



## Student Conduct Process

Westmont desires to be a redemptive community. In order for this to occur, the college believes that students need the opportunity to learn and grow through accepting responsibility for their actions. While correction within a community is sometimes a difficult, awkward and painful process, it can and should be an opportunity for significant growth in students' lives.

### Initiating Student Conduct Proceedings

Student conduct proceedings are initiated when the dean of students (which, for all purposes described in this section, includes his or her designee) receives an incident report regarding alleged student misconduct. After this information is received, a preliminary review will take place to determine whether enough information exists to warrant a student conduct meeting. In most cases, the review is as simple as reading an incident report submitted by student life staff on the alleged misconduct. However, a review could also include interviewing witnesses or obtaining other documentation of the incident. The student facing allegations of misconduct will be notified of the alleged misconduct and given the opportunity to respond. In most, but not all, instances, notification will be communicated no more than five business days following the dean of students' receipt of information concerning the student's alleged misconduct.

At the conclusion of the preliminary review, the dean of students will determine whether enough evidence exists to hold a student conduct meeting. If enough evidence does not exist, then no further student conduct action will be taken. If it is deemed that enough evidence exists, the dean of students will initiate a student conduct proceeding using either the Administrative or Student Conduct Panel Resolution (see section below).

### Student Conduct Proceedings with Student Reporting Party

The following section describes the process used when the alleged violation is not only a violation of college policy, but also involves a student complainant (i.e. harassment, physical assault, theft, etc.). For information related to bias, harassment and discrimination incidents on someone in a protected class, refer to the college's [Bias, Harassment and Discrimination Policies and Procedures](#). For information related to allegations of sexual harassment, sexual assault, stalking, dating or domestic violence, including a complete policy with definitions and an explanation of the procedures that the college will follow in such cases, refer to the [Unlawful Sexual Misconduct Policies and Procedures](#).

Upon receipt of a report whether oral or written of an alleged violation, the dean of students will begin a preliminary investigation to determine if there is enough information to merit a conduct meeting regarding the allegation. As part of the preliminary investigation, the dean of students will meet with the reporting party and the responding party separately to explain the student conduct process and obtain from each a written statement and list of witnesses, if any, who have information pertinent to the incident.

The dean of students will also determine whether interim measures should be invoked. The purpose of interim measures is, to the extent possible, to ensure the safety of all persons involved, reduce concerns for personal, physical, and emotional safety and overall prevent creation of a hostile environment for the

individual and the community. Interim measures may include, but are not limited to, residence hall relocations; restrictions to campus housing or other campus locations and activities; alternative class assignments or classrooms; interim suspension.

After a prompt and effective preliminary investigation of the allegation, a determination will be made by the dean of students whether or not enough information exists to hold a conduct meeting. If a decision is made that not enough evidence exists, it is not necessarily or even usually based on the accuracy of the charges but rather on the strength of the information available. In other words, if a case does not result in disciplinary action against the respondent, it does not mean there is not a victim.

If the dean of students determines that enough information exists to hold a conduct meeting, he or she will forward all relevant information to the appropriate student conduct body depending upon the type of resolution chosen by the dean of students (Administrative or Student Conduct Panel). The complainant and respondent will generally be given at least twenty-four (24) hours advance notice for Administrative Meetings, and seventy-two (72) hours advance notice of the scheduled meeting time for Student Conduct Panel Meetings.

Students are expected to participate in the student conduct process when they are called as a reporting party, responding party or witness to a meeting. Should a student fail to appear for a meeting when proper notification has been given or should the student fail to provide a statement during the conduct process, the meeting will proceed without benefit of that student's input. Conduct meetings will be scheduled taking into consideration the student's regular academic schedule only.

### **Rights of the Individual Alleging the Violation (Reporting Party)**

- The right to make a report which will initiate the student conduct process.
- The right to a timely student conduct meeting after filing a report (cases reported just prior to the end of a semester may be delayed by the semester break).
- The right to a support person of her or his choice in consultation with the dean of students (or designee), who will assist the individual through the student conduct process.
- The right to pursue his or her educational experience while the student conduct process is still pending free from harassment by the responding party or individuals connected to the responding party. Anyone who feels the responding party or individuals connected to the responding party has inappropriately contacted them should immediately contact the dean of students.
- The right to confront opposing information.\*
- The right to provide witnesses and information pertaining to the case.
- The right to be informed as soon as possible of the outcome of the conduct process.
- The right to confidentiality of the student conduct process to the extent possible.
- The right to request academic schedule adjustments or other academic assistance for missed classes or exams or help with rearranging coursework.
- The right to request a change of on-campus residence if both you and the accused live in residential housing, or you may request that the accused be moved pending a student conduct meeting.
- The right to request a no-contact order for the respondent as an interim measure through the student conduct process.

- The right to on-campus emergency counseling sessions with a member of the Counseling and Psychological Services staff.
- The right to seek off-campus medical and counseling services.
- The right to seek assistance from a member of the Counseling and Psychological Services staff in a client relationship or the campus pastor in a confessor relationship.
- The right to file a police report and take legal action separate from and/or in addition to the student conduct process.
- The right to have legal counsel present if the conduct matter involves actual or potential criminal charges. In no case may counsel speak or take an advocacy role during the proceedings. Legal counsel present serves as the support person (not in addition to the support person).
- The right to appeal the outcome of the student conduct meeting.

### Rights of the Individual Accused (Responding Party)

- The right to receive written notice of the charges.
- The right to a timely student conduct meeting after being notified of the report (cases reported just prior to the end of a semester may be delayed by the semester break).
- The right to a support person of her or his choice in consultation with the dean of students (or the dean's designee) who will assist the individual through the student conduct process.
- The right to pursue his or her educational experience while the student conduct process is still pending free from harassment by the reporting party or individuals connected to the reporting party. Anyone who feels the reporting party or individuals connected to the reporting party has inappropriately contacted them should immediately contact the dean of students.
- The right to not be required to give incriminating evidence (the college may make negative inferences from the accused student's decision to not give testimony).
- The right to confront opposing information.\*
- The right to provide witnesses and evidence pertaining to the case.
- The right to be informed as soon as possible of the outcome of the student conduct meeting.
- The right to confidentiality of the student conduct process to the extent possible.
- The right to on-campus emergency counseling sessions with a member of the Counseling and Psychological Services staff. The right to seek confidential assistance from a member of the Counseling and Psychological Services staff in a client relationship or the campus pastor in a confessor relationship.
- The right to seek outside counseling support.
- The right to have legal counsel present if the conduct matter involves actual or potential criminal charges. In no case may counsel speak or take an advocacy role during the proceedings. Legal counsel present serves as the support person (not in addition to the support person).
- The right to appeal the outcome of the student conduct meeting.

### \*The Right To Confront Opposing Information

The right to confront opposing information does not mean that students have the right to directly confront, question or speak to witnesses. The right to confront opposing information means that the respondent and the complainant (when applicable) have the right:

- To view one another's written statements submitted to the investigator prior to the conduct meeting.
- To be verbally informed during the conduct meeting of relevant and material, opposing information communicated to or discovered by the investigator during the course of the investigation.
- To be verbally informed during the conduct meeting of relevant and material, opposing information communicated by any witness during the conduct meeting.

Relevant and material information is information directly related to the merits of the violation alleged that when considered would influence the decision maker(s) in reaching a decision.

## **Support and Legal Counsel in Student Conduct Proceedings**

### **Support**

Parents, relatives and friends are not permitted during student conduct proceedings under this policy. However, students are strongly encouraged but not required to choose—upon approval of the dean of students—a faculty or staff member to support them during student conduct proceedings. The faculty or staff member chosen may be present at any time during the proceedings but is not an advocate for the student in the proceedings and may not address the student conduct body or speak on behalf of the student. The faculty or staff member chosen may speak with the student privately and in a manner that is not disruptive.

### **Legal Counsel**

The responding party and the reporting party (when applicable) have the right to have legal counsel present only if the conduct matter involves actual or potential criminal charges. However, in no case may counsel speak or take an advocacy role during the proceedings.

Students may not have both a support person and legal counsel present during proceedings. Any support person or legal adviser participating in the proceedings under this policy is obligated to maintain the confidentiality of the nature of the allegation(s), the content of the student conduct process, and the privacy of the reporting party, responding party and any witnesses.

## **Types of Student Conduct Proceedings**

There are two types of student conduct proceedings:

1. Administrative Resolution, and
2. Student Conduct Panel Resolution.

Regardless of which proceeding is used, the responding party will not have the right to question any witness or reporting party (if applicable), but will have the opportunity to confront opposing information (see previous section titled “Confronting Opposing Information”). If the responding party refuses to answer questions at the meeting on grounds of their Fifth Amendment privilege, or if they choose not to

attend the meeting, the meeting may proceed without benefit of that student's input, and the student conduct body may draw negative inferences that may result in sanctions.

The details of each procedure and an explanation for when each procedure will be used are described below.

### Administrative Resolution

The Administrative Resolution proceeding is used in most cases and occurs when the Dean of Students determines the nature and circumstances of the alleged violation does not warrant Student Conduct Panel resolution. The Administrative Meeting is conducted by one or two student life staff members, referred to as "student conduct officers." If, for some reason, the student responding to the alleged violation does not feel comfortable with the student conduct officers assigned to the administrative resolution, the student may request to the Dean of Students that alternative student conduct officers be assigned to their conduct meeting.

### Administrative Meeting

At the time of the student conduct meeting, the student facing allegations of misconduct will meet with the student conduct officer to respond to allegations of misconduct. The student may request that the student conduct officer receive written statements from any potential witnesses. The student conduct officer will review all written statements but is not required to meet with any witnesses.

### Decision

Following prompt, full and effective inquiry into the merits of the information obtained, the student conduct officer will make a decision as to whether it is more likely than not that the student has violated college policy and impose sanctions if appropriate. Any sanction(s) given will be set forth in writing and delivered to the student. In most cases, notification of sanctions will be communicated no more than five business days following the decision to impose the sanction(s). In some cases due to scheduling challenges, the time may be extended.

### Student Conduct Panel Resolution

The Student Conduct Panel Resolution proceeding is used when the Dean of Students determines that the nature and circumstances of the alleged violation of college policy warrant resolution by a meeting conducted by the Student Conduct Panel.

### Student Conduct Panel

The Student Conduct Panel is composed of a minimum of three student life staff who have been trained to investigate and resolve student conduct cases. One of the panel members will be the staff member who conducted the initial investigation. The Dean of Students serves as the chair of the Student Conduct Panel. The chair's role is to facilitate the Student Conduct Panel proceeding and ensure compliance with the process and procedures outlined below. A staff member from the student life office (who does not

serve on the panel) may also be present to take notes during the Student Conduct Panel's meetings with any witnesses.

It is expected that Student Conduct Panel members will exhibit the highest ethical standards and disqualify themselves if they believe they cannot be impartial or fulfill their obligation to maintain the confidentiality of the process and the dignity and privacy of the responding party, the reporting party (if applicable), and any witnesses before, during and after the conduct meeting. The responding party and reporting party (if applicable) may raise issues of concern about the impartiality of a member of the Student Conduct Panel convened for a particular case. The vice president for student life has the sole discretion to decide whether a Student Conduct Panel member can be impartial and will remove anyone whom he/she determines is unable to be impartial and/or respectful of the confidentiality of the process and privacy of the individuals involved.

### **Before the Student Conduct Panel Meeting**

#### *Submission of Documentary Information*

Prior to any Student Conduct Panel meeting, the responding party and, if applicable, reporting party may offer documentary information in support or defense of the allegation. The Student Conduct Panel Chair will inform the parties of the deadline for the submission of such information. Information submitted after the deadline will generally not be accepted unless prior permission from the Chair is received. It is within the discretion of the Chair to determine whether extenuating circumstances warrant an exception to the deadline communicated. The Student Conduct Panel Chair will review all information submitted and return all documents that are not relevant or material to the allegation or that are submitted after the deadline when no exception to timely submission is warranted.

#### *Inspection and Review of Documentary Information*

The Student Conduct Panel Chair will assemble for the responding party, reporting party (when applicable) and Student Conduct Panel's review, all documentary information related to the allegations. Documentary information will generally consist of, but is not limited to:

- A statement of the specific allegations to be resolved by the Student Conduct Panel.
- A written summary of the investigation conducted.
- All relevant and material statements and documents collected by the investigator.
- All relevant and material statements and documents submitted by the responding party and reporting party (if applicable).

#### *Notification of Student Conduct Panel Meetings*

Within seven days of the Student Conduct Panel's review of documentary information, the Student Life office will notify the responding party and the reporting party (if applicable) of the time and date of its first witness meeting. Generally the parties will receive seventy-two (72) hours advance notice of the scheduled meeting time for their respective meetings with the Student Conduct Panel. While participation in the Student Conduct process is voluntary, students are expected to participate in the student conduct process upon request. Should a student fail to appear for a meeting when proper

notification has been given or should the student fail to provide a statement during the conduct process, the meeting will proceed without benefit of that student's input. Meetings with the Student Conduct Panel will be scheduled taking into consideration students' regular academic schedules only.

A responding party or reporting party (if applicable) who believes a member of the Student Conduct Panel presents a conflict of interest or who in some way is incapable of making an impartial decision in the case before the Student Conduct Panel should report the information to the Dean of Students who will inform the vice president for student life of the potential conflict. The vice president for student life will make the decision as to whether recusal is appropriate.

Student Life is committed to prompt resolution of all student conduct proceedings. However, in some cases, such as ensuring the thoroughness of the review or to permit time for students to secure legal counsel, the Dean of Students will permit a short delay of the proceedings.

### Student Conduct Panel Meeting

Once convened by the Chair, the Student Conduct Panel may conduct several meetings as part of its proceedings under this policy. In addition to its meetings with the reporting party (if applicable) and responding party, the Student Conduct panel may meet with all, some or none of the witnesses identified in the documentary information it receives.

The responding party and the reporting party (if applicable) will not have the right to directly question one another or any other witnesses (if applicable), but will have the opportunity to confront opposing information (see previous section titled "Confronting Opposing Information"). If a student refuses to answer questions at the meeting on grounds of their Fifth Amendment privilege, or if they choose not to attend the meeting, the meeting can still take place, and the panel may draw negative inferences that may result in sanctions. Student Conduct Panel meetings are private. As a general rule, the Student Conduct Panel will meet with the following individuals over the course of one or more days:

1. The Reporting Party
2. The Responding Party
3. Any witnesses requested by the Student Conduct Panel

Each of these will meet individually with the Student Conduct Panel when called by the panel. Each party's designated adviser may join the party when she/he meets with the panel.

Prior to the Student Conduct Panel deliberations, the Chair will give members of the panel the opportunity to ask follow up questions of the responding party, the reporting party (if applicable) and any witnesses previously met. Therefore, all participants should remain available for recall prior to the Student Conduct Panel's deliberations.

### Deliberation

At the conclusion of its meetings, the Student Conduct Panel will deliberate in private, and, weighing all of the available information, the Student Conduct Panel will determine whether it is more likely than not that a violation of college policy occurred. This level of proof is commonly referred to as a



“preponderance of the evidence.” This level is a lesser level than that used in the criminal justice system, which requires that a case be established “beyond a reasonable doubt.” The Student Conduct Panel will determine one of the following appropriate findings by majority vote:

- a. It is more likely than not that the alleged violation occurred, and the responding party is responsible; the Student Conduct Panel will impose sanctions, as appropriate; or
- b. It is more likely than not that the alleged violation did not occur and the responding party is not responsible; or
- c. There is not sufficient information available to make a determination.

**Note:** In the event of a finding of (b) or (c) is reached by the panel, the finding is not necessarily based on the accuracy of the charges but rather on the strength of the information available.

### Outcome

The chair of the Student Conduct Panel will communicate the findings of the Student Conduct Panel to the responding party and the reporting party (if applicable) in writing generally within seven (7) business days. Unavoidable delay in providing notice of outcome shall not constitute an appealable procedural error.

### Sanctions

Students often ask what happens when a college policy is violated. The short answer is that our hope is to provide as redemptive a process as possible. We all make mistakes. In fact, learning from our mistakes is one of the ways we learn. Most of the mistakes students make won't keep them from continuing as a student at the college, but it will often require some action as a means of accountability and to encourage different decisions in the future. Our goal is to provide clear expectations and a supportive environment to encourage students to live within the guidelines we have agreed upon as a community.

With that in mind, the following section lists some examples of student conduct violations that differ in levels of seriousness and the more common resulting sanctions (consequences). This list is not exhaustive, but it serves as a guide in the student conduct process. In reviewing each violation, the following variables will be considered to determine the range of appropriate sanctions and whether or not additional sanctions may be imposed beyond this general framework: attitude and/or truthfulness of student when confronted and throughout the student conduct process, prior student conduct violations, impact of the violation on the community, when the misconduct occurred, and whether or not the student came forward to assume responsibility.

### Level I Violations

Generally result in losing some privileges (e.g. open hour visitation) and/or a fine. Students may also be assigned an active sanction\* as appropriate, or may receive a warning (for very minor violations).

- Repeated noise violation
- Open hour violation
- Tobacco on campus



- Candle hazard
- Dining commons behavior
- Sports in the halls
- Pet policy violation
- Harassment

### Level II Violations

Generally result in losing some privileges and being assigned active sanctions\*. In addition, a student is typically placed on Student Life Probation or Deferred Suspension (depending upon the severity of the violation and/or previous student conduct violations).

- Three Level I violations during a 12 month time period
- Alcohol violations
- Possession or use of controlled substance
- Sexual misconduct
- Harassment
- Abuse of the student conduct process
- Disruption of college activities
- Hazing
- Failure to comply with college official
- Failure to complete assigned sanctions
- Property damage/vandalism

### Level III Violations

Generally result in an immediate suspension from the college for one or more semesters. Can also result in expulsion from the college.

- Harassment
- Assault (physical or sexual)
- Providing or sale of a controlled substance
- Theft
- Multiple Level II violations in the same incident (based on severity of the violations)

**\*Active Sanctions:** In keeping with our goal of making the student conduct process a redemptive and learning experience, 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, and counseling.

Sanctions may also include, but are not limited to one or more of the following:

- **Formal apology.** A written and/or verbal apology to the offended party/parties.
- **Restitution.** Compensation for loss, damages or injury. This may take the form of completing appropriate service and/or monetary or material replacement.

- **Fines.** Previously established and published fines may be imposed.
- **Parental Notification.** Parental notification may be required as a sanction through the student conduct process, and is generally required as a result of violations of the alcohol or drug policy. Parental notification will occur if a student is claimed as a dependent and is either found responsible for any Level III violation, placed on deferred suspension, suspended or expelled.
- **Drug testing.** Students who violate the drug policy are generally required to participate in random drug testing for a period of time.
- **Loss of privileges.** Denial of specified privileges for a designated period of time. Loss of privileges includes, but is not limited to, open hours, vehicle permit, living in residence halls or off-campus, entering the dining commons, withholding transcripts, and attending or participating in college programs or activities (such as athletic events, intramurals, music performances, drama productions, intercollegiate athletics, graduation exercises, student leadership positions, club activities, off-campus study programs, summer travel programs, etc.).
- **Warnings.** Verbal or written notification that a student's conduct should not continue, and similar violations of college policy with result in more serious sanctions.
- **Notice of Reprimand.** A written notification that a student's conduct was inappropriate for a member of the college community. The notice of reprimand lets a student know that similar violations of college policy will likely result in further restrictions such as, but not limited to, Student Life probation or deferred suspension. A recent notice of reprimand may, but does not always, restrict a student's ability to participate in certain leadership positions, and certain activities such as study abroad programs, or other activities in which the student is representing the college. A notice of reprimand is treated as educational counseling—rather than a disciplinary sanction—for the purposes of reporting to agencies outside the college.
- **Student Life probation.** A period of review during which the student must demonstrate the ability to comply with the Community Life Statement and other college policies or requirements. Probation status takes away the privilege of holding certain student leadership positions. Probation may, but does not always, restrict a student's ability to participate in activities such as study abroad programs, or other activities in which the student is representing the college. Students are typically placed on Student Life probation for 15 or 30 weeks of the academic calendar. Violations that occur during the probation period may lead to further restrictions such as, but not limited to, extension of the probationary period, deferred suspension, or suspension from the college.
- **Deferred suspension.** Deferred suspension is a period of review during which the student must demonstrate an ability to comply with the Community Life Statement and other college policies or requirements. If, during the period of deferred suspension, the student is found responsible for a similar or more serious violation, the student will be suspended from the college (the suspension may be imposed immediately with the loss of the current semester). Deferred suspension status takes away the privilege of holding certain student leadership positions. Deferred suspension may, but does not always, restrict a student's ability to participate in activities such as study abroad programs, or other programs in which the student is representing the college. Students are placed on deferred suspension for 15 or 30 weeks of the academic calendar. If, during the period of the deferred suspension, a student is found responsible for a Level I violation, the period of the deferred suspension for the student will be extended.
- **College suspension.** Separation of the student from the campus for a specified period of time, after which the student is eligible to return. While suspended, students may not be on campus or participate in any college related event. Length of suspensions may vary from one or more days

to one or more semesters. The timing of the suspension will not occur at the convenience of the student. The Academic Policies and Procedures state, "Faculty are not permitted to provide make-up opportunities or alter established class schedules for suspended students. Where this creates a hardship for students, they are to be referred to the dean of students." Conditions for the student's return to campus may be specified. If a student is suspended for the remainder of a semester or the entire semester, they must re-apply for admission to the college.

- **College expulsion.** Permanent separation of the student from the college.

### Interim Sanctions

Under either Student Conduct proceeding, while the investigation is being conducted, and based upon the information received by the dean of students regarding the matter, the dean of students may take any one or more of the following actions: Impose immediate interim sanctions pending a final determination in the matter, including, but not limited to: no contact orders; removal from the residence halls; suspension from campus, classes, or Westmont-related off campus events.

The interim sanction will remain in effect until it is otherwise revoked by an appropriate representative of the college or expires by its own terms.

### Failure to Complete Sanctions

As is noted in a student's decision letter given at their sanction meeting, failure to complete all sanctions by the deadline given is a Level II violation and therefore results in further sanctions. Sanctions given as a result of missed deadlines may include, but are not limited to, the extension or addition of probationary status, additional sanctions being assigned, or registration cancellation (depending on timing during semester).

### Sanctions and Student Records

Student conduct sanctions are maintained in the student's confidential record in the student life office and may be disclosed to other college personnel with a legitimate educational interest in the information in accordance with the Family Educational Rights and Privacy Act of 1974. Student conduct sanctions are not part of the student's academic transcript but shall become part of the student's student conduct record. A student's student conduct record is cumulative over the course of his or her academic career. Student conduct records other than reportable Clery Act or Title IX offenses, or the imposition of sanctions involving college suspension or expulsion shall be expunged from the student's confidential record within one year of graduation (or expected graduation date if the student has withdrawn from the college). Student conduct records involving reportable Clery Act or Title IX offenses, and/or the sanction of college suspension are kept for a minimum of seven years from the date sanctions are imposed, and shall be expunged from the student's confidential record prior to the start of the following academic year after having been kept for seven years. Student conduct records involving the sanction of college expulsion are kept indefinitely.

### Appeals

Students may request review of decisions rendered in student conduct meetings by making an appeal. In cases involving a student reporting party, the reporting party may also appeal the decision. Appeals must be submitted to the Vice President for Student Life in writing via an email to [stulife@westmont.edu](mailto:stulife@westmont.edu) within three business days of the decision. Appeals will be reviewed by the vice president for student life (or designee). Any requests for extension must be made in writing to the vice president for student life within the original three day appeal time period. Extensions for appeals are rarely granted, and will only be granted in extremely unusual circumstances. The decision to grant or deny an extension is within the sole discretion of the vice president for student life.

Only one request for an appeal per individual involved as respondent or complainant (if applicable) may be submitted. Appeals should be written by the appealing party themselves and not a third party.

### Appeal Criteria

An appeal must be in writing and consist of:

1. A completed Appeal Request form (available in the Student Life office), and
2. A statement outlining and supporting the specific grounds on which the student is appealing.

The appeal is not a rehearing of the original case and the role of the appeal officer is not to substitute his or her own judgment for the judgment of the original decision. The role of the appeal officer is to determine whether a new decision should be considered due to a procedural error, the availability of new information or the imposition of excessive sanctions. Therefore, a student's appeal must be based on one or more of the following grounds:

- A process or procedural error was made that was significantly prejudicial to the outcome of the student conduct meeting as it affects the student appealing.
- New information that was not available or known to the student appealing at the time of the student conduct meeting has arisen which, when considered, may materially alter the outcome. Note: Information that the appealing student chose not to present at the time of the hearing is not considered new information.
- The sanctions imposed are so severe — considering the nature of the violation, student attitude, previous history, impact of the student's behavior on the community and other specific circumstances — that they demonstrate an abuse of discretion by the student conduct officer or Student Conduct Panel. (Note: a reporting party may use the same grounds to appeal that sanctions imposed are not severe enough.)

It is not enough to simply assert one of the grounds for appeal. The written statement accompanying the appeal form must provide information that supports grounds upon which the student bases the appeal. For example: If the student asserts that a procedural error occurred, he or she must name the procedure with specificity and explain how the error affected the decision made. If an appeal does not contain sufficient information to support the grounds upon which the student bases the appeal, review of the appeal will be denied.

During the appeal process, the vice president for student life may choose to set aside sanctions as appropriate.

## Preliminary Review of Appeal

The vice president for student life will grant or deny review of decisions rendered in student conduct meetings based on the student's written appeal. The decision to grant or deny review of the original decision will be made within three business days following the deadline to have submitted an appeal.

1. Review Denied: vice president for student life will not review an original decision based on an appeal that fails to meet the criteria outlined above. In such cases, the vice president for student life will make no inquiry beyond the written material submitted and the original decision and any sanctions imposed will stand.
2. Review Granted: If the student's written appeal satisfies the appeal criteria, the vice president for student life will grant a review of the original decision.

If the vice president for student life grants a review of the appeal, the vice president for student life will communicate to the non-appealing student (if applicable) this decision and provide the non-appealing student an opportunity to view a copy of the appeal. Within three business days of such notification, the non-appealing student may submit a written statement to the vice president for student life that he/she wishes to be considered by the vice president for student life.

## Appeal Review

The vice president for student life has two options regarding who will make a decision on the appeal:

- The vice president for student life will make a decision on the appeal; or
- The vice president for student life will refer the appeal back to the original decision body (Student Conduct Panel or student conduct officers) for a decision on the appeal. If the vice president for student life refers the appeal to the original decision body for a decision, the vice president for student life will give instructions to the original decision body to review the original decision in light of the information contained in the appeal.

The choice between who will review the appeal is in the sole discretion of the vice president for student life. The vice president for student life will communicate to the appealing student whether the vice president for student life or the original decision body will be reviewing the appeal.

As part of the appeal review process, the reviewing body will consider material and/or testimony previously presented or a written summary of the previous proceedings. The review body may, but is not required to, meet with the responding party, reporting party (if applicable), any witnesses and/or members of the original decision body (if reviewed by the vice president for student life) prior to making a decision regarding the appeal.

## Appeal Decision

Following a prompt and effective review, the vice president for student life or the original review body (as appropriate) will communicate a decision on the student's appeal no later than ten business days following the decision to grant a review of the original decision. The decision will be communicated in writing to the appealing student (and non-appealing student, if applicable).

The decision will be in one of the two following forms:

1. **Original Decision Upheld:** Where review of the original decision does not demonstrate a different decision is warranted, the original decision will be upheld.
2. **Original Decision Modified:** Where review of the original decision demonstrates support for the appeal and a different decision is warranted, the review body will modify the original decision. This decision may include sanctions being decreased, modified, or revoked. Only in instances when a reporting party appeals the decision may sanctions be increased.

The decision on the appeal is final, and no other office will accept or review appeals following the decision.

### **Non-Disciplinary Policy of Westmont College**

Students struggling with difficult issues in their personal lives are encouraged to seek out a student life staff member for help at any time. Except in situations where the college is required by law to take appropriate disciplinary action (e.g. harassment, sexual assault, etc.), students who come to a Student Life professional staff member for help related to lifestyle behaviors (e.g. alcohol, drug use, tobacco dependency, sexual issues, etc.) prior to staff becoming aware of a violation of college policy will be offered support and help outside of the regular student conduct process.

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