

October 2011

## 6.103 Student Conduct

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# ANTIOCH UNIVERSITY

Type of Policy <input checked="" type="checkbox"/> <b>University</b> <input type="checkbox"/> <i>Campus</i> <input type="checkbox"/> <i>Department/Unit</i> <input type="checkbox"/> <i>Interim</i>		<b>Student Conduct</b>  <b>Policy 6.103</b>	
<b>Student Policies</b>		<b>Effective date: November 1, 2016</b>	
<b>Policy History:</b>	<b>Approved by:</b>	<b>Resolution #</b>	<b>Date</b>
Approved	Chancellor	N/A	February 22, 2011
Amended	Chancellor	N/A	October 25, 2011
Revised	Chancellor	N/A	October 27, 2016
Revised	Chancellor	N/A	April 26, 2019
<b>Responsible Office</b>	<b>Responsible Administrator:</b>	<b>Contact information</b>	<b>Applies to:</b>
Office of Vice Chancellor of Academic Affairs	Vice Chancellor of Academic Affairs	937-769-1890	All Students

## I. Introduction

### A. Community Expectations and Student Responsibility

1. Antioch University (“University” or “AU”) is committed to building a vibrant and inclusive educational environment that promotes learning and the free exchange of ideas. We seek to allow all students to take full advantage of the University’s academic resources and to develop the full range of their capabilities. Achieving the Antioch mission requires respectful engagement among members of the University community and a shared commitment to protecting the well-being of the community as a whole.
2. Students are expected to conduct themselves in the following manner:
  - a. Practice responsible citizenship and respect the rights of others;
  - b. Represent themselves and any documents that they may present to the University in an honest manner;

- c. Respect University property and the activities conducted at University facilities or University-sponsored events;
- d. Abide by all University rules, regulations, procedures, policies, and standards of conduct adopted by the University; and
- e. Abide by all criminal laws and regulations which affect the University's obligation to provide a safe and secure learning environment or which may potentially cause legal liability to the University.

3. All students must conduct themselves in a manner that preserves a safe and secure environment in which all individuals are able to pursue their academic endeavors. Each student is expected to practice responsible citizenship and to respect the rights of others. Each community member is responsible for her/his own actions and the conduct of her/his guests. Failure to abide by University rules and expectations are serious infractions that will likely result in disciplinary action within the University under the authority of this code of Student Conduct ("code").

## **B. Purpose**

1. The purpose of publishing disciplinary regulations is to give students and student organizations general notice of the required standards of conduct, the nature of prohibited behavior, and their rights and responsibilities during the disciplinary process. The purpose of campus disciplinary proceedings is to provide a forum through which the University will determine whether a student is responsible for violating University regulations. The code seeks to preserve the individual rights of students while ensuring that the interests of the entire University community are also maintained.

2. Disciplinary rules are intended to give students general notice of the nature of prohibited conduct. They are to be interpreted broadly to effect the above-stated purposes and shall not be regarded as an exhaustive list of misconduct for which discipline may be imposed.

## **C. Ultimate Authority for Student Discipline**

Ultimate authority for student discipline is vested in the Provost of each campus and the Chancellor of Antioch University, who may take immediate action at her/his discretion for any violation of University policies and procedures whatsoever. In all but the most extreme or urgent cases, however, disciplinary authority will be delegated to University administrators, faculty members, committees, and organizations as set forth in this code, or in other appropriate rules, regulations, procedures, policies, or standards of conduct adopted by the University.

## **D. Policy Application**

The code applies to the on-campus conduct of all students and registered student organizations. The code also applies to the off-campus conduct of students and registered

student organizations in direct connection with:

1. Academic course requirements or any credit-bearing experiences, such as internships, field experience, practicums, study abroad, student teaching, clinic residents or other off campus programs.
2. Any activity supporting pursuit of a degree, such as professional practice assignments;
3. Any activity sponsored, conducted, or authorized by the University or by registered student organizations;
4. Any activity that causes substantial destruction of property belonging to the University or members of the University community or causes harm to the health or safety of members of the University community;
5. Any conduct occurring within public or private areas near or adjacent to the campus. For purposes of this code, the conduct is “near” the campus if it is within the area for which the campus is required to report crime statistics under the Clery Act. This includes the immediate neighborhood of the University facilities; or
6. Any off campus conduct or behavior which reasonably suggests that the student may pose a potential danger to others or to self, or which would otherwise disrupt the learning environment, including, but not limited to, conduct that involves physical harm or abuse or the direct threat of physical harm such as homicide, attempted suicide, assault, kidnapping, robbery, arson, rape or sexual assault, criminal harassment or stalking, or unlawful possession, use, storage or manufacture of weapons or destructive devices.

The University reserves the right to administer the code and proceed with the hearing process even if the student withdraws from the University, is no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending. In order to ensure a safe and secure learning environment, AU employees must report criminal behavior such as that listed above, whether on or off campus, to the campus Provost and Office of University Counsel. The University has no obligation to assist in the legal defense of a student who is charged with engaging in criminal behavior. Furthermore, the University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community and to support the mission of the University. Such action may include taking appropriate disciplinary action for off-campus conduct which infringes upon to the University’s obligation to provide a safe and secure learning environment or which creates potential liability for the University.

## **II. Definitions**

As used in this code, the following terms shall have the meaning set forth below:

The term “**business day**” shall refer to any day on a campus or in a University-wide program in which the administrative offices of that campus or program are open, exclusive of Saturdays, Sundays, holidays or breaks in the academic terms of the campus or University-wide programs.

The term “**classroom**” shall refer to campus-based, field-based, or online settings in which students participate in University sponsored learning experiences.

The term “**code**” shall refer to this Student Conduct code.

The term “**committee**” shall refer to the Student Disciplinary Committee of the appropriate campus or University-wide program.

The term “**complainant**” shall refer to the party alleging a violation of the code in accordance with the procedures set forth herein.

The term “**complaint**” shall refer to the allegation made by a complainant of an alleged violation of the code.

The term “**charge**” (noun) shall refer to a formal allegation by the Chief Student Services Officer of an alleged violation of the code.

The term “**day**” shall mean a business day.

The term “**FERPA**” shall refer to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

The term “**instructional session**” shall mean a delineated period of time of formal instruction as determined by the instructional format, such as a classroom session, an online instructional unit, or a residency period.

The term “**may**” is used in the permissive sense; the term “**shall**” is used in the imperative sense.

The term “**respondent**” shall refer to the student against whom charges have been made.

The term “**student**” shall include any person admitted or enrolled at the University. The University has an interest in student conduct during a student’s matriculation or enrollment with the University, including any breaks in enrollment permitted by University policy. Students that are away from campus serving in internships, work study, practicums and other work experience venues required as part of their degree, remain subject to the University’s code.

The term “**University**” shall include all campuses and academic programs of the University.

The term “**University-wide programs**” shall refer to those programs not associated with any

particular campus of the University, including the PhD in Leadership and Change program and Antioch Education Abroad.

### **III. Code of Conduct and Behavior Subject to Disciplinary Action**

Students are expected to be responsible for their actions and to conduct themselves in accordance with the Policies, Procedures, Rules and Regulations of the University. Violations of the code shall be grounds for disciplinary action, including possible suspension or expulsion from University programs.

The following are examples of prohibited behaviors and activities which may result in disciplinary action under this code. Commission of or attempts to commit these acts, supporting others in the commission of these acts, or failure to prevent one's guests from committing these acts may be treated as violations of this code. Once again, this list is not exhaustive and is intended to give students general guidance as to the types of conduct that may result in disciplinary action. This list shall be interpreted broadly using common sense and ordinary meaning to fully effectuate the purposes of this code.

The general guideline for conduct is that students must not engage in any conduct that impairs the reasonable freedom of other persons to participate in the life of the University, pursue their studies or teaching, or carry on the ordinary and lawful operations of the University.

#### **A. Violations of the Criminal Laws, Professional and Ethical Standards, and University Policy**

Students shall not engage in conduct that:

1. Violates any local, state or federal criminal laws or regulations proscribing conduct or establishing offenses which infringe upon the University's obligation to provide a safe and secure learning environment for its students and employees or which may potentially create civil or criminal liability to the University.
2. Violates any professional standards or ethical codes of conduct relevant to the profession for which the student is seeking a degree, which codes of conduct and ethical standards are specifically incorporated herein by reference. Students are expected to be familiar with all relevant codes of conduct and ethical standards related to their degree field, including any University policy or procedure on clinical competence.
3. Violates any other specific Policy, Procedure or Rule of the University as published in the University's Policies, which policies are incorporated by reference in this code, including, but not limited to, the University's policies regarding the following behaviors:
  - a. Sexual offense;
  - b. Drug and alcohol abuse;
  - c. Academic dishonesty;
  - d. Technology usage;
  - e. Unlawful harassment;

- f. Conduct while studying outside the United States under the auspices of a University program

**B. Physical Violence or Injury to Others**

Conduct that physically harms, or might reasonably be regarded as a threat to the physical safety, health, or well-being of another individual or individuals, including, but not limited to the following examples:

1. Assault or battery of another;
2. Threats of violence or intimidation of another;
3. Hazing of any member of the University community. Various states in which the University operates have criminalized hazing. Hazing is typically defined as doing any act or coercing another, including the victim, to do any act or initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person. (See for example Ohio Revised Code §2307.31);
4. Stalking of another including any pattern of behavior which causes another to reasonably believe that the offender will cause that person physical or mental harm;
5. Acts of sexual offense as defined by law or the Sexual Offense Policy including, but not limited to, rape, sexual assault, sexual imposition, or sexual harassment;
6. Robbery of another; or
7. Possession, use or manufacture of any unlawful firearms, dangerous weapon (such as knives, swords and martial arts weapons), destructive or lethal device or hazardous materials on University premises or at University-sponsored events.

**C. Damage to Property of the University or Others**

Interference with the property rights of the University or other members of the University community, including, but not limited to the following examples:

1. Theft, misappropriation or malicious or reckless damage to property of the University or other members of the University community;
2. Trespass, including any forcible or unauthorized entry into or presence in a University building, or any part thereof;
3. Receiving or possessing stolen property of the University or another member of the University community which one knows or has reason to know is stolen;
4. Vandalism, misuse, unauthorized use, destruction, defacing, disfiguring, or



malicious or reckless damaging of University property or that of other members of the University community;

5. Embezzling, defrauding or procuring any money, financial aid, goods or services under false pretense or misrepresentation;
6. Unauthorized use of the University name, trademarks or trade names;
7. Unauthorized use or access to or copying of the property of others including, but not limited to computers, keys, written materials in whatever form, including electronically stored data, passwords, emails, notes, journals or academic papers;
8. Intentionally or recklessly misusing or damaging any fire or safety equipment or warning devices;
9. Arson or attempted arson or detonation or ignition of any object or substance including fireworks or flammable or hazardous materials in or surrounding University facilities or at University-sponsored events;

**D. Behaviors that Interfere with the University Mission and Community Function**

Conduct that interferes with or disrupts the mission or functions of the University or its representatives including, but not limited to the following:

1. Conduct which obstructs or disrupts teaching, learning, administrative functions or freedom of movement in any program, classrooms or other facilities of the University or in connection with any University-sponsored activity or event including any unauthorized occupation of facilities or blockage of access or ingress and egress to such facilities, programs, meetings or events of the University;
2. The primary responsibility for managing the classroom environment rests with the faculty. Therefore, failure to comply with the directions and reasonable requests of faculty or University personnel acting in the performance of their duties, including any order to leave the University premises or any portion thereof, is prohibited;
3. Unauthorized entry or occupation of University facilities;
4. Conduct that is unreasonably disorderly, lewd, profane, indecent, disrespectful, vulgar, insubordinate, or offensive to others. This prohibition is not intended to limit the free expression of ideas appropriate to an academic environment;
5. Any unauthorized trespass upon University property; or
6. Intentionally initiating or causing to be initiated any false report, warning or

threat of fire, explosion, or other emergency on University premises or at University-sponsored activities.

**E. Abuses related to University Records and Documents**

- 1 Forgery, alteration, unauthorized use of or misrepresentation on any University documents, student records and identification cards, including the giving of any false information related to the student's application for admission, enrollment and financial aid at the University; or
- 2 Unauthorized access or copying of records of the University including student records of any individual.

**F. Abuses Related to Breach of Individual Rights and Privacy**

- 1 Defamation, libel or slander of any member of the University community;
- 2 Any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without the person's knowledge or consent when such recording is likely to cause legal injury or distress;
- 3 Any breach of the confidentiality of student records protected by FERPA;
- 4 Any intentional initiation of a false complaint, grievance or disciplinary proceeding against an individual of the University community or intentionally providing perjured, false, misleading or incomplete information as part of any such proceeding;
- 5 Any breach of any University policy regarding all forms of unlawful harassment; or
- 6 Any breach of the academic policies on integrity and honesty.

**IV. Sanctions**

Sanctions should be commensurate with the violation(s) found to have occurred. The University may take into account any mitigating or aggravating factors including, but not limited to, any provocation for the offensive conduct, any past misconduct by the student and prior disciplinary action, any failure of the student to comply with previous sanctions, the actual and potential harm resulting from the violation, the intent and motivation of the student in committing the violation, and the severity and pervasiveness of the conduct. Misconduct motivated by bias based on race, color, national origin, sex, age, religion, disability, gender identity or expression, sexual orientation or veteran status may be considered an aggravating factor for sanctioning. Impairment resulting from the voluntary use of alcohol or illegal or illicit drugs may be

considered an aggravating, not mitigating factor. The following disciplinary sanctions may be imposed for violation of the Student Conduct Code.

- A. Emergency Removal.** A faculty member or any University administrator may remove a student from a classroom or facility for one instructional session or one instructional day when the student's behavior is disruptive to the classroom or school environment, poses a possible imminent danger to the safety, health or well-being of others or otherwise requires immediate action. Failure of the student to immediately obey such a directive will result in possible criminal trespass charges and more serious disciplinary action including possible dismissal. The removing faculty or administrator shall immediately notify the Chief Student Services Officer or designee, Provost, and the Academic Unit Head of the action and initiate a student discipline complaint.
- B. Interim Suspension.** An interim suspension from the University pending the outcome of disciplinary proceedings may be imposed by the campus Provost if, after a preliminary investigation, it reasonably appears that the student poses a potential threat to the safety, health or well-being of others. For University-wide programs, an interim suspension may be imposed by the Vice Chancellor of Academic Affairs or the Chancellor. Any imposition of such an Interim Suspension shall follow the procedures set forth below regarding investigation and hearings.
- C. Disciplinary Warnings and Reprimands.** Action may be taken to admonish warn or to reprimand a student for violation of University rules, regulations, procedures, policies, standards of conduct, or orders. Warnings and reprimands must always be made in writing and shall include a statement that continuation or repetition of the specific conduct or other misconduct will normally result in more serious disciplinary sanctions: restitution, disciplinary probation, suspension, or dismissal.
- D. Restitution.** An individual student may be required to make restitution for damage or other loss of property and for injury to persons. Restitution may include monetary as well as educational or service sanctions. Failure to fulfill restitution or to make in writing University-approved arrangements to fulfill restitution will result in cancellation of the Student's registration and will prevent the student from registering with the University.
- E. Disciplinary probation.** A student may be placed on disciplinary probation (meaning formal conditions are imposed on a student's continued attendance) for violation of University rules, regulations, procedures, policies, standards of conduct, or orders. The time period and conditions, if any, for the disciplinary probation shall be specified. Disciplinary probations serve as a warning to a student that further misconduct may result in suspension or dismissal from the University.
- F. Suspension.** A student may be suspended from the University for violation of University rules, regulations, procedures, policies, standards of conduct, or orders. The time period and conditions, if any, for the suspension shall be specified. Suspension serves as a warning to a student that further misconduct may result in dismissal from the University.

**G. Dismissal.** A student's enrollment in the University may be terminated for violation of University rules, regulations, procedures, policies, standards of conduct or directives. A student who is dismissed from the University will not be considered for re-enrollment.

**H. Forfeiture.** In addition to other sanctions, a student who participates in hazing of another shall forfeit any entitlement to state funded grants, scholarships, or awards for a specified period of time.

A suspension or dismissal is considered a serious sanction and, except as provided in paragraphs 1 and 2 above, will be imposed only after the completion of the formal hearing process provided for in this code.

A student who is suspended or dismissed from the University shall be denied all privileges afforded a student and shall be required to vacate the campus at a time designated in the notice of suspension or dismissal. Thereafter, a student may not enter upon University premises at any time, for any purpose, in the absence of an express written permission from the CSSO of such campus or program or the CSSO's designee.

## **V. Student Discipline Process and Authority**

There are a variety of individuals and groups within each campus and University program that have responsibility for enforcing the code. Listed below are the decision-makers who have been given authority to serve within the disciplinary system and a brief description of their roles.

**A. Chief Student Services Officer.** Each campus shall designate a Chief Student Services Officer. The Chief Student Services Officer (CSSO) on each campus shall act as the primary agent for the University within that campus in carrying out all student disciplinary functions. If the CSSO is also the Provost, then the Provosts may delegate responsibilities related to carrying out student disciplinary functions. The CSSO, or his/her designee, (hereinafter simply referred to as the CSSO) is specifically responsible for receiving the initial complaints of an alleged violation, interviewing the complainant, and performing the initial informal investigations. The CSSO is responsible for directing those charges which appear to have merit to the Student Disciplinary Committee for a formal hearing and determination.

**B. Student Disciplinary Committee.** Each campus and University program shall have a standing Student Disciplinary Committee, appointed by the Provost of each campus or University-wide program, which shall be responsible to conduct formal hearings of alleged violations of the code, to interpret the code and make determinations of any alleged violations, and recommend appropriate sanctions. Each campus or University-wide program will establish and publish the composition of its Student Disciplinary Committee. At a minimum, the Student Disciplinary Committee shall be composed of the following individuals.

1. The Chief Student Services Officer, who will chair the committee;

2. Two Core Faculty members, appointed by the Provost, with at least one of them being outside the program in which the student is enrolled; and
3. One member of the student body, as appointed by the Provost.

The name and contact information of the CSSO is to be published and updated regularly. In the event of a conflict of interest by a member of the committee, the Provost will identify and appoint a temporary substitute member of the committee.

## VI. Procedures for Disciplinary Sanctions

### A. Filing a Complaint

1. **Process.** Persons witnessing or experiencing what they believe to be a possible code violation should provide a University official with the information. The contact information for such officer on each campus or program is listed below. It may not be possible to adjudicate anonymous complaints because of the need to adhere to reasonable evidentiary standards and due process. Therefore, community members should take seriously their obligation to report violations and participate in the resulting proceedings.

(Revised 01/02/19)

Campus	Chief Student Services Officer	Telephone Number	E-mail address
Los Angeles	Sandy Lee	310-578-1080 Ext. 447	<a href="mailto:slee2@antioch.edu">slee2@antioch.edu</a>
Midwest	Karen Crist	937-769-1335	<a href="mailto:kcrist@antioch.edu">kcrist@antioch.edu</a>
New England	Barbara Andrews	603-283-2147	<a href="mailto:bandrews@antioch.edu">bandrews@antioch.edu</a>
Santa Barbara	Ryan Kasmier	805-962-8179 x 5105	<a href="mailto:rkasmier@antioch.edu">rkasmier@antioch.edu</a>
Seattle	Mensima Biney	206-441-5352	<a href="mailto:mbiney@antioch.edu">mbiney@antioch.edu</a>
Antioch Online and Graduate School of Leadership & Change	Karen Crist	937-769-1335	<a href="mailto:kcrist@antioch.edu">kcrist@antioch.edu</a>

2. **Timing.** In cases of an Emergency Removal, the complaint shall be filed by the removing faculty member or administrator within 24 hours after the Emergency removal

occurred or the beginning of the next business day, whichever is later. In cases where warranted, the University may contact law enforcement for assistance.

In all other cases, complaints must ordinarily be filed within 10 business days from the date of the alleged incident. The Chief Student Services Officer may determine exceptions on a case-by-case basis, up to a maximum of 12 months from the alleged incident, depending upon the severity and nature of the incident and the need to protect the safety and well-being of all members of the University community. In cases involving possible violations of criminal law, information and/or complaints shall also be provided to local law enforcement authorities.

## **B. Investigation**

1 **Process.** The CSSO of each campus or University program shall conduct an investigation of the complaint. The investigation will normally begin with an interview of the complainant, in which s/he will be given an opportunity to present an account of the alleged violation, the names of other witnesses and other relevant facts. Thereafter, the respondent shall be advised in writing, typically by University email, of the allegations against him/her and shall be given an opportunity to present information on his/her own behalf. A respondent will ordinarily be asked to make an appointment with the CSSO to discuss the allegations. A respondent who fails to respond to the opportunity to present information on his/her own behalf, will be deemed to have waived the right to do so and a decision about interim sanctions or further proceedings will be based upon the information available to the CSSO.

2 **Results of the Investigation.** Based upon the investigation, the CSSO has the authority to determine whether an alleged behavior might reasonably have constituted an infraction of the code and whether there is sufficient information to proceed with a formal charge. Only the CSSO may initiate a formal charge. After thoroughly reviewing the information available, the CSSO may take one of the following actions:

a. **Dismiss the Complaint** if the matter or allegation is deemed trivial or there does not appear to be sufficient evidence of a violation to warrant further proceedings. In such circumstances, written notice of the dismissal and reasons therefore shall be sent to the complainant.

b. **Issue a Formal Charge** and proceed to an informal hearing before the CSSO. The informal hearing process is reserved for less serious violations which are not likely to result in suspension, interim suspension or dismissal. In all cases, a student charged with violation of the code has a right to a formal hearing. However, through the informal hearing process, the University and student shall attempt to resolve the dispute administratively without referral to Student Disciplinary Committee. In the event that the student and the CSSO are not able to agree upon a resolution, the CSSO can

issue a decision and sanctions, from which the student may appeal as provided below.

c. **Issue a Formal Charge** and proceed to a formal hearing before the Student Disciplinary Committee. For violations of a more serious nature which have resulted in an interim suspension or which may potentially result in dismissal or later suspension, the CSSO shall immediately refer the charge to the SDC for a formal hearing.

3. **Interim Suspension.** The CSSO may impose an Interim Suspension pending the final outcome of disciplinary proceedings if it reasonably appears, following a preliminary investigation, that the respondent poses a significant risk of substantial harm to the safety, health or well-being of himself or others or to property. For University-wide programs, an Interim Suspension may be imposed by the Vice Chancellor of Academic Affairs or the Chancellor. In the case of an Emergency Removal, the CSSO should typically conduct a preliminary investigation within 2 business days of the removal. In such cases, a respondent should be advised by University email of the charges and given an opportunity to provide information on his/her own behalf by telephone interview or email. A respondent who does not reply to the email within the preliminary investigation period, will be deemed to have waived the right to do so and a decision about interim sanctions or further proceedings will be based upon the information available to the CSSO. If an interim suspension is imposed, the matter shall immediately proceed to a formal hearing in accordance with the procedures set forth below. Notice of the Interim Suspension shall immediately be served upon the respondent.

#### **D. Informal Hearing**

An informal hearing is scheduled when the CSSO finds that there is reason to believe that the alleged conduct occurred and that such conduct is a violation of the University's code of conduct. This process does not follow a judicial model, but instead is established to promote fair and equitable treatment within an academic setting.

1. **Notice of Informal Hearing.** After a formal charge is issued by the CSSO, s/he shall serve upon the respondent the following information:

- a. A copy of the charge;
- b. A copy of the Student Conduct Policy; and
- c. Notice of the date, time and place for the informal hearing.

2. **Preliminary Matters.** During the Informal Hearing, the CSSO shall meet with the respondent and explain the nature of the charges, the process of the investigation and disciplinary proceedings, and the respondent's rights and responsibilities. The respondent shall also be advised that s/he shall not retaliate in any way against the complainant and any such retaliation shall be grounds for additional disciplinary action, including possible suspension or dismissal from the

University. Finally, the respondent shall be advised that the proceedings will be conducted in as confidential a manner as may be consistent with a thorough hearing.

3. **Respondent's Response.** The CSSO shall then give the respondent an opportunity to present any information s/he may wish to present in response to the allegations. The respondent may bring a support person to the meeting with him/her but such support person shall not respond to the charge on behalf of the respondent. The respondent's credibility is at issue and the response to the charges must be in his/ her own words. Respondent's refusal to answer questions about the allegations will be subject to reasonable inferences, including the inference that the charges are indeed true.

4. **Other Witness Interviews.** If after concluding the interview with respondent, it appears that there may be other relevant witnesses, the CSSO may proceed with further witness interviews as part of the informal hearing. Written statements signed by witnesses may be obtained as part of the hearing record. If witness interviews lead to additional information not heretofore addressed by the respondent, s/he should ordinarily be given an opportunity to further read and respond to the statements. Respondent does not have the right to be present during such interviews or to confront or cross examine witnesses. Respondent may not have copies of the investigation file but may review the file upon reasonable notice to the CSSO, consistent with any requests for anonymity.

5. **Decision.** Following the informal hearing and after consultation with the Provost, the Chief Student Services Officer shall take one of three actions.

a. Dismiss the charge if there does not appear to be sufficient evidence of a violation to warrant further proceedings. In such circumstances, written notice of the dismissal shall be sent to the complainant; or

b. For violations of less serious natures, (not involving dismissal or suspension), render a determination and impose any appropriate sanctions. Notice of the decision shall immediately be served on the respondent.

c. If, after the informal hearing, it appears that suspension or dismissal may be appropriate, the CSSO may move the matter to the Student Disciplinary Committee for a formal hearing in accordance with the procedures set forth below. The CSSO shall also forward a copy of the investigation file to the members of the Student Disciplinary Committee.

d. If the respondent fails to appear at the informal hearing, s/he will be deemed to have waived his right to present information on his behalf and a decision will be made based upon the information available to the CSSO.



6. **Appeal Rights.** The respondent (and the complainant in a case brought under Antioch's Sexual Harassment, Sexual Violence and Sexual Misconduct Policy 4.607) shall have the right to appeal any sanction imposed at an informal hearing to the Student Disciplinary Committee and request a formal hearing pursuant to the procedures set forth below.

a. **Notice of Appeal.** Written notice of appeal must be served on the CSSO within 5 business days following receipt of the CSSO decision.

b. **Cancellation of Appeal.** In the case of an appeal of the decision of the informal hearing, a student may request to cancel the formal hearing once scheduled. Written notice of the request to cancel the formal hearing (thereby confirming acceptance of the informal hearing sanctions) must be served on the CSSO at least 5 business days prior to the formal hearing date.

#### **E. Formal Hearing**

1. **Notification of a Hearing.** As indicated above, a charge may come before the Student Disciplinary Committee in one of four ways: (1) immediately upon the issuance of a notice of Interim Suspension by the CSSO; (2) immediately after a preliminary investigation and upon the issuance of a formal charge by the CSSO for a serious charge in which suspension or dismissal is warranted; (3) upon the conclusion of an informal hearing in which the CSSO then believes suspension or dismissal may be appropriate; or (4) upon receipt of a notice of appeal by the respondent following an informal hearing and decision of the CSSO in which discipline other than a suspension or dismissal was imposed. Without undue delay the Chair of the Student Disciplinary Committee shall serve upon the respondent the following information:

a. A copy of the charge;

b. A copy of the Student Conduct Policy; and

c. Notice of the date, time and place for the formal hearing. In any case involving an interim suspension pending the outcome of the formal hearing, the hearing must begin no later than 10 business days after the suspension was imposed unless this requirement is waived by the respondent in writing.

#### **F. Student Disciplinary Committee Procedures**

1. The Chair of the Student Disciplinary Committee shall:

a. Convene a meeting of members of the committee to review the Complaint Affidavit, the investigation file and any associated documentation, and to formulate a list of witnesses and questions to be asked in the formal hearing process.

b. Convene a hearing in which the committee will interview the complainant, respondent and other relevant witnesses as deemed necessary by the committee chair. Where possible or appropriate, interviews will be in person, but telephone or video conferencing may be utilized. The hearing may be adjourned and reconvened by the committee as necessary to complete its duties.

2. All members of the Student Disciplinary Committee are expected to attend all scheduled meetings. In the event of extenuating circumstances which prevent full participation, the committee may grant itself permission to proceed without all members present.

#### **G. Respondent's Rights During the Formal Hearing**

During the formal hearing conducted by the Student Disciplinary Committee, the respondent has the following rights:

1. The right to be present for the interviews of witnesses, except that in cases in which there is evidence of intimidation or a potential for retaliation, the committee has the authority in its sole discretion, to determine whether the respondent will be present during the interview of the complainant or other witnesses.

2. The right to bring a support person to assist him at the hearing. If the respondent wishes to bring an attorney to the hearing, the request must be made a minimum of 7 business days in advance of the hearing, the request must be approved by the University, and the University may require the presence of University Counsel. Respondent's counsel may not respond to questions directed at the respondent and shall not unduly interrupt or interfere with the committee's investigation.

3. The right to identify witnesses who can provide relevant information on his/her behalf. The respondent will be required to provide a list of witnesses a minimum of 7 business days in advance of the hearing. The committee shall have discretion to call any such witnesses as it deems appropriate.

4. The right to present his/her own testimony and other documentary information on his/her behalf in response to the charges or any testimony of other witnesses. The respondent will be required to provide any documentary information that will be presented on his/her behalf a minimum of 7 business days in advance of the hearing.

5. Respondent does not have the right to call witnesses without the committee's approval, cross examine witnesses, confront his accuser, or to be present during the deliberations of the committee.

6. If the respondent fails to appear at the formal hearing, a decision will be made without respondent's input and in respondent's absence.

## **H. Complainant's Rights**

During the proceedings for disciplinary action, the complainant shall have the following rights:

1. When an allegation of inappropriate conduct is filed with the Office of the Chief Student Services Officer, the complainant will receive confirmation of receipt of the complaint.
2. Throughout the proceedings, the safety and security of the complainant will be considered of utmost importance.
3. Complainant may bring a support person with him/her to the informal and/or formal hearings. If the complainant wishes to bring an attorney to the hearing, the request must be made a minimum of 7 business days in advance of the hearing, the request must be approved by the University, and the University may require the presence of University Counsel. Complainant's counsel may not respond to questions directed at the complainant and shall not unduly interrupt or interfere with the committee's investigation.
4. The complainant will be kept advised on the progress of the complaint or charge on a need-to-know basis, as determined by the Chief Student Services Officer.
5. The respondent will be advised of the prohibition against retaliatory behavior and complainant will be encouraged to report any such behavior. The complainant will be advised upon the completion of the process that the matter has been resolved as may be consistent with the respondent's rights under FERPA. FERPA prohibits disclosure of the nature of sanctions imposed.

## **I. Student Disciplinary Committee Report of Findings and Recommendations**

1. The SDC shall prepare a Report of its factual findings and recommendations for any disciplinary sanctions to the Academic Dean (or Provost's designee, if the campus does not have an Academic Dean). In those cases in which the student is on Interim Suspension, the report shall be filed with the Academic Dean within five (5) days following the conclusion of the formal hearing.
2. Within a reasonable amount of time, the Academic Dean shall either accept, reject, or modify the Student Disciplinary Committee's recommendation, and notify the Chief Student Services Officer of the decision. In cases in which the respondent is on an Interim Suspension, the decision of the Academic Dean shall be issued within 5 business days of the Report from the SDC.
3. Immediately after a decision by the Academic Dean, the CSSO shall notify the student shall be notified in writing of the decision and his/her rights to appeal.

4. With respect to University-wide Programs, the report and recommendations of the Student Disciplinary Committee shall be directed to the University Provost's designee to accept, reject or modify the recommendations.

**J. Right to Appeal Outcome of Formal Hearing**

1. A student against whom a finding of a violation of the code has been determined (or a complainant in a case brought under Antioch's Sexual Harassment, Sexual Violence and Sexual Misconduct Policy 4.607) may appeal to the Provost of his/her respective campus or to the University Provost for University-wide Programs, on any one or more of the following grounds.

- a. Procedural errors substantially affecting the fairness of the hearing.
- b. Misapplication or misinterpretation of the code section alleged to have been violated;
- c. Abuse of discretion or acting in an arbitrary and capricious manner. Under this standard, the Provost shall not disturb the factual findings of the SDC unless it is determined that they have no reasonable basis.
- d. That the disciplinary sanction imposed is grossly disproportionate to the violation.

Notice of any such appeal must be served in writing to the Provost's office for the respective campus (or the Chancellor's office for University-wide programs) within 5 business days after the date of notification to the student of the decision of the Academic Dean or University Provost's designee.

2. Upon receiving an appeal from a decision of the SDC, the Provost shall accept, reject or modify the decision. If there is evidence of significant procedural irregularities in the process of conducting the formal hearing or an abuse of discretion in the decision, the Provost may require that a new Student Disciplinary Committee be formed and a new formal hearing be held. Notice of the decision shall be provided in writing to the respondent, the SDC, and the Chief Student Services Officer within a reasonable period of time following initiation of the Appeal. The decision of the Campus or University Provost is final.

**VII. Miscellaneous**

**A. Notice and Service.** Whenever in this policy notice or service is required, such notice or service shall be deemed effective upon (1) personally handing it the other party, (2) sending it to the party's University email account or (3) placing it in the US mail, postage pre-paid to the last known address of such party. Other than notices of appeal, the notice requirements of this policy are directory and not jurisdictional. Failure to provide notice on a timely basis will not deprive the University of the right to proceed with disciplinary action.

**B. Records.** All records of student conduct proceedings constitute “student records” within the meaning of FERPA and shall be maintained as confidential student files by the Office of the Provost. Such records shall be disclosed only on a need-to-know basis in compliance with respondent’s FERPA rights. If a student applies for admission to an Antioch University program other than the program in which the student was originally admitted, records related to student conduct hearing(s) may be shared with the receiving Antioch University campus.

**C. Records Retention.** All records of code violations shall be retained for 15 years from the date of the respondent’s graduation or last matriculation. Records of any charges from which the student was exonerated shall be immediately purged from the respondent’s official student records and forwarded to the Provost for retention in accordance with this policy. Such records shall be retained for 5 years.

**VIII. Policy Cross Reference**

<b>Sexual Harassment, Sexual Violence and Sexual Misconduct Policy</b>	<b>Policy # 4.607</b>
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