

Subject: Sanctions and Penalties
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SANCTIONS AND PENALTIES

The following disciplinary sanctions may be imposed upon students found responsible for a violation of conduct regulations. All sanctions may be imposed either singularly or in combination. The purposes of imposing sanctions are twofold: one, to protect the University community from behavior detrimental to the community; and, two, to assist students in identifying acceptable parameters and consequences of future behavior. The severity of the sanction imposed is intended to correspond to the severity or frequency of violations as well as the student's willingness to recommit himself or herself to good citizenship through behaviors that fall within the conduct regulations of the University.

Permanent Suspension: Dismissal from the University without leave to apply for readmission. This sanction shall be automatically referred to the Chancellor by the Vice Chancellor for Student Development for review prior to implementation. In case of permanent suspension, immediate steps will be taken to remove the student from the USCB campus.

Suspension for a Period of Time: Denial of enrollment, attendance and other privileges at the University for a specified period of time. Permission to reapply for readmission upon termination of the period may be granted with or without qualifications. **NOTE:** Any student suspended for disciplinary reasons must vacate the campus within 48 hours of the date the notice of suspension is presented in person or through certified mail and may not return to campus or University property during the term of the suspension without prior written permission of the Vice Chancellor for Student Development.

Suspension Held in Abeyance: A sanction given for a period of time, which indicates that the serious nature of the conduct violation would normally result in a student's suspension from the University, but given the extenuating circumstances, this suspension is not immediately put into effect. Any serious violation of rules, regulations or laws while the suspension is held in abeyance may result in suspension from the University. In the event a student is accused of violating the conditions of a suspension held in abeyance, the student will be notified to appear before the original hearing authority or other appropriate authority.

This hearing authority shall determine whether or not there is sufficient information to determine that the terms of the suspension held in abeyance were violated. If the terms of the suspension held in abeyance were violated, the student will be given an opportunity to show cause why he or she should not be suspended. The original hearing authority shall make a decision as to whether the student should be immediately suspended or the initial sanction should remain in effect.

Disciplinary Probation: A period of review and observation during which a student is under an official warning that his or her misconduct was very serious. While on disciplinary probation, a student may be considered to be “not in good standing” and may face specific limitations on his or her behavior and/or University privileges (see “Conditions” below). Subsequent violations of University rules, regulations or policies are likely to result in more severe sanctions, including permanent suspension from the University.

Conditions: Limitations upon a student’s behavior and/or University privileges for a period of time or a stipulation in conjunction with another sanction may be imposed. This sanction may include denial of the right to represent the University in any way, denial of parking privileges, required attendance at a workshop, participation in community service, etc.

Reprimand: An official reprimand making conduct a matter of record in University files. Any further misconduct could result in further disciplinary action.

Restitution: An order to make restitution is issued when a student has engaged in conduct injurious to property (individual, group or University) for which monetary damages may be ascertained. For example, this sanction may be assessed in cases of property damage, theft, fraud, deception or misappropriation.

Summary Suspension: Summary suspension requires a student to immediately leave University property and not return during the suspension period and/or comply with other stated conditions for a specified period. Suspension may be imposed upon a student by the Vice Chancellor for Student Development or a designee when there is reason to believe, based on available facts, that the student represents an immediate threat to the safety, health or welfare of themselves, other persons or property. This summary action is warranted by potential or threatened danger or disruption, but is indicated only when the serious nature or immediacy of the threat makes it impractical to follow normal disciplinary procedures. Summary actions authorized by this policy include:

- Temporary suspension of a student’s eligibility for enrollment or attendance, as well as denial of the student’s access to University facilities or property. A student may be summarily suspended for a specified period of time or the suspension may be scheduled contingent upon certain events or conditions.
- Temporary suspension or limitation of a student’s eligibility to enjoy certain kinds of events without the suspension of enrollment status. This summary action may prohibit a student’s presence on University property or in certain facilities or impose conditions which must be met in order for that student to enjoy certain privileges, participate in activities or attend events.

When a student is summarily suspended, he or she is given a copy of this policy and a notice explaining the reason for and duration of the suspension, as well as any

conditions that may apply. A student notified of such summary action shall, upon written request, be given an opportunity to meet with the Vice Chancellor for Student Development or a designee within five class days of the date of the request. This meeting shall be held to consider only the following issues related to the summary action:

- The reliability of information alleging a student's misconduct.
- Whether the conduct or surrounding circumstances reasonably indicate that the student's presence on campus or continued unrestricted participation in campus affairs would pose an immediate threat to the safety, health or welfare of persons or property.

It is not the purpose of the meeting to hear evidence concerning pending or possible charges against the student.

Following the imposition of summary suspension, standard University disciplinary procedures shall be provided as expeditiously as possible. Unless circumstances render the implementation of standard disciplinary procedures impossible or unreasonably difficult, these procedures shall be initiated within ten class days of the effective date of the summary action.

Failure to comply with a disciplinary sanction or condition will result in a "hold" being placed on the student's official university record or transcripts and will result in further disciplinary charges.

Any student who is summarily suspended and returns to the campus or University property and/or violates other stated conditions during the specified period shall be subject to further separate action and may be treated as a trespasser. Permission to be on campus for a specific purpose (e.g., to take an exam, to consult with the Vice Chancellor for Student Development or to participate in disciplinary procedures) must be requested and obtained in writing from the Vice Chancellor for Student Development.

A written notice of time, place and format of the hearing will be forwarded to the charged party(ies) at least five days prior to the date of the hearing unless the student(s) or student organization(s) waives all or part of the notice period. The formal hearing will not be held fewer than five days from the date the original charge letter was issued, unless the charged party(ies) waives this limit.

All statements, information, or comments given during hearings will be held in strictest confidence by members of the USCB faculty, staff and witnesses before, during and after deliberation. Only duly authorized persons or faculty and staff with an educational need to know will be informed of the proceedings and outcome.

The Chair of the University Judicial Board (UJB) will exercise control over the hearing to avoid needless consumption of time through repetition of information and/or to prevent the harassment or intimidation of participants. Any member of the UJB may require the board to go into executive session to discuss and decide a matter by majority vote. The

hearing can be recessed at any time by the Chair. The Chair shall ensure that all procedures are appropriately followed.

The Vice Chancellor for Student Development or a designee is responsible for scheduling and coordinating the presentation of all cases.

After all information has been presented and the charged party has made a final statement, the UJB shall meet in private to discuss the case, reach its decision, and, if appropriate, determine a sanction. Determination of guilt must be agreed upon by at least two-thirds of those present and voting. If a decision of guilt is reached, information concerning any past disciplinary record of the student(s) or student organization(s) will be presented to the Judicial Board for its consideration in determining an appropriate sanction.

The Vice Chancellor or designee is not present when decisions of responsibility and sanctions are made.

The Vice Chancellor for Student Development will make a tape recording of all judicial hearings. The charged party(ies) and advisor shall have the right, upon request, to listen to the recording in the presence of a staff member of the Office of Student Development.

The charged student or student organization may request a duplicate copy of the recording at his, her or the organization's own expense within a period of six months from the date of the hearing.

After the hearing, the Vice Chancellor for Student Development shall be responsible for forwarding the written decision of the University Judicial Board to the charged party(ies). The letter from the UJB shall consist of a statement of charges; the findings of the hearing authority and the rationale for the findings; sanction(s) and the rationale for the sanction(s) if appropriate; and a statement regarding the right to appeal and appeal procedures.

Students or student organizations found guilty shall have five days from the date the decision letter is sent to submit a written request for an appeal. If there is no appeal within this time limit, the Vice Chancellor for Student Development shall implement the decision.

The request for appeal shall be by memorandum addressed to the faculty chair of the University Judicial Board through the Vice Chancellor for Student Development. The memorandum must state the reason(s) for believing the decision of the original hearing authority to be improper.