

The Social System

I. Student Responsibilities

Lyon College students are young adults ready to assume the personal and professional responsibilities they will carry for the rest of their lives. While here, students assume the particular responsibilities arising from their membership in our academic community.

As a result of this membership, Lyon College expects students to be responsible for establishing and living by community standards, and, if some fail to do so, it expects students to be responsible for enforcing their social standards through the Social Council as they enforce academic standards through the Honor Council. In this way the College community recognizes its students' mature capability of assuming these adult responsibilities.

II. Standards of Student Behavior

Lyon College students have established the following expectations for the general welfare of the community. These expectations grow out of students' desire to live in a productive and harmonious community. They apply both to individuals and to college organizations. Lyon College students have also determined that failing to live up to these expectations should result in action aimed at preserving the well being of their community and at bringing individuals back into that community. They have established the Social Council to take such action when necessary and to interpret these necessarily general standards to best maintain a high quality of campus life.

Community standards of Lyon College include:

- A. Concern for the safety of oneself and others, avoiding any conduct that endangers health, safety, or personal well-being, including physical or mental abuse or threats of abuse.
- B. Civility and due regard for others' rights, avoiding behavior which is abusive, obscene, lewd, violent, intrusively nosy, disorderly, or which interferes with normal student life and college activities. Regarding the actions of the Social Council, regard for others' rights avoiding harassment or intimidation of witnesses.
- C. Honesty in regard to official college business, non-academic, college documents and files, and student identification cards. (Honesty in academic matters which is also expected is handled by the Honor System.)
- D. Respect for property, refraining from misappropriation, theft, or misuse of property of others or the College; gambling; vandalism; and tampering with safety equipment.
- E. Respect for others' rights of access, avoiding intentional restriction with or obstruction of College activities or facilities, including unauthorized parking, unauthorized occupancy or blockage, obstruction or delay of emergency officers, or failure to comply with the proper requests of College officials performing their duties.
- F. Financial responsibility, meeting obligations to the College promptly and within stated deadlines.
- G. Compliance with state drug and alcohol regulations; abiding by the College's alcohol policy and refraining from all possession, use, or sale of controlled substances.
- H. Compliance with Lyon College policies and procedures governing campus residences and other non-academic areas.

III. The Social Council

A. Role and Jurisdiction

The members of the Social Council are students strongly committed to upholding the Lyon College Social System, as well as upholding the rights of each student while investigating and considering complaints. The Social Council is responsible for interpreting the Standards of Student Behavior and other policies found in the Student Handbook and responsible for taking action when it finds that standards and policies have been violated.

Regarding off campus activities, the Social Council shall pursue only incidents that occur during official college sponsored events. These activities include anything related to academic course work, varsity and club athletic events, student organizations, and academically related student travel.

The Social Council will not meet the last week of classes. Those cases arising after that time shall be handled administratively.

B. Membership

The Social Council consists of fourteen students: four seniors, four juniors, four sophomores and two freshmen all elected by the full-time student body. To provide continuity and consistency within the Council, the individual receiving the largest number of votes in the election for the sophomore positions and the junior positions shall serve two-year terms. All other positions shall have one-year terms. All new members except the freshmen shall be elected in mid-March and installed at baccalaureate. The freshmen shall be elected and installed within six weeks after the beginning of the fall term.

The Social Council will meet and hear cases as necessary prior to the election of the freshman representatives. The Council shall elect its own President, and Vice-President from the junior and senior members, and two Recording Secretaries from the sophomore, junior, and senior Council members. Each year the Social Council will select a non-voting adviser from the faculty or staff.

Should a Social Council member vacate a position for any reason, the Student Government Association Elections Committee shall conduct an election for a replacement. The SGA will have the authority to remove a member of the Social Council by a two-thirds majority vote. The SGA may appoint an interim Social Council member until the next election.

When the Social Council receives a complaint that warrants full investigation, the Social Council President will select one or two members of the Council on a rotating basis to investigate the facts and present them to the Council at a preliminary hearing and, if necessary, at a full hearing. The member so selected will be the "Investigator" for that case. The number of investigators assigned to the case is dependent on the severity of the case. Investigations are assigned on a rotating basis.

C. The Investigator

The role of the investigator is to be a neutral fact-finder seeking the truth regarding a complaint. The Investigator shall not vote in the resulting preliminary hearing or full hearing. The Investigator is responsible for contacting all witnesses requested by both the complaining party and the accused. In conducting the investigation, the Investigator and his or her assistant shall take reasonable precautions not to disclose the name of the accused and the nature of the complaint to anyone other than those involved with the complaint. The Investigator shall also keep information developed in the investigation confidential. Upon completion of the investigation, the Investigator shall present all the information concerning the complaint, with names omitted, to a preliminary hearing as provided for in Paragraph E of this Article.

D. The Student Adviser

An individual against whom a complaint has been lodged may ask a full-time student to serve as the Student Adviser or may ask the President of the Social Council to select one. The Student Adviser may assist the accused in understanding the process and his or her rights and may advise and assist in responding to the complaint, using general guidelines provided by the Social Council. The Student Adviser's role is to help the student prepare a response to a complaint rather than to serve as a defense counsel.

E. Council Proceedings

1. INITIATION OF SOCIAL COUNCIL PROCEEDINGS

Social Council proceedings begin when the Director of Residence Life receives a written complaint related to the Standards of Student Behavior or other Student Handbook policies.

2. DETERMINATION OF A VIOLATION

Upon receipt of a complaint and following such investigation as he or she considers appropriate, the Social Council President and the Director of Residence Life shall determine how to proceed; they can dismiss complaints that do not seem to involve a violation of the Social Standards, in very minor violations they can issue warnings if acceptable to the accused (and in cases involving victims, also agreeable to the victim), or they can refer the complaint for full investigation and action by the Social Council.

When a full investigation is warranted, the Social Council President will refer the case to a student selected to investigate the complaint, and will ensure hand-delivered written notice of the complaint to the accused. The investigation shall conclude with a preliminary hearing, as described in Section 3, not more than ten days following the receipt of the report by the presiding President of the Social Council, or recommendation from the Investigator, may extend the investigation period. If the presiding President of the Social Council and the Director of Residence Life disagree, the Dean of Students shall be contacted to settle the issue. If the investigation is not completed in the allotted time, the Social Council President may request removal of the investigator from the Council by the Student Assembly.

If a student chooses to plead guilty to all charges, the preliminary hearing shall be waived and his or her case sent to a full hearing.

3. THE PRELIMINARY HEARING

The Social Council Vice President, two Social Council representatives chosen on a rotating basis, by the President of the Social Council, and a Recording Secretary shall compose the preliminary hearing committee. After considering the evidence, the committee shall decide, by a majority or tie vote, whether a full hearing and/or further investigation is necessary.

If it is decided not to send the case to a full hearing, then the committee may decide, by a majority or tie vote, to issue a warning. The record of the warning shall be maintained for one calendar year and be admissible in further hearings on a related subject. The Vice President shall have knowledge of the accused's prior convictions if any exist. If a warning is not acceptable to the accused (or the victim in cases involving a victim), the warning can be appealed to the Judicial Panel.

If there is not sufficient evidence to justify a full hearing, the Vice President of the Social Council will verbally inform the accused and the Director Residence Life of the outcome as soon as possible, the council shall close the file without any record, and all persons involved shall be charged to hold the matter in strict confidence. The Vice President of the Council shall send a letter to the accused within a reasonable length of time detailing the outcome.

Should the preliminary hearing committee decide that the evidence is sufficient to warrant a full hearing, the President of the Social Council shall set the time and date of the full hearing and give the accused written notification (hand-delivered, if possible) of the specifics of the complaint at least 24 hours and no more than 72 hours before the hearing. At the same time, the President shall apprise the student of his or her rights including the availability of assistance from a Student Adviser, and the accused shall sign a statement indicating an awareness of the complaint, of his or her rights, and of the procedures to be followed.

4. THE HEARING

The procedures for a Social Council hearing shall be as follows:

The President of the Social Council shall preside. In the absence of the President, the Vice President presides. The trial shall be tape-recorded and a Recording Secretary shall keep minutes of the proceedings and maintain them as a record.

The Social Council, Investigator's, and accused (and his or her Student Adviser, if applicable) may examine individuals presenting testimony.

If more than one student is involved in the same charge, separate hearings shall be held, with their order determined by lot, unless those charged and the President of the Social Council agree to a joint hearing. Joint hearings can be held only if all parties have the same plea.

The hearing shall be closed unless the student being tried makes a written request to the Social Council President for an open hearing at least 12 hours prior to the hearing. The President of the Social Council shall have the authority to exclude from the hearing any participants whose conduct interferes with a fair hearing. Witnesses will be excluded from the hearing except when they are testifying. Those persons attending an open hearing will remain throughout the hearing unless excused by the Social Council President.

The Council will publicize its hearing by posting notices in classroom buildings, Edwards Commons, and other locations they deem appropriate.

At the beginning of each hearing, the Social Council President reads the complaint. The President of the Social Council asks the person charged whether he or she admits to the substance of the complaint.

a. If the person charged admits to the substance of the complaint, he or she may then make a statement regarding imposition of a sanction and may present a reasonable number of witnesses to support the statement. The Investigator and Council members may question the accused and his or her witnesses, and the Investigator and the person charged may make closing statements. The Council shall then go into executive session to consider and determine imposition of the sanction.

b. If the person charged denies to admit to the substance of the complaint, the Council proceeds to hear evidence as to the matter in dispute, normally in the following order:

- 1. all information gathered in relation to a complaint under the direction of the Investigator;
- 2. additional information in relation to a complaint under direction of the person charged;
- 3. closing statements by the Investigator, followed by closing statements by the accused;
- c. The Investigator may call witnesses who will be subject to questions by all official participants.
- d. Material evidence will be allowed and the President of the Social Council shall rule on questions of whether the evidence is pertinent and admissible. No attempt shall be made to apply legal rules of evidence. However, basic elements of fairness will govern the proceedings.
- e. Social Council members must hold in strict confidence all matters related to the hearing. Any allegations involving breach of confidence shall be heard by the Judicial Panel.
- f. Any member of the Council who is a material witness to the allegation charged or whose personal involvement with the person charged may constitute a bias, shall not sit with the Council, and shall not take part in its deliberations or voting. The President of the Council, or in his or her absence, the Vice President, in consultation with the Director of Residence Life, shall consult any Council member believed to have a bias. After consultation, the Social Council President may request the member in question to excuse himself/herself from the hearing.

5. DECISION BY THE COUNCIL

The Council shall determine innocence or guilt according to the preponderance of evidence. Though it will not limit guilt to cases "beyond a shadow of doubt," the Council will consider only information and evidence presented in the hearing. Weighing the preponderance of the evidence presented, the Council may find the accused guilty only if a two-thirds majority of the Social Council votes for conviction. Otherwise, the accused shall be found innocent, and the case shall be dismissed. A quorum for a Social Council hearing shall be six voting Council members. In addition to the accused, the Dean of Students and the Director of Residence Life shall be given written notification of all Social Council decisions.

6. SANCTIONS

When considering sanctions, the Social Council shall look at the facts of the current situation, past sanctions, and attitude of the accused regarding the complaint. Prior to the hearing, the Director of Residence Life gives the Social Council President a sealed envelope containing a list of past sanctions to be opened only if a guilty verdict is rendered. If the Social Council finds that a student or organization has violated any of the Standards of Student Behavior or other Student Handbook policies, it may impose the following sanctions:

Expulsion. The Social Council may permanently expel a student from the College.

Suspension. In cases of flagrant or repeated violations of the Standards of Student Behavior or other Student Handbook policies, or continued behavior originally causing the imposition of probation, the Social Council may suspend a student or organization for a specified period of time. During the period of suspension, students may not attend classes, live on or visit the campus, or be involved in any college activities.

Probation. The Council may place a student or organization on probation for a specified period of time. If a subsequent incident occurs during the probationary period, either as repetition of the first act or violation of a different College standard or policy, the Council will then consider the recent violation, as well as the act of breaking probation in determining disciplinary action. The violation of probation is a severe violation and places the student's enrollment in jeopardy. Restrictions are considered a tool to achieve the objective of reform and at the same time maintaining the safety and harmony of the College community.

Restitution. The Council may require a student or organization who has committed an offense against property to reimburse the College or other owner for damage to or misappropriation of such property, limiting any such payment in restitution to actual cost of repair, replacement or related cost.

Reprimand. The Council may give a written reprimand to any student or organization whose conduct violates any part of the Standards of Student Behavior or other Student Handbook policies. Such a reprimand does not restrict the student or organization in any way. It signifies that parties are given another chance to modify behavior and to conduct themselves within the community standards.

Recommended Withdrawal. The Social Council, in consultation with the Dean of Students, may recommend that a student withdraw from campus and/or from the College for a specified period of time.

The Social Council may impose other sanctions that include, but are not limited to, the following:

- restriction from offices open to the general student vote and/or from offices appointed by those bodies so elected;
 - restriction from attending or hosting college social activities;
 - restriction or loss of visitation privileges in living areas;
 - restriction or loss of alcohol privileges
 - appropriate counseling arrangements (if sought by a student);
 - educational discussions on specified topics;
 - any other sanction that may be deemed rehabilitative and educational
- In addition, the Social Council may make the following sanctioning recommendations to the Dean of Students.

Temporary Suspension. In case of emergency where, in the best judgment of the Dean of Students, the well-being of students is in jeopardy, the Dean may deny an accused student access to campus or allow him/her only to attend classes and study in the library for a specified period of time.

Summary Suspension. Disciplinary action is educative, rehabilitative, and restorative within the framework of the College. The ultimate result of any action is dependent on students' willingness to cooperate and redirect their behavior. However, in those instances in which a student is unable to take care of his or her needs or is judged to be a danger to him/herself, or others, the Dean of Students may summarily suspend the student and require his or her departure from the campus. A review of the suspension will be conducted within a reasonable length of time. Appeals of summary suspension are to be made to the College President. During appeal, the terms of the summary suspension will remain in effect.

7. APPEALS

Only the accused and the victim (in such cases) may appeal a Social Council decision. In the case that new evidence arises, this evidence may be presented to the original presiding members of the council. If the evidence comes up after the 3 day period (refer to section 4, C), the presiding president of the case must approve reopening the case.

Sanctions imposed by the Social Council and by the Dean of Students, or his or her designee, will remain in force during the appeal process unless the President of the College, his designee or the Judicial Panel chooses to lift some (or all) of the restrictions.

IV. The Judicial Panel

A. Role

The Judicial Panel will serve as an appeals body after a decision by the Social Council. The Judicial Panel shall not hear cases involving new evidence.

B. Membership

The panel will consist of one student selected by the Student Government Association officers in consultation with the Dean of Students, one faculty member elected by the Faculty Assembly, and one administrator or staff member elected by the Management Assembly. Every year, the panel will elect a chair from among themselves to coordinate panel proceedings. The Student Life Administrative Coordinator will serve as recorder for the Panel. The student panel member will be selected for a one-year term renewable for three years. The faculty and staff panel members will be elected for staggered three-year terms in the Spring Semester with each term beginning and ending at baccalaureate. Neither the Dean of Students nor the Director of Residence Life can serve as Panel members.

C. Panel Proceedings

1. INITIATION OF PROCEEDINGS

Only the accused and the victim (in such cases) may appeal a Social Council decision. To do so, they must file a written appeal with the Dean of Students within three (3) days of receipt of the decision they wish to appeal. That written appeal must contain the reasons for the appeal, the name of

counsel, and witnesses who will be called.

The Judicial Panel must hear the case within one (1) school week after receiving the request unless the Judicial Panel determines there are extenuating circumstances. A quorum of three is necessary to hear any case.

2. PANEL HEARING

All persons notified to be present at the hearing must attend or be subject to disciplinary action. In cases that require disciplinary action, the Judicial Panel will have the authority to impose disciplinary action through the Dean of Students.

The Judicial Panel hearings are closed. The presiding Social Council President and the accused will have the right to be present. The accused, Social Council President, and Panel members have the right to question all witnesses. If either party waives the right to be present, the Panel shall treat the case in the manner it believes is just.

3. DECISION BY THE JUDICIAL PANEL

Following the presentation of charges, evidence, and witnesses, the Panel, in closed deliberations, shall determine the guilt or innocence of the accused by majority vote and, if necessary, shall assign discipline. The chair of the panel will notify the student of the verdict by a phone call or in person within twenty-four hours of the completion of the hearing and will send a written notification within a reasonable length of time. The Dean of Students and the Director of Residence Life shall be given written notification of all Judicial Panel decisions.

4. APPEALS

The accused or the victim (in cases involving a victim) may file an appeal to the President. If the President of the College initiated the Social Council proceeding in question, he/she will designate the Dean of the Faculty or another officer of the College to hear any appeal for that particular case. The appeal must be presented in writing within three (3) school days after receiving the written notification of the decision of the Judicial Panel and must include a statement of the grounds for appeal. A copy of the appeal must be provided to the accused, the Social Council President, Dean of Students, Director of Residence Life, and the chair of the Judicial Panel.

The President of the College, or his or her designee in cases which the President initiated, may affirm, reverse or remand the decision of the Judicial Panel. If a decision is remanded on appeal, the case is returned to the Social Council for reconsideration. The decision of the President of the College or his or her designee is final.

V. Maintenance of Records and Reports to the College Community

The Dean of Students or his or her designee shall maintain the records of the Social System. In each case considered by the Social Council, the Recording Secretary of the Social Council shall be responsible for recording the proceedings of a hearing; distributing, collecting, and disposing of written material used in the hearing; and delivering written material to be retained for permanent records. The Student Life Administrative Coordinator shall maintain records of cases appealed to the Judicial Panel. Records of proceedings in which guilt is determined shall be delivered to the Dean of Students or his or her designee immediately following each hearing. The Dean of Students or his or her designee shall inform the Registrar of cases involving suspension and expulsion.

A student who is found innocent has the option to request that the file concerning his or her case be maintained. The student will be informed of this during notification of the case outcome. Standard file maintenance and access rules apply. If said student does not choose this option, all records of complaints which are revoked or dismissed, and of those proceedings in which the accused is found innocent, shall be destroyed after the appeal period has elapsed.

Only the accused student, the President of the Social Council, the Dean of the Faculty, the Dean of Students, the Director of Residence Life, Registrar, and the President of the College shall have access to records. The Dean of Students may reveal that portion of the record which is requested by someone other than those named above only with the student's written permission.

The President of the Social Council will be responsible for making all reports to the College Community. Reports of the number and variety of cases heard and appealed will be made to the Faculty and Management Assemblies and the Student Government Association once each year, and to the Board of Trustees at its fall meeting. A summary of complete results, exempting names, will be reported at the beginning of each school year covering matters which occurred the previous year.

VI. Amendments to the Social System

Members of the College community may recommend amendments to the Social System presenting them in writing to the Student Government Association for consideration. Prior to voting, the SGA will discuss the proposed amendment with the Social Council. Adoption of amendments requires a two-thirds majority of SGA members.