

STUDENT COMMUNITY CODE & DISCIPLINARY PROCEDURES

Student Community Code

Benedictine College is committed to creating and maintaining an environment where individual and institutional responsibility combine to promote each student's complete development. In order for the College to achieve this goal within an atmosphere where the rights of its members are respected, it is necessary to establish policies and procedures. These regulations have been developed to reflect the nature of a student community and the situation inherent in it.

It is the intention of this code to clarify the standards of behavior essential to the College educational mission and its community life. The Student Community Code is applicable to all students.

The intent in working with students in disciplinary matters is to enhance their growth in various areas including those of developing responsibility for their own discipline and behavior. Accordingly, each student will be treated as an individual to produce desired changes in behavior or to increase the ability of the student to live with others in a group situation.

"Now, therefore, after ascending all these steps of humility, the monk will quickly arrive at that perfect love of God which casts out fear." -St. Benedict, RB, 7:67

The following are seen as purposes for disciplinary proceedings:

1. To redirect behavior;
2. To protect the rights of others in the community;
3. To encourage and to teach responsibility for one's own actions.

Disciplinary regulations at the College are set forth in writing in order to give students general notice of prohibited conduct. The regulations should be read broadly and are not designed to define misconduct in exhaustive terms. The College reserves to itself the right to interpret conduct that is in violation of these regulations.

Student Conduct Expectations

Within the traditions of its mission and Catholic heritage, Benedictine College expects its students to develop a high standard of behavior and personal values. Among these expectations are included:

1. Respect for self and the rights and human dignity of others, especially in the conduct of relationships;
2. Respect for the rights and needs of the Benedictine community to develop and maintain an atmosphere conducive to academic study and personal development;
3. Respect for the College academic traditions of honesty, freedom of expression and open inquiry;
4. Tolerance for the different backgrounds, religious traditions, personalities and beliefs of the students, faculty, and staff who make up the Benedictine community;
5. A willingness to assist others in need of support, guidance or friendship;
6. Respect for Federal, State, and local laws and ordinances;

7. Respect for the authorities, policies, procedures and regulations established by the College for the orderly administration of College activities and the welfare of the members of the Benedictine community

Prohibited Conduct

A student enrolling in the College assumes an obligation to conduct himself or herself in a manner compatible with the College's function as a Catholic educational institution. Students have a responsibility to conduct themselves in a manner consistent with Catholic moral teaching. Conduct, on or off-campus, which adversely affects the student's suitability as a member of the College community is unacceptable and may result in penalties up to and including suspension or expulsion from the College. The following actions constitute misconduct for which students may be disciplined. This list is not intended to be exhaustive and other forms of inappropriate conduct may result in disciplinary action.

"...No one has the authority to...strike any of his brothers..." -St. Benedict, RB, 70:2

1. Causing physical harm to any member of the College community, on or off college premises, at college-sponsored activities, or threatening such harm.
2. Engaging, or threatening to engage in, behavior that poses an immediate danger to the life, health, welfare, safety, or property of any member of the College community.
3. Engaging in behavior that disrupts or interferes with normal College operations or College-sponsored activities, including but not limited to studying, teaching, College administration, security, fire, police or emergency services, or behavior that consumes an inordinate amount of college staff time and/or resources.
4. All forms of sexual harassment as defined in the College Sexual Harassment Policy. For alleged sexual harassment occurring in the College's educational programs and activities, the procedures in the Sexual Harassment Policy govern. For alleged sexual harassment committed by students outside the College's educational programs and activities, the Community Code govern.
5. Other forms of sexual misconduct, not rising to the level of sexual harassment that are prohibited by federal, state, or local law, and/or sexual or romantic behavior that is inconsistent with Catholic moral teaching (as explained in the College's Statement on the Human Person, Sex, and Human Sexuality) such as sexual relations outside of marriage, sexual or other romantic contact between persons of the same sex, and any sexual acts contrary to human dignity.
6. Hazing of any kind. The College will investigate and respond to all reports of hazing as outlined in its Policy on Hazing (<https://www.benedictine.edu/services/security>).
7. Cohabitation, overnight stays by members of the opposite sex, or sexual activity outside of a marital relationship is not condoned or permitted.
8. Theft of property or of services belonging to the College or others, or possession of stolen property.
9. Dishonesty, such as cheating and plagiarism; furnishing false information; and forgery, alterations, or unauthorized use of College documents, records, identification, or property.
10. Damage to or destruction of College property or property belonging to others.
11. Littering or dumping trash on grounds or common areas.

12. Arson, attempted arson, or unauthorized possession, use or storage of firearms, fireworks, paint guns, incendiary devices, or other dangerous weapons or explosives.
13. Unauthorized sale, use, distribution, or possession of any controlled substance, illegal drugs or drug paraphernalia. Presence in an area where such substances are being used or are present. Attempted sale, use, distribution or acquisition of any controlled substance, illegal drugs, or drug paraphernalia.
14. Possession, sale or use of alcoholic beverages on campus, or at College-sponsored events off-campus, except at such events, or in such areas and in such manner specifically authorized by the College. Underage drinking at an event sanctioned by the college to dispense alcohol. Presence in a campus facility or at a College-sponsored event on or off-campus where alcohol is being illegitimately consumed or is present without authorization of the College. Possession of alcohol beverage containers in residence hall areas, whether empty or full.
15. Providing alcohol to people underage or providing a place for consumption of alcohol to minors. We expect all students to abide by state law.
16. Failure to comply with the reasonable directions of or verbally abusing or threatening college officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so including, but not limited to:
 - a. Resident Assistants and Residence Directors
 - b. Campus Security Officers
 - c. Staff members in the Dean of Students Office
 - d. Food service personnel
 - e. Atchison police officers, Atchison County deputy sheriffs.
17. Misusing or damaging fire or life safety equipment.
18. Engaging in illegal gambling.
19. Initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency.
20. Participation in a campus demonstration which disrupts the normal operations of the college and infringes on the rights of other members of the college community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
21. Violating the terms of any disciplinary sanction imposed in accordance with this code.
22. Interfering with the freedom of expression of others.
23. Violation of published college policies, rules or regulations including, but not limited to:
 - a. Residence life policies or the Housing Agreement
 - b. Parking and vehicle policies
 - c. Food service policies
 - d. Computer and telecommunication policies
 - e. Regulations relating to the entry or use of college facilities
 - f. Registering student organizations.
24. Unauthorized presence in or use of College facilities or premises.
25. Actions that annoy, disturb, or otherwise prevent the orderly conduct of the residence halls, dining areas, activities, and administration of classes of Benedictine College.
26. Possessing or viewing pornographic materials.
27. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other college activities, including its public service functions, or of other authorized activities.
28. Violation of federal, state or local law on college premises or at any college sponsored or supervised activity that occurs off-campus.
29. Abuse of the campus judicial system, including, but not limited to:
 - a. Failure to obey the summons of a judicial body or college official.
 - b. Falsification, distortion or misrepresentation of information before a judicial body.
 - c. Disruption or interference with the orderly conduct of a judicial proceeding.
 - d. Institution of a judicial proceeding knowingly without cause.
 - e. Attempting to discourage an individual's proper participation in or use of the judicial system.
 - f. Attempting to influence the impartiality of a member of a judicial body prior to and/or during the course of the judicial proceeding.
 - g. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding.
 - h. Failure to comply with the sanction(s) imposed under the Student Community Code.
 - i. Influencing or attempting to influence another person to commit an abuse of the judicial system.

Student Community Code's Disciplinary Procedures

"If a brother is found to be stubborn or disobedient or proud . . . he should be warned twice privately by the seniors in accord with our Lord's injunction (Matt 18:15-16 -St. Benedict, RB 23: 1-2

Disciplinary Procedures

These disciplinary procedures will be utilized whenever a student is alleged to have engaged in prohibited conduct, except where there is a complaint of alleged sexual harassment occurring in the College's education programs and activities, in which case the procedures in the Sexual Harassment Policy will govern.

Under these procedures, responsibility for enforcing college disciplinary regulations rests with the Director of Student Conduct or an appropriate delegate, and to those to whom specific responsibilities are delegated. This responsibility involves making the appropriate disciplinary decisions and enforcing sanctions varying from a warning, probation, appropriate fines or charges, required counseling and/or loss of certain privileges through suspension or expulsion from the College.

There are two general avenues in which an alleged violation of the Student Community Code may proceed. These avenues are described below and depend on the severity of the alleged conduct and possible disciplinary action.

Minor Violations

When, in the opinion of the Director of Student Conduct, a minor violation of the Student Community Code has been alleged, a Residence Director will investigate the allegations, talk with appropriate parties who may have information regarding the matter, review any evidence, make a decision on the matter, and provide an outcome letter to the student.

A student may appeal decisions of a Residence Director to the Director of Student Conduct or an appropriate delegate within 24 hours of receiving his/her outcome letter. If an appeal is timely filed, the Director of Student

Conduct or delegate will review the appeal, talk with appropriate parties as needed, and make a final decision on the matter. The Director of Student Conduct may take any action he/she deems appropriate in resolving the matter, including altering any sanctions previously imposed.

The Director of Student Conduct will document his/her decision and notify the student of it.

Major Violations

When, in the opinion of the Director of Student Conduct, a more serious violation of the Student Community Code has been alleged (typically this involves a situation in which suspension or expulsion may occur), the Director of Student Conduct will choose one of two courses of action depending on situation:

1. Administrative Meeting with the Director of Student Conduct or an appropriate delegate.

When an Administrative Meeting occurs, the student will meet with the Director of Student Conduct or appropriate delegate. The student will be given an opportunity to provide a statement and answer any questions. If a violation is determined to have occurred, the student will be so notified via an outcome letter and informed of the sanctions imposed. Decisions resulting from an Administrative Meeting may be appealed to the Vice President of Student Life in accordance with the procedures outlined below.

2. Refer the matter to the Student Conduct Board for a hearing. Student Conduct Board hearings will be conducted in the manner described below. Decisions resulting from a Student Conduct Board hearing may be appealed to the Vice President of Student Life in accordance with the procedures outlined below.

Student Conduct Board

The Student Conduct Board shall include the Director of Student Conduct or an appropriate delegate, three faculty members and three students.

A quorum will consist of a total of three members as long as there is at least one faculty member and one student member. The Board will conduct an inquiry into the matter and determine disciplinary sanctions as it deems appropriate. Sanctions may include: a fine, payment for damages, housing reassignment, removal from college housing, an official warning, disciplinary probation, suspension or expulsion.

The procedures for a Student Conduct Board hearing are not comparable to a court of law. The College does not employ an attorney for hearings and students are not allowed to have an attorney participate in disciplinary hearings. The student will receive a notice of charges and be given an opportunity to present information and evidence on the matter in question to the board.

The student or the Director of Student Conduct, or appropriate delegate, may appeal decisions of the Student Conduct Board to the Vice President of Student Life.

A more detailed description of the Student Conduct Board hearing procedure is available in the Student Life Office. A copy of the procedure will be provided to each individual who is asked to come before the Board or an administrator for a hearing. Included in the procedure is a statement of the student rights concerning a hearing.

Appeals Process for Major Violations

Any party may appeal decisions of an Administrative Meeting or Student Conduct Board Hearing to the Vice President of Student Life.

1. An accused student or a complainant may request an appeal by notifying the Vice President of Student Life and following the procedures noted below.

a. Within three (3) days of receiving the outcome letter, filing an "Intent to Appeal" form in the Student Life Office, 204 Student Union.

b. Within 72 hours of receiving the outcome letter, delivering a written appeal of the disciplinary decision to the Student Life Office.

c. The appeal needs to be based on one of the four grounds noted below. The written rationale in the appeal request must address the grounds that are cited. The four grounds are:

i. The original hearing may not have been conducted fairly in light of the charges and evidence presented and/or may not have been conducted in conformity with college guidelines (that give the complaining party a reasonable opportunity to prepare and present evidence that the Student Community Code was violated, and that give the student a reasonable opportunity to prepare and to present a rebuttal of those allegations); or

ii. The decision reached regarding the accused student may not have been based on substantial evidence; that is, the facts in the case may not have been sufficient to establish that a violation of the Student Community Code occurred; or

iii. The sanction(s) imposed may not have been appropriate for the violation of the Student Community Code that the student was found to have committed; or

iv. New evidence may exist which is sufficient to alter the decision, such evidence was not brought out in the original hearing because such evidence was not known to the person appealing at the time of the original hearing.

2. The Vice President of Student Life shall determine whether the matter is appropriate for appeal based on the written rationale and documentation provided by the student in the appeal request. The appeal is not a re-hearing, so the student is advised to thoroughly present his/her rationale for why he/she believes the original disciplinary decision needs to be changed. The purpose of an appellate hearing is to consider an appeal, not to re-hear a case, i.e., the basis for the appeal must fall within one or more of the aforementioned guidelines. Disagreement with the result of the hearing or any sanctions levied does not itself constitute the basis for an appeal.

3. Except when testimony or written statements shall be required for the presentation of new evidence, an appeal shall be limited to review of record of the initial hearing and supporting documents.

4. If an appeal is granted, the Vice President of Student Life may:

a. Overturn all or any part of the original decision and issue a new decision.

b. Remand the matter to the original judicial body for reopening of the hearing to allow reconsideration of the original determination and/or sanction(s).

5. In cases involving appeals requested by students accused of violating the Student Community Code, review of the sanction(s) by the Vice President of Student Life may not result in more severe sanction(s) for the accused student. Instead, following an appeal, the Vice President

of Student Life may, upon review of the case, reduce, but not increase, the sanctions imposed following the original disciplinary hearing.

6. In cases involving appeals requested by persons other than students accused of violating the Student Community Code, the Vice President of Student Life may, upon review of the case, reduce or increase the sanctions imposed following the original disciplinary hearing or remand the case to the original judicial body.

7. In cases involving suspension and expulsion, a final appeal may always be made to the President of the college.

8. Nothing in this appeals process shall interfere with the right of the President of the College to make a final determination on any disciplinary matter.

Sanctions

Sanctions for misconduct normally include but are not limited to any of the following, singly or in combination.

Warning

An official sanction, given verbally and/or in writing notifying the student of his/her misconduct and warning that subsequent infractions must not occur.

Disciplinary Probation

An official sanction that places the student in a status such that any subsequent misconduct during the period of probation, will result in additional discipline, including, but not limited to suspension or expulsion from the College. The period of probation is determined by the Student Conduct Board or Student Life staff conducting the hearing. Parents/guardians may be notified of the decision, as well as the Academic Advisor.

Disciplinary Suspension

An official sanction that prohibits the student from attending the College, residing in the residence halls or participating in any College activities for a set period of time, typically to include at least the remainder of the semester in which the offense occurred. A written request to return to Benedictine College on expiration of the suspension must be presented to the Vice President of Student Life well in advance of the time the student wishes to enroll. Notification of suspensions will be sent to appropriate College offices. Parents/guardians are normally notified of the decision.

Disciplinary Expulsion

An official determination that permanently prohibits the student from attendance at the College. Parents/guardians are normally notified of the decision.

Alternative Requirements/Conditions

The College reserves the right to impose alternative requirements to conditions at its discretion in the disciplinary process. Such requirements or conditions may include, but are not limited to: restitution or fines; work or service projects; counseling evaluation sessions; educational program sessions, restrictions on participation in campus activities, on residence hall visitation, on parking privileges, or on contact with individuals or groups on campus; eviction from on-campus residency.

Alternative requirements or conditions should typically be imposed in addition to the normal disciplinary process (i.e., warnings, probation, suspension), and not instead of them. If these alternative requirements

are violated by the student, or if he/she fails to meet conditions set for him/her in the hearing, a more serious sanction, up to and including suspension or expulsion, may be imposed at the discretion of the Vice President of Student Life or appropriate delegate without further hearing or review.

Summary Sanctions

These sanctions, including suspension of a student and exclusion from College property, may be imposed without the hearing procedure outlined in this section. The Vice President of Student Life or an appropriate delegate may take this action if he/she is satisfied that serious misconduct has occurred or that the student's continued presence on the campus presents unreasonable risk of danger to himself/herself and/or to the community. A student so sanctioned must leave the campus immediately.

Students may have other sanctions imposed on a summary basis, as noted above, including, but not limited to, suspension from a campus position, prohibition against participation in a College activity, prohibition against presence in a residence hall, or a restriction against contacting, communicating, or otherwise interfering with the activities or privacy of another member or members of the Benedictine community. The student will have the right to appeal the decision to be reinstated. The request for appeal must be made in writing to the Vice President of Student Life.

Risk Assessment

Several of the behaviors identified above as Prohibited Conduct raise issues that could impact the life, health, welfare, safety, or property of the College community and its members. When warranted, conduct included in items 1-3 may result in evaluations, team assessments, emergency removals, or involuntary or voluntary withdrawals.

When behavior indicates a significant life, health, welfare, safety, or property concern, the College will employ a team approach to determine the nature of the risk and any measures that can be taken to manage the risk. The College will make these determinations as the result of an individualized assessment. The College will first seek voluntary cooperation of an affected student, but, if necessary, will take involuntary action.

The College may conduct an assessment when one of the following items of Prohibited Conduct is implicated:

1. Causing physical harm to any member of the College community, on or off college premises, at college-sponsored activities, or threatening such harm.
2. Engaging, or threatening to engage in, behavior that poses an immediate danger to the life, health, welfare, safety, or property of any member of the College community.
3. Engaging in behavior that disrupts or interferes with normal College operations or College-sponsored activities, including but not limited to studying, teaching, College administration, security, fire, police or emergency services, or behavior that consumes an inordinate amount of college staff time and/or resources.

The purpose of the assessment is to inform decisions about the student's future participation in the College's programs and to assess the level of risk the student poses to the life, health, welfare, safety, or property of the College community. The College will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury

will actually occur; and whether reasonable modifications of policies, practices, or procedures or, where applicable, the provision of auxiliary aids and services, will mitigate the risk.

Assessment

When a student is referred to the Director of Student Conduct for behavior listed in items 1-3, above, the student is required to meet with the Director of Student Conduct and the Director of Student Conduct may include counselors in the meeting. If, following the meeting, the student agrees to have an evaluation, the Director of Student Conduct will refer the student to a qualified professional. The College will incur the cost of the evaluation. If the student does not agree to a voluntary evaluation, the College may refer the student for an involuntary evaluation.

The Director of Student Conduct will convene an Early Intervention Team (EIT) and the qualified professional will share the outcome of the evaluation with the Director of Student Conduct and the EIT team.

The EIT team will meet with the student and the student will have the opportunity to provide documents or other information related to the team's assessment. If the student does not provide information or submit to a voluntary evaluation, the College will proceed with the documents or information the College has available, which may include the results of any involuntary evaluation. The team will consider what life, health, welfare, safety, or property concerns the student's behavior raises and whether the risks associated with those concerns can be managed by modifications, support measures, or accommodations. The team may consider the imposition of a behavioral contract, if appropriate, that may include, among other things, consultations with health care professionals or restrictions on participation in Benedictine operations. If the team determines the student poses a risk to the life, health, welfare, safety, or property of any member of the College community, and that the risk cannot be mitigated by modifications, support measures, or accommodations, the student may be required to take a medical leave or voluntary or involuntary withdrawal.

A student may appeal a decision made by the EIT by filing a written appeal to the Vice President of Student Life within three (3) days of being notified of the EIT's decision. The Vice President of Student Life will review the matter and make a final determination.

Return requirements

Following a determination that an individual poses a risk to the life, health, welfare, safety, or property of any member of the College community necessitating a medical leave or voluntary or involuntary withdrawal, the College may require as a precondition to a student's return that the student provide documentation that the student has taken steps to mitigate the previous behavior. The College may request records from the student and request permission to speak to a treating professional. The records and information that will be requested and required are determined on a case-by-case basis depending on what information is necessary to determine whether the student is able to return and fulfill the fundamental requirements of academic and residential life.

Interpretation and Revision

Any question of interpretation regarding the college's student code shall be referred to the Vice President of Student Life or his/her designee and such decision shall be final and binding upon all persons covered by the student code.

Maintaining Disciplinary Records

The college maintains disciplinary records as part of its educational records on each student. Records are kept in the Student Life Office for seven years and may be obtained beyond a student's time of enrollment at the college.