

Hope College Judicial System

Questions about this policy may be directed to Dr. John Jobson, Associate Dean of Students and Director of Residential Life and Housing or Dee Campanella, Associate Director of Residential Life and Housing, 395-7800

The Hope College judicial system exists to respond to alleged violations of campus policies and regulations by individuals or student organizations. Although not a formal court of law, the judicial system provides students with the right to know what charges have been brought against them, the right to know who brought the charges, and the right to a fair hearing. If a student or student organization is found responsible for violating a policy or regulation, a sanction will be imposed which intends both to instruct the student or student organization as to their role in the community, and to discourage further violations of college policies or regulations. A finding of responsibility is determined by preponderance of the evidence (or more likely than not.)

As a consequence of being found “responsible” for violating Hope College policy(s), students’ permission to participate in off-campus study programs, mission trips, or college-sponsored trips may be affected. Additionally, students’ on-campus living options may be restricted and request for exceptions to the Housing Policy may be denied.

Student behavior problems which are referred to the Student Development staff are dealt with by the college Student/Faculty Judicial Board, an administrative hearing officer, a Residential Life Coordinator, or another member of the Student Development Staff. The customary referral process is as follows and as is outlined on the following page. Please note that although “student” is used, the following also applies to student organizations.

1.0 A referral is made by a member of the Hope College community, including students, Residential Life staff, Campus Safety officers, faculty, or staff by completing a Documentation Form found on the Student Development website

2.0 A law enforcement officer may make a referral by submitting either a Documentation Form or other form documentation that is suitable for use in civil or criminal court proceedings.

3.0 Individuals who are neither a member of the college community nor law enforcement officers, who wish to file a complaint against a student should contact Hope College Campus Safety. The Director of Residential Life and Housing, the Dean of Students, or their designee may approve the participation of those who are neither a member of the Hope College community nor law enforcement officers as witnesses in the college judicial process.

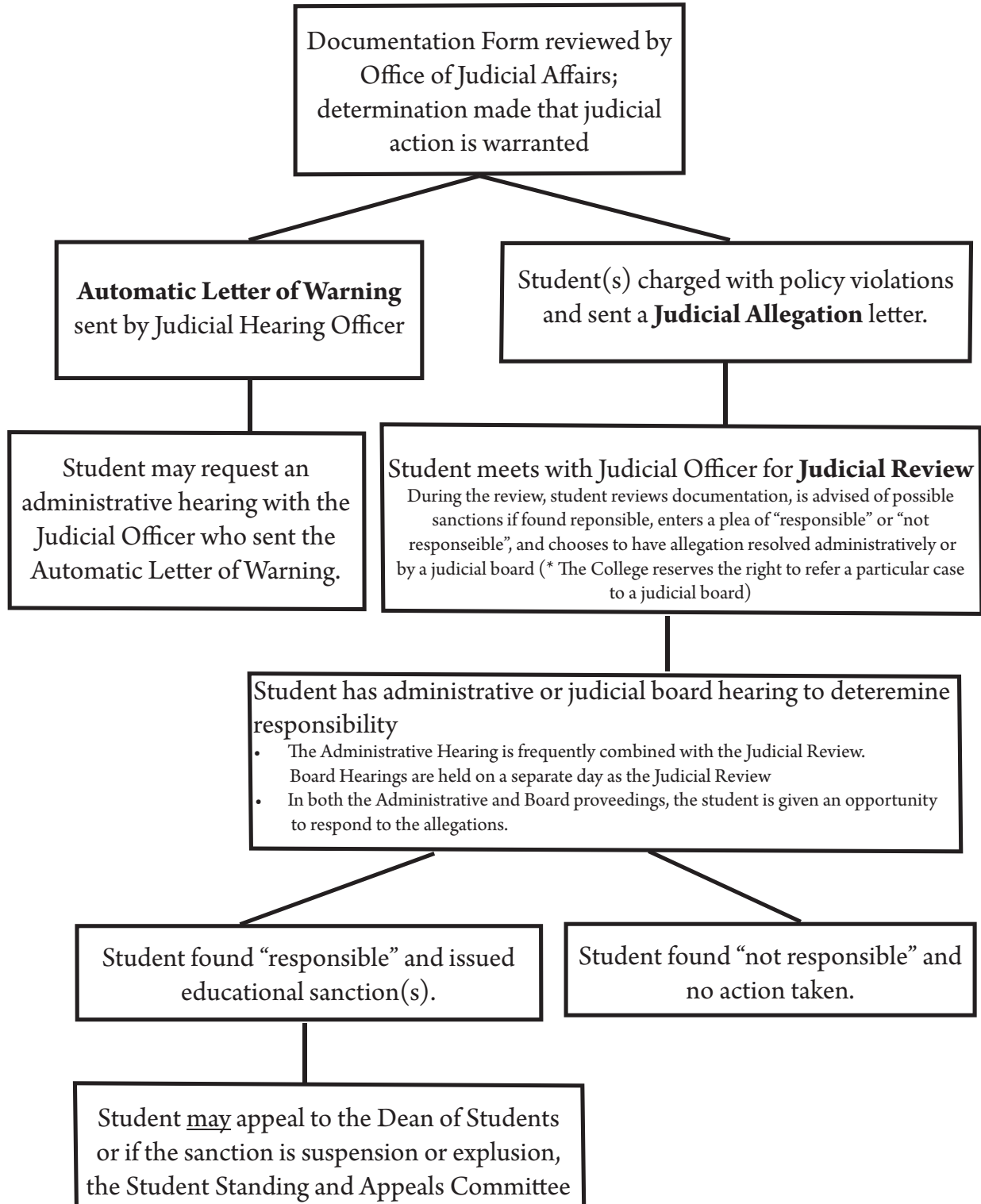
4.0 Once a student has been named in an allegation of college policy they will receive written notification to meet with a Judicial Officer for a Judicial Review within three (3) working days of notification. Failure to meet for the Initial Judicial Review will result in the student being charged with 5.1, Failure to Comply. The case will be processed and a decision made without the student’s input.

The Judicial Review is when the student will be informed as to the charges being brought against them, the judicial process and their rights. The student will be asked to plead responsible or not responsible to the charges. If a Student/Faculty Judicial Board hearing is necessary, the student will be informed at this time.

In cases where there is shared jurisdiction between the Greek Judicial Board and the Student/Faculty Judicial Board, the Director of Residential Life and Housing and the presidents of Panhellenic and Interfraternity Council will discuss where the case should be heard, or if it should be heard by both boards (since they serve different jurisdictions). If a decision cannot be reached, the group may consult with the Dean of Students.

Judicial Process Flowchart

Incident Flowchart



Prior to any hearing, the student is encouraged to review their rights, which are listed in the Student Handbook and at www.hope.edu/student/development/policies.

Judicial Review

The Judicial Review is a meeting in which the student and the judicial officer will discuss the incident and the alleged violations. During the judicial review, the student will be informed of the specific policy/policies that they are alleged to have violated, review the supporting documentation, provide input as to how the case may be resolved (either administratively or a formal hearing before the Student Faculty Judicial Board.), and enter a plea (responsible/not responsible) to each of the allegations.

Administrative Hearing

1. The judicial officer hears the case and decides if the student is responsible or not responsible. The accused student may present witnesses. This will typically be accomplished by the judicial officer making contact with the witnesses. Additionally, the individual(s) reporting the incident and/or witnesses listed in the documentation may be contacted.
2. The judicial officer will inform the student of the decision by letter. If the decision is to recommend suspension, that recommendation is forwarded to the Dean of Students since a judicial officer does not have the authority to impose such a sanction.
3. In addition to the student in question, the student's Resident Director shall be notified of the outcome.

Student/Faculty Judicial Board

The Student/Faculty Judicial Board is composed of students (one of whom serves as a Judicial Board Coordinator) and faculty members. Student Judicial Board members are selected through an application and interview process coordinated by the Advisor to the Board.

Students who are on Probation Level II or Withheld Suspension may not serve on the Board. The Advisor to the Board will serve as a resource to the Board, but without voting power. This Advisor will be designated by the Director of Residential Life and Housing. In the event that all board members are not available at the scheduled time of the hearing, the hearing may be held by those board members in attendance.

Judicial hearings are open only to Board members, the Board's Advisor, the respondent, his/her advisor, his/her witnesses, and the complainant(s), and any witnesses for the complainant(s). The Board has the right to separate witnesses. A simple majority vote of the members present at the hearing is required for a decision.

1. The student will have scheduled a hearing with the Student/Faculty Judicial Board within five (5) working days of the Judicial Review.
2. The respondent and the complainant who authored the incident report will be present. Each may present witnesses to the Board.
3. The Board will make a decision as to the student's responsibility for the charges and determine appropriate sanctions. If the decision is to recommend suspension, that recommendation is forwarded to the Dean of Students since the Student/Faculty Judicial Board does not have the authority to impose such a sanction.
4. The Board will inform the student of the decision by letter.
5. In addition to the student in question, the student's Resident Director shall be notified of the outcome.

Appeals

Students have the right to appeal all disciplinary decisions that are made in Judicial Reviews or by the Student/Faculty Judicial Board. There are two means of appeals for students; one is the Student Standing and Appeals Committee and the second is the Dean of Students. Appeals to the Student Standing and Appeals Committee are only for disciplinary decisions or unsatisfactory academic progress that results in the suspension or expulsion of a student. All other decisions are appealed to the Dean of Students.

Both the Student Standing and Appeals Committee and the Dean of Students will review appeals on three criteria:

1. The evidence did not warrant a finding of responsibility.
2. The sanction was too severe.
3. Due process was not followed.

An appeal process is NOT simply another hearing but a review to establish the appeals merit. Appeals are not automatically granted on the basis of the letter submitted by the student. Establishing the appeals merit is the burden of the student.

Appeals to the Vice President of Student Development and Dean of Students:

1. A letter must be submitted stating the rationale for appeal to the Dean of Students within seven (7) working days of notification of the disciplinary action.
2. The Dean of Students will review the letter of appeal to determine if there is sufficient justification to grant a hearing on the appeal.
3. If the Dean of Students believes there is sufficient justification in the letter of appeal, a meeting may be scheduled within five (5) working days of the receipt of the letter to review the appeal. Both the student making the appeal and person(s) who made the decision may be included in a meeting.
4. The Dean of Students will deliberate in private and can make the following decisions: overturn the entire decision, uphold the decision but modify the sanction, or uphold the entire decision. Upon reaching a decision the Dean will notify both parties in the appeal.
5. A formal letter from the Dean of Students, stating his/her decision, will be sent to the student. *The decision of the Dean of Student is final.*

Appeals to the Student Standing and Appeals Committee:

1. A letter must be submitted stating the rationale for appeal to the Vice President for Admissions within seven (7) working days of the students notification of the suspension or expulsion.
2. The Student Standing and Appeals Committee will review the letter of appeal to determine if there is sufficient justification to grant a hearing on the appeal.
3. If the Student Standing and Appeals Committee believes there is sufficient justification in the letter of appeal, a meeting will be scheduled to review the appeal. Both the student making the appeal and person(s) who made the decision will be present to discuss the appeal. Upon reaching a decision the Committee will notify both parties in the appeal.
4. A formal letter from the Student Standing and Appeals Committee, stating its decision, will be sent to the student within five (5) working days of the appeal meeting. *The Student Standing and Appeals Committee decision is final.*

Student Judicial Records

The only people with access to a particular incident report include Judicial Officers (e.g. Residential Life Coordinators), the Director of Residential Life and Housing and the Dean of Students; member(s) of the College community whom the Dean of Students or Director of Residential Life and Housing determine has a need to know; Student Development support staff; the student's Resident Director; and the person who filed the complaint. General judicial records will be released to other interested groups or individuals only if the student allows

such disclosure in writing. All student records are protected under the Family Educational Rights and Privacy Act (FERPA); a copy of this Act is available from the Assistant Director of Residential Life and Judicial Affairs.

To view the complete Family Educational Rights and Privacy Act (FERPA) please go to the following website:
www.hope.edu/about/policies

Note: Hope College will make disclosures without consent upon request to officials of another school in which a student seeks or intends to enroll.

Summary Suspension

Summary Suspension is when the college asks a student to leave the campus community immediately for behavior or conduct that is unacceptable. The authority to place a student on Summary Suspension is vested in the President. The President has authorized the Dean of Students or the Dean of Students' designee to utilize this authority

a) Conduct-Based Summary Suspension may be instituted for students whose conduct is seriously endangering the safety, health, or morals of the student or persons within the college community. Summary suspension also may be instituted when the student's behavior or conduct impairs the proper functioning of the college. A judicial allegation must be part of the conduct-based summary suspension and the suspension will remain in effect until an outcome has been reached through the college judicial process. In certain cases where the behavior is extremely flagrant, an assessment of the individual may be requested.

b) Health-Based Summary Suspension may be instituted for students who: Are dangerous to themselves or others, cannot satisfactorily attend to their needs, or whose presence on campus exacerbates their condition. The college may require medical, psychological, or other types of assessments as a condition of remaining at the college. The health-based summary suspension will remain in place until the circumstances are effectively addressed, and documentation from appropriate medical/mental health professionals has been received by the Dean of Students and reviewed by the Assistant Dean for Health and Counseling; Director of Counseling and Psychological Services.

Summary Suspension decisions may be made in consultation with the student, appropriate college faculty/staff, and the student's parent or guardian. Students will be notified of summary suspension decisions in a timely manner and, when appropriate, both in-person and in writing.

Student Judicial Rights

1. The right to a written statement of the charges in order for him/her to prepare a defense.
2. The right to have a faculty, staff, or student body member present to serve as an advisor during the hearing. The advisor may only speak with the accused student, and may be asked to leave by the Board or Judicial Hearing Officer if his/her presence is perceived as one of interference.
3. The right to know who brought the charges, and knowledge of evidence against oneself.
4. The right to provide witnesses and evidence in one's own behalf.
5. The right to decline to make self-incriminating statements or appear at a hearing. Silence or non-presence is not to be interpreted as evidence of responsibility.
6. The right to a timely decision. This decision will be given in writing and, depending on the situation, in-person or via telephone.
7. The right to not be tried twice for the same offense in the same judicial system.
8. The right to appeal the decision based on any of the following reasons:
 - a) The evidence of responsibility did not warrant a finding of responsibility;
 - b) The sanction was too severe;
 - c) Due process was not followed.

9. The right to have access to the record of the hearing in order to present a case in the appeal. The record will remain in the custody of the college. In the case of Student/Faculty Judicial Board the hearing will be recorded. A recording of a hearing with a Judicial Hearing Officer can occur at the student's request.
10. The right of disclosure. Decisions in judicial hearings are based on "preponderance of evidence." Information regarding a student's past conduct may be presented at the hearing for the determination of appropriate sanctions should he/she be found responsible for the present complaint. His/her past conduct may not be used, however, in determining violations. All proceedings are confidential.

Sanctions

Sanctions for both administrative decisions and those by the Board include, but are not limited to, the following:

Primary Sanctions

Letter of Warning

An official letter of warning is placed in the student's judicial file.

Probation Level I:

Probation set for a specific length of time. If a student is found in violation of any College policy during that time, a more serious sanction will be imposed.

Probation Level II:

Probation set for a specific length of time. Students on Probation Level II may be removed from leadership positions in student organizations. Any student found in violation of this level of probation will have a more serious sanction imposed, usually withheld suspension.

Withheld Suspension:

The most serious form of discipline short of suspension. This sanction means that if a student is involved in a violation of any College policy during the stated period of time, he/she may be immediately suspended from the college.

Suspension:

A set length of time when a student may not be involved in any aspect of the college. This includes courses, housing and campus activities. A student may apply for readmission at the end of the suspension period.

Expulsion:

A student is dismissed from the College permanently.

Secondary Sanctions

(in addition to primary sanction levels)

Community Restitution:

A student works in the surrounding community for a nonprofit organization which is recognized by the college as a proper placement. The student is expected to complete the assignment within a specific amount of time.

Failure to complete an assignment by the date indicated will result in the following:

- any remaining hours will be doubled
- if already expired, the probationary status will be extended
- a hold will be placed on the student's account prohibiting him/her from registering for additional classes.

These sanctions will remain in effect until the community service hours have been completed.

Alcohol EDU:

This is an online alcohol education program and will be completed by the student.

Parental Notification:

According to the Family Educational Rights and Privacy Act (FERPA), the college may notify the student's parent or guardian if the student is found responsible for an alcohol or drug violation. Parental notification is to be used

as a tool to assist the student in addressing the issue concerning alcohol or drugs. The following process will be used when notifying parents of incidents. Parental notification can only occur through the Associate Director of Residential Life and Housing, Director of Residential Life and Housing, or the Dean of Students.

1) The student will be given the opportunity to contact their parent or guardian themselves within a time frame given by the Associate Director of Residential Life and Housing, Director of Residential Life and Housing, or the Dean of Students.

2) After the student has contacted their parent or guardian to inform them of the incident, the student will again meet to discuss the notification and confirm the action.

3) If the student does not contact their parent or guardian within the time frame given, the Associate Director of Residential Life and Housing, Director of Residential Life and Housing, or the Dean of Students will contact the parent or guardian unless special reasoning can be presented.

To view the complete Family Educational Rights and Privacy Act (FERPA) please go to the following website: www.hope.edu/about/policies

Fines:

Fines are assessed in response to disciplinary incidents and are deposited in the general fund of the College. The following fines have been established to provide consistency. The College is not limited to these fines but uses them as a guideline. They are in addition to any restitution which may arise from the same incident. Students requesting to replace a fine with community service hours may be granted that request.

- gaining access to a roof \$50
- housing pets (fine and/or cleaning charges) \$50
- unauthorized alteration of college property \$50

Restitution:

A student may be held responsible for repair, cleaning or replacement costs associated with the violation he or she is found responsible for violating.

Withheld Removal from Housing:

This sanction means that if a student is involved in a violation of any college policy during the stated period of time, he/she may be immediately removed from college housing.

Housing:

A student's current and future housing status may be changed if such an action is deemed beneficial for either the college or the student.

Loss of Meal Privileges:

In the case of food fights or disruption of food service operation, meal privileges may be revoked with no restitution.

Referral for Alcohol/other Drug Assessment:

A student experiencing a problem with alcohol and/or other drugs may be referred for an assessment, and required to participate in an alcohol/other drug education program.

Educational Sanction:

The administrative hearing officer or board may decide to issue a sanction, within reason, that will be beneficial in assisting the student to understand the impact of their behavior on the community. *This may include but is not limited to:*

- Writing a research paper or reflective piece relevant to the violation.
- Meeting with a faculty or staff member to discuss items relevant to the violation.
- Develop an action plan to deter further violations.
- Develop a program or publicity campaign relevant to the violation.

Failure to Complete Sanction:

Students who fail to complete any part of their sanction (e.g., community service hours, fine, alcohol assessment) by the prescribed date may be subject to either one or a combination of the following options:

- Student Development hold flag will be placed on their records. This hold does not allow a student to register for classes or graduate. It may also affect their opportunity to have priority in the housing process.
- Community service hours will be doubled.
- A fine will be placed on their account.
- Additional charges of failing to comply with the request of a college official could be filed.

Withhold College Services:

All services, including wages, registration, charging, reserving rooms or transportation, and any other services will be withheld until the student complies with the sanction.

Student Behavior and Policies

Questions about this policy may be directed to Dr. John Jobson, Associate Dean of Students and Director of Residential Life and Housing or Dee Campanella, Associate Director of Residential Life and Housing, 395-7800

Philosophy

The Policies at Hope are agreements among the members of the College community. The Campus Life Board, composed of students, faculty, and staff, has the responsibility of making recommendations concerning standards that govern student behavior. Hope's policies are designed to enhance the campus environment and are provided in a spirit of consideration for others. The college will strive to support students as persons and affirm their self-worth and dignity in matters of policy enforcement. Our goal is to help all students grow and mature socially as well as academically and spiritually.

Although some of these standards are more strict than found in society as a whole, campus residences accommodate many more people in close quarters than other living environments in society. Thus, some regulations have been established to assist in providing an atmosphere that is conducive to learning and offers restrictions designed to enhance the quality of campus life.

General Information

Either individual students or a student organization can be charged with violating policies. For the sake of clarity only individuals are typically referred to in the policies, but all policies do apply to student organizations as well. Charges against an individual for a particular event do not preclude charges being filed against an organization for the same event.

Students charged with violating any college regulation will have the opportunity to present their version of events through the campus judicial system.

Students are also responsible for their guest's actions; all guests are expected to abide by college policies. Students are subject to disciplinary action (including payment of damages) if their guest violates college policies.

Students may also be responsible for violating a regulation if they attempt to commit or are accessory to any act which will violate college regulations.

1.0 Alcoholic Beverages

Hope College upholds state and local laws regarding the possession and consumption of alcoholic beverages. The concepts listed below are for your consideration:

- a) Michigan's drinking age is 21; therefore, most college students cannot drink alcohol legally.
- b) Alcohol use inhibits individuals from functioning at full capacity.