciplinary proceedings may be instituted against a student charged with a violation of law which is also a violation of University standards without regard to pending civil litigation or criminal arrest and prosecution. University disciplinary proceedings may be carried out prior to, simultaneously with, or following any off-campus civil or criminal proceedings.

**Allegations of Harassment, Sexual Misconduct, Sexual Assault, Stalking, Interpersonal Violence:** Allegations related to these Code of Conduct standards are addressed via Grievance Procedures found in the Sexual Interpersonal Violence and Sexual Misconduct policies and procedures section of this Student Handbook.

# Student Conduct Overview



# **STUDENT CONDUCT PROCESS**

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## **INVESTIGATION**

Upon receiving information that any student has allegedly violated the Code of Conduct, the Dean of Students or designee (e.g., Residence Director) will investigate the alleged violation. The Dean of Students or designee will dismiss the allegation as unfounded or summon the student for a meeting. In certain cases, they may be invited to a hearing. Prior information may be gathered by the Department of Safety and shared with the Dean of Students and designee.

## **DISPOSITION**

The Dean of Students or designee will refer the student to a conduct meeting typically hosted by an administrative hearing officer (e.g., Residence Director) or to a formal disciplinary hearing. This decision is made with respect to the context of the alleged violation(s) and whether or not it is a repeat offense.

## **SUMMONS**

Any student may be summoned (via email, letter, etc.) for purposes of the investigation and/or to discuss the allegations. In some cases, students will be invited to a hearing. This written request will specify a place for the meeting and a time with a reasonable expectation of timeliness for the meeting to occur. If a student fails to appear without good cause, as determined by the Dean of Students or designee, the student's enrollment status may be altered or cancelled until the student complies with the summons, or the University may proceed with a disciplinary hearing. Failure to read mail or e-mail is not considered good cause for the failure to respond to a summons. (See Messiah University Policy on Communications) At this meeting the student is also provided with the Student Conduct Procedures as outlined here.

## **PROCEDURES FOR CONDUCT MEETINGS**

The administrative hearing officer(s) conducting the meetings will work with the student in determining responsibility for the alleged violation and developing individual meaningful outcomes. Should the student not be satisfied with the outcomes of these meetings, they have the right to appeal. Failure to comply with the assigned sanctions may result in a formal hearing for noncompliance.

## **PROCEDURES FOR FORMAL HEARING**

The Dean of Students or designee will decide which hearing body or hearing officer will hear a specific case in consultation with appropriate university personnel. The nature of the alleged violation, in addition to a student's disciplinary history, will also be taken into account when making this decision.

**Hearing Officer** may refer to the Vice Provost for Student Success and Engagement, Dean of Students, Director of Residence Life, Residence Director, or other designee of the Vice Provost for Student Success and Engagement.

**Student Government Association Student Review Board** is an elected group of seven students which provides peer accountability with student disciplinary matters. The Student Review Board may also be used to consider Housing and Parking appeals by the Office of Residence Life/Housing and Department of Safety, respectively. The Student Review Board is advised by the Dean of Students.

**University Review Board**, a faculty-student group, deals with more serious cases and addresses appeals of other hearing bodies.

**Notice:** A student invited to a disciplinary hearing shall receive a written notice specifying the alleged violation(s) as well as the date, time, and place of the hearing whenever possible. Ideally, this notice will be given at least two (2) business days in advance of the hearing. If a student who has received appropriate notice fails to appear before a hearing officer or hearing board, evidence in support of the violation may be presented and considered even if the student is not present.

**Respondent and Complainant Rights:** The respondent may examine relevant incident reports as well as other pertinent evidence. Students who have been the victim of a violation of the University Code of Conduct have the right to submit their complaint to a University official. The complainant has the right to be kept informed of the status of the proceedings, to have the presence of a non-attorney support person during a hearing, and to submit a statement of personal impact to the hearing officer/body.

### **Hearing Procedures:**

1. The hearing shall be conducted in private. The hearing officer or Chair of the Hearing Board will admit relevant witnesses. Confidentiality will be maintained subject to legal requirements to disclose final hearing outcomes.

2. There shall be a single verbatim record of all proceedings before a hearing board. Deliberations shall not be recorded. The record shall be the property of the University.
3. In hearings involving more than one respondent, the hearing officer or chair of the hearing body may permit the hearings to be conducted either separately or jointly.
4. The evidence against the respondent shall be presented by a person designated by the Dean of Students.
5. The respondent shall have the right to appear in person at the hearing, to be fully informed of and to challenge the charge(s) and evidence, to address witness statements, to present relevant witnesses and evidence on his or her behalf, and to remain silent.
6. The respondent shall have the right to be assisted by an advisor of his or her choice. The advisor may attend the hearing but may not speak or otherwise participate. Because these are University disciplinary procedures and not legal proceedings, attorneys may not serve as advisors.
7. The hearing officer or members of the hearing body may question the complainant, witnesses, and/or the accused.
8. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in civil or criminal court, are not used in University disciplinary hearings.
9. All procedural issues (e.g., testimony or evidence to be admitted or excluded, questioning of witnesses, conduct of the hearing, etc.) shall be subject to the final decision of the hearing officer or Chair of the hearing body.
10. The hearing may be adjourned by the hearing officer or Chair of the hearing body at any time. The hearing may be rescheduled for consideration of further evidence or to allow more adequate time for deliberation.
11. Lying by the respondent or evidence produced at a hearing that the respondent may have violated another University rule or standard may be treated as a separate disciplinary violation.
12. After hearing all evidence and witnesses, the hearing officer or body shall determine whether the respondent is responsible for each disciplinary violation with which he or she is charged. The determination shall be made on the basis of the preponderance of the credible evidence (defined as whether it is more likely than not that the respondent is responsible for the violation).

**Decision:** Within seven working days of the conclusion of the hearing, the respondent will be provided with the written decision of the hearing officer or body. The decision will include a statement of outcomes including findings of fact and any sanctions imposed, as well as the

applicable appeal procedure. In compliance with federal law, the complainant will be provided with a limited notice of outcome (containing the name of the student found responsible, the violation committed, and the sanction imposed) only in the case of a crime of violence or non-forcible sex offense.

## **SANCTIONS**

The same sanctions apply to both Administrative Decisions and Formal Hearings. Messiah University student conduct philosophy is grounded in the principles of education, personal growth and faith formation – all of which are central to the mission of the University. Discerning and applying appropriate sanctions helps to hold students accountable to our community standards while promoting their individual growth and learning. With the desire to be transparent about what sanctions students typically receive for Code of Conduct violations, the list below represents a general framework. Following this list of typical sanctions, broader categories of sanctions are defined. The following variables will be considered to determine the range of sanctions and whether or not additional sanctions may be applied: a student's truthfulness throughout the student conduct process, a student's prior disciplinary history, and the impact of the violation on the community. While students are expected to encourage each other in their adherence to the Code of Conduct, a student who is present but not participating in the misconduct will normally not be held to the same level of sanctions as the participant. Sanctions will be applied in both administrative and formal hearing processes.

**\*Inactive Sanctions:** Inactive Sanctions are sanctions which are automatically applied to specific violations as described below for Level I, II, and III violations.

**\*\*Active Sanctions:** In keeping with our goal of making the student conduct process a redemptive and learning experience, in addition to their designated inactive sanctions, students are often required to complete an assignment that is designed to offer opportunities to develop new knowledge or skills, reflect on their experiences, and contribute to the community in some way. Some examples of these opportunities are written reflection papers, community service, mentoring, educational programs, engagement in alcohol/drug assessment and a requirement to follow up on recommendations, and counseling. Students who are a part of the Administrative Decision process will collaborate with the administrator as part of the process to determine relevant active sanctions.

### **Level I Violations**

- Quiet Hours
- Visitation - Less than 30 minutes with no behavioral issues
- Tobacco use
- Personalizing Rooms
- Fire Safety (Candles)
- Operational Rules
- Sports in halls
- Pet policy
- Missed mandatory meetings
- Computing
- Skateboard / Rollerblading in off limit areas
- Attire
- Being in the presence of alcohol but not consuming, distributing, etc.

These Level I Violations generally result in losing some privileges (e.g. visitation) and/or educational assignments. Students may also be assigned an active sanction as appropriate, and/or may receive a warning (for minor violations).

### **Level II Violations**

- Multiple Level I violations
- Visitation – Anything longer than a 30 minute period and/or problematic behavior and/or prior violation
- Respect for the Rights of Others
- Use, manufacturing and/or distribution of alcohol
- Abuse of student conduct process
- Disruption of university activities
- Failure to comply with directives of university officials
- Theft
- Property Damage / Vandalism
- Knowledge of unreported illegal drugs in living space

These Level II violations generally result in losing some privileges and being assigned active sanctions. In addition, a student is typically placed on Disciplinary Probation (depending on the severity of the violation and/or previous student conduct violations).

### **Level III Violations**

- Multiple Level II violations
- Providing, use or sale of a controlled substance



Level III violations generally result in immediate suspension from the university for one or two semesters. These can also result in expulsion from the university.

## SCOPE OF SANCTIONS

The scope for disciplinary sanctions is described below. The application of sanctions will reflect the seriousness of the incident and the community member's history of previous violations.

1. **Letter of Reprimand or Warning:** Written documentation of inappropriate behaviors or attitudes with a temporary record kept in the community member's file.
1. **No Contact Mandate:** University personnel may implement a No Contact Mandate at the request of a complainant *or* at the discretion of the University, according to the perceived need for boundaries and community impact.
3. **Loss of Privilege:** May include but is not limited to: loss of a privilege of participating in a University activity, in registration of vehicle, in visitation, or other matter. Graduating senior community members who violate University policies prior to graduation may lose the privilege of participating in senior activities and commencement ceremonies. The University may also implement the loss of supervisory and/or leadership roles at the University, or loss of eligibility for promotion.
4. **Random Room / Vehicle Checks & Drug Testing:** Students may be subject to random room and/or vehicle checks if they have been found responsible for violating University standards on alcohol or illegal drugs. They also may be subject to drug testing as a condition of their continued enrollment.
4. **Housing Restrictions:** Students may be required to abide by specific housing assignments which may include but are not limited to: on-campus housing permission only, assignment to a single residence (without roommates), assignment to off-campus housing, or change in housing assignment as determined by the University. Additionally, residential community members who are on disciplinary probation within 6 months prior to the off-campus housing application deadline are not eligible to apply to live off campus.
5. **Developmental/Educational Assignments:** May include but are not limited to: attendance at educational programs, personal essay, mandatory professional development, and written reflection on issues relevant to one's discipline case or involvement in a mentoring relationship.

6. **Assessment and Treatment:** Community members may be assigned to undergo professional assessment and relevant treatment as a condition for remaining in the community or as a condition for returning to the community.
7. **Fines:** A monetary fee imposed to deter and prevent activity detrimental to the community.
8. **Restitution:** A monetary fee imposed to compensate for loss, damage, or injury. This may take the form of appropriate service, monetary, or material replacement.
9. **Community Service:** Assignment to complete relevant, appropriate, and/or educational community service on or off campus.
10. **Disciplinary Probation:** A strong written reprimand. Notification is made to appropriate University officials: University-based financial aid may be reviewed, and community members in leadership positions (e.g., residence staff, SGA leaders, captains of intercollegiate athletics teams, ministry team leaders, supervisors, committee chairs, etc.) will be required to step down from their positions of leadership. Students in certain majors or programs will be subject to additional review by faculty within their academic discipline (e.g. Social Work, Teacher Education Program, Nursing, etc.). Community members who have applied to study abroad programs and/or cross-cultural courses will be subject to further review by appropriate University personnel.
11. **Ban from Campus:** Written notification to individuals: within the University community, closely affiliated with the University community, with prior affiliation to the University community, with intention to join the University community, and/or posing a threat of some kind to the University community. This notification indicates that the individual(s) in question are not permitted on University-owned property and/or to attend University events or activities. The University notifies local law enforcement of the implementation of a campus ban; should a campus ban be violated the University will notify local law enforcement and pursue action.
12. **Suspension:** Involuntary separation of students from the University for a specified period of time. For suspensions of less than one semester, the suspended student is normally required to spend the period of suspension at home. A permanent record is kept in University disciplinary files. Academic advisors, residence directors, classroom instructors, and parents are normally notified. For short-term suspensions which permit the student to complete the semester, no refunds are issued for days missed. As determined by the Community Standards Committee, exams or assignments which are due in this period of time will be considered "0's" and no credit will be given. Although absence from class and chapel is not excused, individual professors may take the initiative to permit students to make up work missed. For suspensions where the student is not permitted to complete the semester, any refunds are issued in

accordance with the withdrawal policy. For more information, please refer to the following web address:

[http://www.messiah.edu/offices/business/student\\_accounts/index.html#refund](http://www.messiah.edu/offices/business/student_accounts/index.html#refund).

13. **Withholding degree:** The University may withhold awarding a degree otherwise earned until completion of the process set forth in the disciplinary procedures, including the completion of sanctions imposed.
14. **Expulsion:** Permanent separation of the student(s) from the University. A permanent record will be kept in University disciplinary and academic files.

### **DISCIPLINARY WITHDRAWAL**

Students may seek permission for disciplinary withdrawal from the University after involvement in a serious violation of University rules and standards before official disciplinary action is taken. A permanent record may be kept in University disciplinary files. Academic advisors, residence directors, and parents are normally notified of the reason for withdrawal. Refunds are issued on a prorated basis and the administrative withdrawal fee is not charged. Conditions for readmission may include a personal interview, counseling, evidence of satisfactory academic work, and citizenship at another educational institution, evidence of satisfactory employment, or other conditions.

### **INTERIM SUSPENSION**

In certain circumstances, the Vice Provost for Student Success and Engagement or designee may impose an interim suspension prior to a hearing before a disciplinary officer or body. Interim suspension may be imposed: a) to ensure the safety and well-being of members of the University community or preservation of University property; b) to ensure the student's own physical or emotional safety or well-being; or c) if the student poses a definite threat of disruption of or interference with the normal operations of the University.

Please Note: Students who have been suspended, withdrawn, or expelled for disciplinary reasons are not permitted on campus without prior approval of the Vice Provost for Student Success and Engagement.

### **STUDENT RECORDS**

Student records involving Title IX violations, suspension or expulsion from the University will be part of a student's permanent educational record and will be retained in the Office of the Dean of Students. Records of any other violations or sanctions will be expunged from a student's confidential record three years after graduation.

## **APPEAL PROCESS**

1. A student wishing to appeal must submit a written appeal to the appropriate officer or body for appeals as identified in their decision letter within five business days of the date of the decision. The criteria for granting appeals are as follows:
  - a. A procedural error or irregularity materially affected the decision of the hearing officer or body;
  - b. Previously unavailable evidence is produced which will materially affect the decision of the hearing officer or body;
  - c. The decision is unsupported by a preponderance of the credible evidence; or
  - d. The sanction imposed is too severe in relation to the disciplinary violation.
2. The typical officer or body for appeals is as follows:
  - a. Student Review Board will hear appeals of cases originally decided by Residence Life staff, as well as appeals of fines imposed by residence staff and the Department of Safety.
  - b. University Review Board will hear appeals of cases originally heard by the Dean of Students or Student Review Board.
  - c. The Vice Provost for Student Success and Engagement will hear appeals of all cases originally heard by University Review Board.
3. In all cases, the decision of the officer or body hearing the appeal will be final.
4. The officer or body hearing the appeal has the option to decide the case solely upon written material provided by the student, or may review the record of the disciplinary hearing, examine evidence, and interview witnesses.
5. The officer or body hearing the appeal may uphold or reduce the original sanctions imposed but may not increase the sanctions. Upon production of previously unavailable evidence which may materially affect the decision of the hearing officer or body, the officer or body hearing the appeal may remand the case for a full or partial rehearing. A written decision will be rendered within seven working days of the conclusion of the review process.
6. Students placed on disciplinary probation may appeal their prohibition from serving in leadership positions after four months of being on probation. After four academic months, a student on disciplinary probation may submit an appeal to the Vice Provost for Student Success and Engagement in writing. The Vice Provost for Student Success and Engagement or designee will review the appeal with the student's academic advisor and Chair of the University Review Board. This

triumvirate may choose to interview the student or act on the written appeal alone prior to rendering a decision. A written decision will be rendered within seven working days of the conclusion of this review process.

### **AUTHORITY OF VICE PROVOST FOR STUDENT SUCCESS & ENGAGEMENT**

In extraordinary circumstances, the Vice Provost for Student Success and Engagement may initiate immediate disciplinary action without referring a student to a disciplinary hearing. Examples of such situations include potentially inflammatory or dangerous circumstances, violations occurring during breaks or vacations, situations involving off-campus parties, and situations where student or victim privacy rights are of particular concern. The Vice Provost for Student Success and Engagement will take such action in consultation with appropriate University officials.