

Student Conduct

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I. COMMUNITY EXPECTATIONS

This statement, authorized for use effective August 16, 2004, replaces the Ethos Statement: Principles of Student Conduct of 1994 and the Statement of Responsibilities and Standards of Conduct adopted in 1985 and revised in 1990, 1991, 1992, 1993 and 2011.

A. Ethos Statement

Marquette University is dedicated to the following goals:

1. The fostering of personal and professional excellence;
2. The promotion of a life of faith;
3. The formation of ethical and informed leaders;
4. The development of men and women dedicated to the service of others.

These goals can only be achieved in a campus environment in which people feel safe, sustained, engaged, challenged and appreciated. This environment is created by the active contributions of every member of the Marquette community and in turn creates a campus ethos that calls us to act with integrity and compassion; to promote a culture of learning, appreciation and understanding; to take responsibility to confront difficult issues and solve problems; and to behave in ways that reflect care, respect and honesty.

Faculty, administrators, staff and students all have responsibility to take care of the intellectual, social, spiritual, emotional, psychological and physical condition of this community we share. Students particularly contribute to our community through the human connections they make, through the gifts and talents they have, and through behavior that shows:

1. Respect for Self

The university values all of its students and is deeply concerned with their total development. Therefore, it is appropriate for the university to set expectations for personal integrity with the aim of encouraging students to appreciate their own talents, take themselves and their academic pursuits seriously, and enhance the quality of their lives. The university will routinely respond to a student engaging in self-destructive behaviors that might impede an individual's ability to enjoy the privileges of education and to fulfill his/her obligations as an educated leader. Students engaging in such behaviors are also encouraged to seek help from the university community.

2. Respect for Others

One value of learning lies in understanding what knowledge can contribute to the community. It is expected that students will be open to learning, including learning about and respecting persons and cultures different from their own. Members of the

campus community must act out of Christian charity and mutual respect to establish an atmosphere of trust, without which there is no community. Therefore, Marquette expects its members to behave toward one another with sensitivity, consideration, understanding, tolerance and an active concern for the welfare of others. The university is particularly concerned that its members show respect for others regardless of race, creed, gender, disability, sexual orientation or nationality and avoid all forms of harassing or offensive behaviors. This is especially important in the residence halls and other group living situations, where the sense of community is only as strong as the members make it.

3. Respect for Property

The mission we share depends upon the responsible use of all property, including such tangible goods as buildings, library books, equipment and green spaces. Respect for property also involves helping to foster a well-maintained environment: a sense of security, tranquility and accomplishment. This principle requires students to respect personal and institutional property, inside and outside the Marquette community.

4. Respect for Authority

Authority derives its legitimacy from its commitment to act on behalf of the common good. At Marquette, that authority especially resides in the officers of the university, its faculty, administrators, staff, and designated student staff members and paraprofessionals — each of whom has been charged with responsibilities essential to the orderly operation of the university. These people serve as leaders and they teach by their example what the university expects from all its members. In this respect they help to define the atmosphere that supports and fosters our common mission. Additionally, these people provide structure to preserve the well-being and freedom of community members and an orderly environment in which all can develop. The successful exercise of authority depends in part on the respect it enjoys from the community it serves.

5. Honesty

Marquette's educational mission reflects a commitment to the development of the whole person. As a university, love of the truth is at the center of our enterprise: This ideal is lived out through the virtues of truthfulness, honesty and personal honor. While at Marquette University, students are expected to demonstrate the personal characteristics of honesty and integrity in all aspects of their campus life, both inside and outside the classroom.

These qualities, which are congruent with our community values and aspirations, are integral parts of daily life on campus. To assure their place in the campus ethos, these qualities are demonstrated, supported and celebrated through our examples, actions and reflections on our experiences.

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B. Standards of Conduct

When students choose to accept admission to Marquette University, they accept the rights and responsibilities of membership in the university's academic and social community. As members of the university community, students are expected to uphold its values by maintaining a high standard of conduct. Because the university establishes high standards for membership, its standards of conduct are equally high and may exceed federal, state or local requirements. When student behavior departs from the community expectations, members of the community, including students, are expected to challenge and confront these inappropriate behaviors. When that behavior becomes unacceptable, e.g., when it hurts others, detracts from the sense of community or is irresponsible, it will be addressed by peers or administrators who follow the procedures outlined in the student conduct code below.

The student conduct code as set forth below is applicable to all Marquette students, including, but not limited to, undergraduate, graduate or professional. Within the university, entities (such as academic programs, intercollegiate athletics, and professional and student organizations) have developed policies that outline standards of conduct governing their constituents and may provide procedures for responding to violations of those standards. A student may be subject to those policies and procedures as well as subject to those set forth in the university standards of conduct. In the case of graduate or professional students, if there is a conflict between two applicable regulations and procedures, the graduate/professional school regulation/procedure will govern. If there are multiple components to a case, the components of the case may be separated and reviewed independently by the appropriate authority (e.g. Graduate School, Office of Student Development).

The standards of conduct are intended to incorporate other specific university policies by reference. These policies include the Information Technology Services'

policy on acceptable use of Marquette University computer, network, telephone and other electronic resources. The student conduct procedures will be used to address violations of these policies only if the violation warrants a process or sanction beyond what is available in these policies. In such cases, appropriate personnel may take initial action(s) regarding a complaint as defined by an individual policy; however, final resolution may occur under the student conduct procedures.

Examples of unacceptable behavior that might lead to conduct action are:

1. Lack of Respect for Self

- a. Violating the university alcohol policy. This includes, but is not limited to, such behaviors as underage students being in the presence of or using alcoholic beverages or any student being intoxicated on or off campus. It should be understood that the effects of alcohol do not relieve individuals of their responsibility to themselves or the community.
- b. Violating the university drug policy. This includes but is not limited to such behaviors as being in the presence of or possessing, using, distributing and/or selling narcotics, drug paraphernalia, other drugs or any controlled substance illegally.
- c. Engaging in behaviors that put the individual in danger.

2. Lack of Respect for Others

- a. Physically or verbally abusing or threatening any person, on or off the campus, including especially such persons as student staff and Public Safety officers.
- b. Interfering with safety and health of a member of the university community, on or off campus.
- c. Issuing bomb threats.
- d. Misusing or interfering with fire equipment, including smoke detectors, fire alarms, extinguishers, hoses, etc. or failing to follow fire drill or other emergency procedures.
- e. Possessing, using or selling firearms, other weapons (such as pellet, paintball and BB guns) or incendiary or explosive devices including fireworks on university property.
- f. Participating in stalking, hazing or harassment, which includes actions or situations that do or could result in mental, emotional or physical discomfort, embarrassment, ridicule or endangerment whether intentionally, for fun or by consent.
- g. Engaging in harassment based on race, gender or sexual orientation.
- h. Engaging in sexual misconduct, defined as any form of sexual contact with another person without

the consent of that person, coercion, intimidation, exploitation or harassment.

- i. Vandalizing property or abusing persons on other campuses or off campus.
- j. Engaging in indecent exposure or engaging the services of another person for this purpose.
- k. Violating policies regarding noise in the residence halls.
- l. Actions of one's guest(s) that violate university policies. It is the responsibility of each student to inform his/her guest(s) of university policies and community expectations for behavior. Marquette student hosts may be held responsible for the actions of their guests.

3. Lack of Respect for Property

- a. Engaging in the unauthorized entry into, use of or occupancy of university premises, facilities or properties.
- b. Engaging in the theft of, misuse of, damage to or destruction of institutional, group or private property, including library materials, computers or computerized information on university-owned or operated premises, at university-sponsored events or off campus.
- c. Engaging in arson or the irresponsible use of fire.

4. Lack of Respect for Authority

- a. Intentionally interfering with any normal function of a university-sponsored activity on or off the campus. (See also the university demonstration policy.)
- b. Violating published policies and rules governing residence halls, student organizations or the university.
- c. Engaging in illegal gambling.
- d. Failing to comply with the directions of a university employee acting in the performance of his/her duties or failing to comply with the terms of a disciplinary decision.
- e. Engaging in acts or deeds that violate existing federal, state, county or municipal laws or ordinances.
- f. Refusing to show or surrender a university identification upon request by a university employee acting in the performance of his/her duties.

5. Dishonesty

- a. Engaging in any form of dishonesty, including cheating, plagiarism, fabrications or assisting others in doing so.
- b. Knowingly furnishing false information to the university. Misrepresenting information about oneself or others when providing information to a university official acting in performance of his/her duties.

- c. Engaging in forgery, alteration or the unauthorized use of university records, documents or instruments of identification.
- d. Misusing financial assistance (aid) through fraud and abuse.

The above examples are illustrative rather than exhaustive. In the event that there arises some ambiguity, inconsistency or need for clarification in this statement, such definition, interpretation or clarification shall be decided by the vice president for student affairs.

II. DISCIPLINARY ACTIONS

If a student is found responsible for violation(s) of the Marquette University Standards of Conduct, disciplinary action will be taken.

There are no standard disciplinary actions for violations of the standards of conduct. Infractions have led to actions ranging from positive actions and university warnings to expulsion. Even in the most challenging situations, however, the university seeks first and foremost to educate its students and make decisions regarding disciplinary actions from an educative perspective. The descriptions provided below are intended to inform students of the range of possible consequences for failing to uphold the standards of conduct. In each case, factors such as the nature and gravity of the incident, the motivation underlying the behavior, the student's disciplinary history and precedent in similar cases will be considered in determining the appropriate disciplinary action(s). The disciplinary actions listed below may be used separately or in combination with one another. Failure to comply with any disciplinary action will result in additional conduct charges and may result in additional disciplinary action(s).

A. Positive Actions

Positive actions are required activities intended to engage the student in a positive learning experience related to the student's inappropriate behavior and allow students to reflect upon their inappropriate behavior, learn new information about the behavior in which they engaged and why it is inappropriate or unacceptable, and/or educate other students so they do not find themselves in similar circumstances. This type of disciplinary action may include, but is not limited to, engaging in a campus or community service project, attending or presenting a program related to the implications of the student's conduct, writing a paper, interviewing someone or engaging in some type of personal assessment, mediation or counseling.

B. University Warning

A university warning is a formal notice that the behavior or set of behaviors is inappropriate and violates the basic expectations of students as set forth by Marquette

University. A letter of warning is placed in the student's file and may be considered if the student engages in further inappropriate behavior.

C. Restitution

Restitution is compensation required of students who engage in the theft, misuse, damage or destruction of institutional, group or private property. The amount of restitution is dependent on the extent of damage as well as what is determined to be the most appropriate way for a student to make amends for the damage he/she caused. The amount, form and method of payment for restitution are decided by a student conduct administrator.

D. Fines

For some offenses, fines may be imposed. Money collected will be used to support Marquette University educational programming. At the student conduct administrator's discretion, fines and/or work activities may be given.

E. Limitations on Activities

Limitations on activities are assigned because the prohibition from participation in certain activities has been determined to be in the best interest of the student and/or the university. Limitations on activities may include, but are not limited to, a fixed period of ineligibility for service as an officer or member of any university organizations or as a member of any university committees, boards or councils or as a participant in any intercollegiate activity; ineligibility to receive or maintain any award from the university; prohibition from attendance at social events; restricted entrance into various university buildings; or restriction from all forms of contact with certain person(s).

F. Residence Life Probation

Residence life probation is a formal notice to the student that he/she has engaged in behavior that is unacceptable in the residence halls and that if continued or other inappropriate behavior follows, more severe action may be taken, including the possibility of housing contract termination, university probation, suspension and/or expulsion from Marquette University. Residence life probation is for a fixed period of time that is determined by the conduct administrator or conduct board adviser and approved by the dean of residence life. Official notice of residence life probation will be provided to the student and the student's parents or guardian if the student is a dependent. Any student who is placed on residence life probation for a period of 16 consecutive weeks or longer will have restrictions placed on his/her choice of university housing for the following academic year (see page 18 for a complete explanation of these restrictions).

G. Termination of Housing Contract

A responsible living environment in the residence halls requires all members of the community to respect other residents' rights for safety, security and reasonable quiet. Serious disruption of the hall community can lead to removal from that community. Termination of the housing contract will result in the immediate removal of the student from the residence halls, forfeiture of fees according to the normal university refund schedule and loss of visitation privileges in any university housing. Official notice of contract termination will be provided to the student and the student's parents or guardian if the student is a dependent.

H. University Probation

University probation is a formal notice to the student that he/she has engaged in behavior that is unacceptable within the university community and that if continued or if other inappropriate behavior follows, more severe action may be taken, including the possibility of suspension or expulsion from Marquette University. Probation is for a fixed period of time that is determined by the conduct administrator or conduct board adviser and approved by the assistant dean of students. Official notice of probation will be provided to the student and the student's parents or guardian, if the student is a dependent, and the student's college or program. Any student who is placed on university probation for a period of 16 consecutive weeks or longer will have restrictions placed on his/her choice of university housing for the following academic year (see page 18 for a complete explanation of these restrictions).

I. Suspension

Suspension from the university involves the exclusion of the student from participation in any academic or other activities of the university for a specified period. Written notification of this action will be provided to the student and his/her parents or guardian, if the student is a dependent, and to the student's college. Suspension from the university further involves the following: The action of suspension will be noted on the student's disciplinary record; the student will be withdrawn from all courses carried that semester according to the policy of his/her college or school; the student shall forfeit fees according to the normal refund schedule of the university; the student must refrain from visiting the university premises unless engaged in official business approved in writing by the dean of students or his/her designee; the suspension may include any other disciplinary action judged to be of value to the student.

Reinstatement from suspension: When a student has concluded the suspension period and completed the conditions accompanying the suspension, he/she must submit a letter to the dean of students or his/her

designee requesting reinstatement and provide evidence that he/she has satisfied the terms of the suspension. The student may return to the university only after an affirmative decision has been made by the dean of students or his/her designee.

J. Expulsion

Expulsion is the most serious university disciplinary action and involves the permanent exclusion of the student from the university. Expulsion involves the following: forfeiture of all rights and degrees not actually conferred at the time of the expulsion; notification of the expulsion provided to the student, the student's college and his/her parents or guardian if the student is a dependent; permanent notation of the expulsion on the student's disciplinary record; withdrawal from all courses according to the policies of the student's college or program; and forfeiture of tuition and fees according to the university's normal refund schedule. Any student expelled from the university must refrain from visiting the university premises unless engaged in official business approved in writing by the dean of students or his/her designee.

K. Postponement of Activity Participation and Conferring of Honors and Degrees

The university reserves the right to delay or postpone the involvement of a student in any university-related activity or delay or postpone the conferring of any honor or degree during the pendency of any of the student conduct procedures or actions.

L. Student Organization Disciplinary Actions

The actions of undergraduate and graduate/professional student organizations are expected to be consistent with the standards of conduct. If members of a student organization or students representing the group violate Marquette University's Standards of Conduct, disciplinary action will be taken against the group as a whole, its officers or individual members. The following actions may be imposed if a student group or organization is found responsible for violations of the conduct code:

1. The actions described above in Section II
 - A. Positive Actions
 - B. University Warning
 - C. Restitution
 - D. Fines
 - E. Limitations on Activities
2. Written or verbal notification to national organization representatives, officers or advisers.
3. Loss of Privileges — Denial of privileges such as removal of services and access to facilities, attendance or participation in activities/programs.

4. Social Probation — Probationary status for not less than one month, during which time the organization is restricted from participating in any combined social function with individuals or other student organizations outside its own membership including, but not limited to, social events, mixers or date parties.
5. Probation of Student Organization — Probationary status for a specified period, typically not less than one semester, during which time the organization will be required to fulfill specific conditions before reinstatement to good standing.
6. Suspension of Student Organization — Separation from the university for a specified period, typically not less than one semester. Involves loss of all rights and privileges of student organizations, including the use of university facilities, and probationary status (II.L.5.) for one year following completion of suspension.
7. Termination of Student Organization — Termination is the most serious of university disciplinary actions for a student organization. It involves permanent separation of a student organization from the university.

All decisions about and actions imposed on student organizations or groups will be kept in a file in the Office of Student Development. Prior conduct actions will be reviewed if there are subsequent violations by the student organization. Such actions may be considered when deciding an appropriate disciplinary action.

III. STUDENT CONDUCT PROCEDURES

These procedures have been authorized for use effective Aug. 15, 1998, replacing the procedures adopted in 1969 and revised in 1982, 1985, 1990, 1991, 1992, 1993, 1994 and 2011.

A. Overview: Key Concepts and Definitions

The standards of conduct cited in the community expectations pertain to all students attending Marquette University. Students who are found responsible for violating these standards will receive one or more of the disciplinary actions noted above. To determine if a student is responsible for a conduct violation, the student conduct procedures described below will be followed.

In most cases an incident report will be filed by a Public Safety officer, another university staff member or a student. After an incident report is filed, it will be referred to a student conduct administrator. The student conduct administrator will review the case and decide whether the case will be handled through an administrative hearing or a student conduct review board hearing. In some cases, the student conduct administrator may offer the students involved in an incident the opportunity to substitute a

student conduct hearing with a student conduct conference or hall management conference (described below).

A respondent refers to the student who has been charged with a violation of university policy. A complainant refers to any person who reports an alleged policy violation.

The respondent(s), victim(s), complainants and witness(es) identified in the incident report will be notified and will be asked to appear at the hearing. All parties will be asked to provide written and/or verbal testimony and to explain what happened. A determination of responsibility will be based on the evidence presented at the hearing. The standard used to determine responsibility is a preponderance of the evidence, whether it is “more likely than not” that the respondent has violated the policy.

This hearing shall follow the procedures outlined in Section III.H. During the hearing, a respondent will have certain rights and responsibilities. (These are described in Section III.H. 2.) An electronic or other verbatim record shall be made of all board and administrative hearings.

In board hearings, the board will submit its recommendations to a student conduct administrator. At the conclusion of the hearing process, a respondent will have the right to appeal the disciplinary decision based on the criteria listed in Section III.I.

B. Notification

1. The respondent will be notified by the student conduct administrator at least three working days before the hearing of the date, time, location and nature of the hearing, including a description of the specific standards of conduct alleged to have been violated. The respondent may request a delay of up to five working days for the start of the hearing. (The procedure is described in Section III.H.3.) The first decision on the hearing date and location of a delayed hearing will be decided by the student conduct administrator. All communications to the student may be verbal but must subsequently be confirmed in writing.
2. The written hearing notification may be sent to the student’s residence or may be communicated to the student via email to the student’s Marquette email account. Students are expected to check their email on a frequent and consistent basis and act in a timely manner as outlined in the official use of email to communicate with students policy (see page 41).
3. The hearing notification letter will be accompanied by a description of the student conduct process, information about student conduct assistants, witnesses, advisers; and a listing of potential disciplinary actions, as well as a notice about whether the formal hearing will be held by a student conduct administrator or a student conduct review board.

C. Administrative Hearing

An administrative hearing is a formal hearing conducted by one (or two) student conduct administrators. The student conduct administrator(s) will review all of the evidence, decide responsibility and assign or recommend a disciplinary action as appropriate. The administrative hearing will follow the procedures outlined in Section III.H.

D. Student Conduct Review Board Hearing

The student conduct review board will conduct a formal hearing on all cases assigned to it for the purposes of reviewing the evidence and recommending a finding of responsibility and disciplinary actions to the student conduct administrator. The non-voting board chairperson will arrange for the hearing, chair the session(s), and develop a written statement of the findings and recommended action(s) from the student conduct review board. The board hearing will follow the procedures outlined in Section III.H. The respondent has the option of requesting that an administrative hearing be scheduled in place of the board hearing to resolve the case, if this request is made at least one working day before the start of a scheduled board hearing.

E. Student Conduct Conference

In some cases, the student conduct administrator may offer the student(s) involved in an incident the opportunity to substitute a student conduct conference for a student conduct hearing. The student conduct conference can only take place if there is no victim in the incident, if the respondent accepts responsibility for the inappropriate behavior, and if the respondent elects the option of a student conduct conference and waives the right to a student conduct hearing. A student conduct conference involves the following elements: It replaces a conduct hearing; does not require three days’ written notice; is not taped; usually does not involve in-person witness testimony; is usually considered an option only for students who have not been found responsible for prior violations of the student conduct code; and can lead to the imposition of disciplinary action for inappropriate behavior. Following the conference, the student conduct administrator will determine appropriate disciplinary action (with consultation as appropriate) and communicate the action to the student in writing within five working days following the conduct conference.

F. Hall Management Conference

When a residence hall student appears to have violated university policy on or off campus, the student’s hall director will contact the student within two days of the incident to discuss the incident. After discussion, the hall director will determine whether the student was responsible or not for the alleged violation and whether any disciplinary actions (e.g., fines, papers, programs) will

be assigned. Information relating to this incident will be kept on file and may be considered if subsequent violations occur. Noncompliance with assigned disciplinary actions will result in further and formal conduct proceedings. If the original incident is a serious policy violation or a repeat violation, the student may be directly referred to the formal conduct system. If another violation does occur after a hall management conference takes place, the hall director may refer the incident to a different conduct administrator or a student conduct board through the formal conduct system.

G. Organizational Hearing

An organizational hearing is a formal hearing conducted by one or more student conduct administrators. This type of hearing is conducted when there is a violation of the standards of conduct on premises owned, rented or operated by the organization; during an organization event; in any situation sponsored or endorsed by the organization; or in any event an observer would associate with the organization. The student conduct administrator(s) will review all of the evidence and decide responsibility or non-responsibility. If there is a decision of responsibility, the conduct administrator(s) will then assign or recommend a disciplinary action for the organization and/or individual member(s), as appropriate. An organizational hearing differs from an administrative hearing in that (1) the organization's adviser (faculty, administrative, staff, alumni or other) is invited to attend the hearing; (2) the organization's president and executive officers will usually officially represent the organization at the hearing, although additional officers and/or members of the organization may be invited to the hearing; and (3) the organization will be asked to submit a written statement about the incident and its members' involvement that will be used during the hearing. Otherwise, the organizational hearing will follow the procedures outlined in Section III.H.

H. Student Conduct Hearing Procedures

This section describes the format of the hearing and the rights of the respondent in a hearing process. It also includes information about witnesses, student conduct assistants, the respondent's adviser, the decision-making process and the communication process.

1. Hearing Format

- a. An electronic or other verbatim record will be made of all hearings. This record will be retained for one month following the hearing or until the conclusion of any appeal process, whichever is longer. The record will then be destroyed, except in cases of suspension and expulsion, when the electronic record shall be retained with the student's record.

- b. At the beginning of the hearing, the respondent will be introduced to others who are present. The respondent will be informed of standards alleged to have been violated and will be advised that he/she has rights specified in Section III.H.2.
- c. The student conduct administrator will read the incident report and ask the respondent to respond.
- d. The complainant/victim will be asked to describe what happened, and the respondent will have the opportunity to respond.
- e. Witnesses will be asked to describe what happened, and the respondent will have a chance to respond.
- f. All communication between the respondent, complainant, victim and witnesses will be directed to the student conduct administrator/board chairperson. The student conduct administrator/board chairperson will decide which questions to ask of each person.
- g. The student conduct administrator/board chairperson may reasonably limit the scope and time devoted to each matter or item of discussion during hearings, as well as the number of persons testifying.
- h. The student conduct administrator/board chairperson will decide the order of witnesses and when the complainant and witnesses will be in the hearing room.
- i. The student conduct administrator/board chairperson and/or members of the student conduct review board may ask questions of any respondent, complainant or witness during the hearing.
- j. At the conclusion of the hearing, the respondent, complainant, advisers and witnesses will be asked to leave the room. These individuals will not be present during the deliberations of a student conduct administrator or student conduct review board.

2. Student Rights

In the hearing notification letter and again at the beginning of the hearing, the respondent will be advised that he/she has the rights listed below. Students with any questions about their rights are encouraged to contact a student conduct assistant.

- The student is entitled to be present throughout the hearing but not during the deliberation of the student conduct administrator or student conduct review board.
- The student is entitled to remain silent (i.e., not to testify against him/herself), but must be informed that if silence is maintained, the case will be decided on the evidence presented.
- The student may object to a member of a student conduct review board for reasons of official or personal conflict of interest.

- The student is entitled to know all evidence and testimony presented against him/herself and to view pertinent materials supporting the case against him/herself.
- The student is entitled to present pertinent evidence and the testimony of witnesses to substantiate his/her case and to comment upon and respond to the charges against him/herself.
- The student is entitled to make a written appeal of the disciplinary decision within five working days of the date of notification of that decision. University disciplinary actions are appealed to the dean of students.

3. Attendance

All disciplinary hearings will be closed to everyone except those persons specifically provided for in this procedure or persons whose presence at the hearing is authorized by the student conduct administrator.

A student who cannot attend the hearing scheduled for consideration of his/her case must submit a written statement to the student conduct administrator stating the reasons for the conflict and requesting a new hearing date. This statement must be presented to the student conduct administrator not fewer than two working days before the beginning of the hearing. At the discretion of the student conduct administrator, the hearing may be rescheduled. Only one change of hearing date and time may be granted.

If a student fails to attend a scheduled hearing, the hearing may proceed in the absence of the respondent. Such an absence will not be considered grounds for an appeal.

Where two or more cases involving common occurrences or the same student(s) are pending simultaneously, the student conduct administrator may decide to consolidate the hearing of such cases or hear them separately.

4. Witnesses

The respondent is responsible for arranging for witnesses testifying on his/her behalf to appear at the hearing. Victims, complainants and the student conduct administrator may also invite witnesses to appear at the hearing. In the exceptional event that a witness is unable to attend the hearing, the witness may write or record a statement and discuss the statement with the student conduct administrator before the scheduled hearing. The student conduct administrator is to be notified by the respondent, victims, complainants or witnesses not less than one (1) working day before the hearing of those persons intending to provide testimony, whether in person or in writing. The student conduct administrator/board chairperson may reasonably limit the scope and

time devoted to witness statements. Witnesses are typically asked to comment only on the event(s) pertinent to the charges, not the character of the respondent(s).

5. Evidence

In all cases, the procedures will not be subject to limiting rules of evidence. Evidence will consist of oral and written testimony, incident reports and any other material directly related to the incident. Other evidence may also be considered and will consist of such things as secondhand reports and circumstantial evidence. The student conduct administrator/board chairperson may reasonably limit the scope of evidence considered in the hearing.

6. Student Conduct Assistants

Student conduct assistants, who may be Marquette students, faculty or staff, will be available to all students involved in student conduct proceedings to provide information about the conduct process and assist the student in preparation for the conduct hearing.

7. Adviser

The respondent, a complainant in a sexual misconduct case or any complainant who has received permission from the student conduct administrator, may have one adviser present at the hearing. If the student wants to have an adviser present, the student must notify the student conduct administrator of this fact in writing no later than two (2) working days before the beginning of the hearing. Advisers are normally members of the Marquette community (e.g., current full-time students, faculty, staff). This adviser serves as a support person and is intended to be of direct assistance to the student before and during the hearing. The adviser may not speak for the student or address the student conduct administrator or the conduct review board. If the adviser is an attorney, a law student or a Law School faculty member, the case will be heard as an administrative hearing and the conduct administrator may reschedule the time and/or date of the hearing so that Marquette University legal counsel may be present.

8. Substitution of Members/Quorum

If a member of the student conduct review board believes that he/she is not qualified to serve on the board for personal or official reasons, that member may disqualify him/herself. A student whose case is before the board may not object to the membership of the board except for reasons of official or personal conflict of interest. The board chairperson will determine the validity of such objections and his/her determination shall be final. If necessary, the board chairperson will replace the disqualified board member with a substitute.

For the purpose of hearing any case that comes before the board, the presence of five voting members shall constitute a quorum. A decision agreed to by a majority of the sitting board shall be the decision of the board.

9. Decisions and Communications

At the conclusion of the conduct hearing, the respondent will be informed as to when the decision will be made and communicated. Disciplinary decisions that result in positive action, university warning or restitution will be made by the student conduct administrator and communicated to the respondent in writing within five (5) working days of the conclusion of the hearing. All other disciplinary actions will be made after consultation with and approval by the administrators indicated below:

- Disciplinary actions of limitation on activities, residence life probation or termination of the housing contract will be approved by the dean of residence life for residence hall cases and by the associate dean of student development for non-residence hall cases.
- Disciplinary actions of university probation will be approved by the assistant dean of students.
- Disciplinary actions of suspension or expulsion will be approved by the dean of students.

The official receiving the recommendation may accept or lower the recommended disciplinary action. The final decision will be communicated in writing to the respondent by the student conduct administrator within five (5) working days of the conclusion of the hearing. In the event that the written notification is delayed, the respondent will be notified of the delay and informed when the decision will be communicated.

All communications to students will be transmitted in the manner specified in the appropriate part of this procedure. Individual circumstances may permit or require communication by whatever means is necessary to reach the student promptly and reliably. Following reasonable efforts to deliver any communication to a student personally, an indirect or substituted mode of delivery may be attempted. Thus, any delay or failure to reach the student shall not impair the procedure.

I. APPEALS

1. Overview

Students found responsible for a violation of the standards of conduct may appeal the decision. Appeals are not rehearings, and they are not granted on the basis of disagreement with the original decision. The dean of students* will determine if there are grounds to warrant an appeal.

*(Note — For cases in which the dean of students makes the disciplinary decision, the vice president for student

affairs or designee will assume the appeal role described in this section.)

The bases of appeals include only the following:

- There was a denial of a fair hearing.
- There was insufficient evidence to establish responsibility.
- The disciplinary action taken can be shown to be arbitrary or capricious.

2. Time Line

A student has five (5) working days after receipt of the written notification of a disciplinary decision to file an appeal with the Office of Student Development. Failure to appeal within the five (5) working day period waives the right to appeal. Disciplinary actions will not be implemented while an appeal is under consideration unless emergency action has been taken.

3. Documentation

The appeal must be in writing and must contain the following:

- The completed Request for Appeal Form, which can be obtained in the Office of Student Development, AMU, Room 329.
- A statement explaining in detail why the student is contesting the findings or the action(s).
- Copies of any documents that will substantiate or clarify the appeal request.

4. Review of an Appeal Request

Within five (5) working days of the receipt of the material pertinent to the appeal, the administrator hearing the appeal will notify the student in writing of his/her decision to 1) deny the request for an appeal, 2) to inform the student of the outcome of an administrative appeal decision or 3) to accept the appeal for review by the university appeals committee, which shall normally be completed within 30 days. If a delay occurs, or additional time is needed, this administrator will notify the student of the delay.

5. Administrative Appeal Option

An administrative decision to grant or deny an appeal may be made at the discretion of the administrator hearing the appeal. This administrator may impose one of the following actions:

- Affirm the disciplinary decision and thus deny the appeal
- Modify the disciplinary decision
- Return for a new or partial rehearing
- Overturn the disciplinary decision.

6. University Appeals Committee

If an appeal is referred to the university appeals committee, the student will be informed of the date and time when the committee will review the student's

written appeal material. The administrator hearing the appeal will promptly provide all appeal materials to the university appeals committee for its consideration. The university appeals committee will confine its review to the issues raised in the written appeal and will consider the appeal based only on the material, questions and evidence from the original hearing submitted in writing and the recording of the hearing. The student or others, including witnesses, will not appear before the committee.

Upon completing the review of the appeal the committee will submit its recommendation to the administrator hearing the appeal in writing within two (2) working days. The committee is limited to recommending one of the following actions.

- Affirm the disciplinary decision and thus deny the appeal
- Modify the disciplinary decision
- Return for a new or partial rehearing
- Overturn the disciplinary decision

The student will be informed in writing of the decision of the administrator hearing the appeal within five (5) working days after the committee has made its recommendation to the administrator. The disposition of the case by the administrator is final.

IV. SPECIAL CIRCUMSTANCES

A. Sexual misconduct Cases

Because of their sensitive nature, sexual misconduct cases will be referred to a student conduct administrator for an administrative hearing. When possible, these cases will be chaired by two student conduct administrators, one of each gender. The victim is encouraged to obtain counseling and to utilize an adviser throughout the entire proceeding.

A stay-away directive will be issued by the student conduct administrator(s) to any or all parties involved in the case, including third parties. The complainant will be notified when that occurs. The university reserves the right to modify the living arrangements within the residence halls, class schedules, eligibility to participate in certain activities, etc., of the students involved.

The complainant may elect to have an adviser accompany her/him throughout the conduct process — including any initial meeting(s), conference(s) and the hearing. Before the hearing, the complainant will be required to make a formal statement (normally a signed written statement or a Department of Public Safety Incident Report) describing the incident. The respondent(s) will be given an opportunity to respond with his/her own formal statement. The complainant has the right to be present throughout the hearing, but not during the deliberations of the student conduct administrator(s). The complainant has

the right to present pertinent evidence and the testimony of witnesses to substantiate the complaint. Irrelevant history of both parties will not be discussed or considered during the conduct process. The student conduct administrator will determine relevancy. As permitted by federal or state law, the complainant will be informed in writing of the outcome of the student conduct proceeding and any subsequent appeal. Both complainant and respondent shall have an appellate right. Should any delay occur during the proceedings, the student conduct administrator will inform the complainant of the reason for the delay.

B. Off-campus Cases

The university reserves the right to investigate and subsequently take university action for behavior of Marquette students in off-campus situations when such behavior is believed to have an impact on the Marquette community, e.g., alleged instances of criminal activity commencing on campus but relocated off campus; harassment of or assault on a university person; criminal activity involving a student, whether as an individual student or as a member of a university-recognized organization; violations of city ordinances, such as public intoxication, noise and vandalism; or student conduct violations in organized group living situations or in university-owned housing. The decision to take action in such cases will be determined by the dean of students or his/her designee in consultation with appropriate university officials. This provision is also applicable to students studying abroad.

C. Emergency Administrative Action

Should an individual pose an immediate danger to, or severely disrupt, the university community or endanger any individual, emergency administrative action may be taken to relocate an individual within the residence halls, restrict activities of the individual on campus or remove the individual from the university community (e.g., residence halls, classroom) pending the outcome of disciplinary procedures. This action may be taken at any time during the academic year, including New Student Orientation, midterms, final exams and Senior Week. This action may be taken against a graduating senior and may preclude the student from participation in graduation, pending the outcome of a formal disciplinary hearing. Within three (3) working days of the emergency administrative action, a disciplinary case must be filed. A formal hearing must then be scheduled within five (5) working days after the case is filed. The student must receive written notification of the charges. The decision whether or not to take emergency administrative action is vested solely within the discretion of the vice president for student affairs or his/her designee.

D. Violation of Law and Conduct Code

The university may institute disciplinary proceedings against a student for a violation of the Student Code of Conduct, regardless of pending civil litigation or criminal arrest and prosecution arising out of the same factual situation. Disciplinary proceedings may be carried out before, simultaneously with or after civil or criminal proceedings off campus. University disciplinary action will not be subject to challenge on the grounds that civil or criminal charges involving the same incident are pending or that such charges have been dismissed or reduced.

V. STUDENT DISCIPLINARY RECORDS

Because the Family Educational Rights and Privacy Act defines the records of a student engaged in a disciplinary process as private, information about the disciplinary process may only be shared with the student found responsible, his/her parents if a dependent, his/her academic college dean or adviser and school officials with a legitimate educational interest. The student must give written permission for anyone else to have access to this information, unless otherwise permitted by federal or state law. For additional information regarding FERPA, see the complete policy on page 34 of this handbook.

Retention of Disciplinary Records

At the completion of the disciplinary action(s) the student's record shall be returned to good standing, but the disciplinary action(s) and supporting material shall be retained in the student's file until two years after his/her graduation date or that of the student's class if he/she does not continue at Marquette. At that time, the material will be destroyed, except for those records dealing with suspension or expulsion. Such a record may be introduced and given due consideration in any subsequent case in which the student may be involved.

If a student is found not responsible for all the charges filed against him or her, or if a student is exonerated or the charges dropped, the contents of the file directly related to the incident will be removed and destroyed at the conclusion of the case.

VI. SOURCES AND LIMITS OF AUTHORITY

Ultimate university authority and responsibility in matters of student conduct reside in the president of Marquette University. The president has delegated immediate authority and responsibility for student conduct, under the general supervision of the vice president for student affairs, to the dean of students.

A. Student Conduct Administrators

The vice president for student affairs or his/her designee shall designate student conduct administrators who will assume responsibility for administering cases assigned to them and conducting administrative hearings.

B. Student Conduct Review Board

The dean of students or his/her designee shall create student conduct review boards to hear cases referred to them. Each board shall be composed of up to nine individuals that may include students, faculty and administrators. The board will be chaired by a non-voting student or conduct administrator. The board may recommend all levels of disciplinary actions to the student conduct administrator assigned to the case.

C. Confidentiality

Student conduct administrators, student conduct assistants, members of student conduct review boards, the university appeals committee and advisers to students, while acting in their official capacities in such positions, shall be deemed to act as special assistants to the dean of students, solely for the purposes of imparting to the hearings the confidentiality provided by law. Confidentiality also applies to the respondent(s), the complainant(s) and witnesses.

VII. AMENDMENTS

Amendments to these procedures may be proposed in writing to the dean of students by any member of the university community. The dean of students, after consultation with the university legal counsel and others who may be pertinent, shall make a recommendation to the vice president for student affairs. Reasons are to be given for the recommendation along with the specific wording of the proposed amendment and the probable effects of implementation.

The vice president for student affairs will consider the proposal and the recommendation of the dean of students. If the change proposed is editorial in nature or of a minor nature, the vice president can approve or disapprove the change. If the change proposed is substantial, the vice president will provide a recommendation to the president of the university. The president, after reviewing the proposed amendment and the recommendation of the vice president for student affairs, shall determine whether to approve the amendment and, if so, its effective date.