

System of University Standards and Student Conduct

- University Code of Student Conduct
- Procedures of the System of University Standards and Student Conduct
- University Hearing Bodies: Their Functions and Procedures
- University Student Conduct Board: University Standards Hearing
- University Student Conduct Board: Organization Misconduct Hearing

University Code of Student Conduct

Students at Colgate University accept membership in an academic community dedicated to the pursuit of intellectual and personal growth. As a liberal arts college, Colgate seeks to provide opportunities for students, both in and outside the classroom, to develop critical thinking, integrity, judgment, a common experience of learning, and appreciation of cultural and ethnic diversity, as well as the social and ethical values necessary for community life.

Colgate expects its students to conduct themselves in a manner that is consistent with the institutional community's pursuit of its educational objectives. The integrity of the Colgate community depends upon each member's acceptance of individual responsibility and respect for the rights of others. *Colgate expects that its students will not lie, steal, cheat, or engage in dishonest or unlawful behavior; behavior that damages University property, the personal property of another individual, or public property; or any other behavior intended to inflict physical or emotional harm on oneself, another person or the community. Colgate students must abide by University policies and procedures and comply with directions of University officials acting in performance of their duties.*

University policies and procedures include, but are not limited to:

- Colgate University Academic Honor Code
- Code of Student Rights and Responsibilities
- Policy on Public Order
- Policy on Hazing
- Policy on Alcohol and Drugs
- Policy on Unrecognized Organizations
- Policy on Medical Leave of Absence
- Policy for Student Presence on Campus While Separated from Colgate
- Policy Governing the Scheduling of Parties
- Policy on Campus Solicitation and Concessions
- Policy on Use of Colgate Vehicles
- Policy on Smoking
- Policy on Advertising
- Computing Policy
- Guest Policy
- Fire Safety Regulations

Student Discipline

The System of University Standards and Student Conduct resolves possible violations of the Code of Student Conduct by matriculated or enrolled Colgate students on or off campus. The disciplinary system seeks to educate students about both personal freedoms and the limits of belonging to and living in a diverse academic community. To this end, students play a central role in the administration of Colgate's System of University Standards and Student Conduct. Students participate in shaping the rules that govern the communities in which they live, and bear personal responsibility for upholding and enforcing the standards for student conduct.

Except as specified to the contrary or as context may require otherwise, Colgate University graduate students are subject to all University policies and procedures pertaining to student conduct, including without limitation those listed below, as well as the substantive and procedural provisions of the *System of University Standards and Student Conduct*.

- Academic Honor Code

- Code of Student Rights and Responsibilities
- Policy on Public Order
- Policy on Hazing
- Policy on Alcohol and Drugs
- Policy on Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment
- Policy on Unrecognized Organizations
- Policy on Medical Leave of Absence
- Policy for Student Presence on Campus While Separated from Colgate
- Policy Governing the Scheduling of Parties
- Policy on Campus Solicitation and Concessions
- Policy on Use of Colgate Vehicles
- Policy on Smoking
- Policy on Advertising
- Computing Policy
- Guest Policy
- Fire Safety Regulations

Information on these and other applicable policies and procedures can be found elsewhere in this handbook.

The Disciplinary Officer, appointed by the Vice President and Dean of the College, oversees the System of University Standards and Student Conduct.

The university's disciplinary system does not supersede civil or criminal court proceedings. Students on campus as well as off campus remain subject to federal, state and local laws.

Procedures of the System of University Standards and Student Conduct

Overview of the Disciplinary Process

Possible violations of the University Code of Student Conduct are brought to the attention of the disciplinary officer. The disciplinary officer assesses the nature of the violation, investigates allegations, and then does one of the following:

- Dismisses the allegations based on the information available to him or her.
- Resolves the question of misconduct through alternative means, which may include but are not limited to mediation, as described below.
- Convenes an administrative hearing.
- Refers the incident to the University Student Conduct Board or Equity Grievance Process.

Students have an opportunity in all hearing venues to respond to the allegations.

While the types of case they hear vary, all university hearing bodies function similarly, in that they give the student or organization the opportunity to respond to the allegations, determine if the implicated student or organization should be held responsible for the alleged violation, and, when appropriate, assess appropriate sanctions (and/or points, if the violation is of the Policy on Alcohol and Drugs). To maintain standards of consistency and equity in the application of university standards, the disciplinary officer oversees the University Student Conduct Board. The disciplinary officer assembles the materials and information presented to the Board, prepares the students subject to hearings before the board, and maintains records of every hearing.

Note: Alleged violations of the university's Policy on Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment are addressed through the Equity Grievance Process set forth in that Policy. In addition, as and to the extent set forth in the Policy on Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment, the Equity Grievance Process may be used to address collateral violations of the Code of Student Conduct and/or other university policies occurring as part of the same set of circumstances as a violation of that Policy.

Overview of University Hearing Bodies

Administrative Hearing

Most violations of the Code of Student Conduct that may result in sanctions other than suspension, expulsion or revocation of

degree will come before the disciplinary officer or his/her designee for an administrative hearing.

University Student Conduct Board

The Disciplinary Officer shall refer to the University Student Conduct Board cases that require one of two types of hearing:

a. *University Standards Hearing*

Cases involving possible violations of the Code of Student Conduct that could result in a sanction of suspension or expulsion;
Cases in which the student involved does not accept responsibility for the violation with the understanding that the full range of sanctions including suspension or expulsion are available should the student be found responsible for the behavior in question;
Cases of academic dishonesty other than plagiarism, and cases of plagiarism which are not to be resolved by the faculty member or in which the student involved does not agree with the faculty member's proposed resolution.

b. *Organization Misconduct Hearing* Cases involving possible violations of the Code of Student Conduct by recognized student organizations on campus, including but not limited to fraternities and sororities, SGA recognized organizations, and athletic teams.

Amendments

Without limiting other available procedures for amendment of this system, proposed amendments may be approved by the Student Affairs Board and referred to the President and the Board of Trustees.

Withdrawal While Charges Pending

The University reserves the right to not permit a student to withdraw if that student has an investigation or charges against them pending for violation of the Equity Grievance Policy or for charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation and/or hearing, the university may opt to proceed in absentia to a reasonable resolution and that student will not be permitted to return to Colgate unless all sanctions have been satisfied.

Review

This Code of Student Conduct, in part or in its entirety, shall be reviewed at least every other year under the direction of the vice president and dean of the college or his or her designee. Any amendments to the Code shall be put forth as described in the section, Amendments.

Action in Courts

Disciplinary proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Disciplinary Officer. Because of the different standards applicable in civil or criminal proceedings and university disciplinary proceedings, disciplinary action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been dismissed or reduced.

Review of Alleged Violations When College is Not in Session (Where a Sanction Will Not Exceed Disciplinary Probation)

If a student is alleged to have committed a violation of the Code of Student Conduct near or after the end of a semester for which an administrative hearing would otherwise be appropriate, the Disciplinary Officer or his or her designee may issue a letter of resolution to the student that includes a proposed finding and sanctions (or points, if the violation is of the Policy on Alcohol and Drugs) based on the information then available. If the student accepts the proposed resolution, the proposed finding and sanctions (or applicable points) will be applied. If the student prefers to review the case with the Disciplinary Officer or his or her designee, an administrative hearing will be scheduled in order to review the case. The administrative hearing, and any subsequent proceedings, will be subject to the otherwise applicable terms of this *System of University Standards and Student Conduct*.

Mediation

Mediation is encouraged as an alternative means to resolve conflicts. The Disciplinary Officer will determine if mediation is appropriate. The disciplinary officer, at his or her discretion, may decline to process a complaint until parties in a nonacademic misconduct case make a reasonable attempt to achieve a mediated settlement. To be binding in a disciplinary case, any mediated settlement must be approved by the disciplinary officer. If mediation fails, the case will be forwarded for an administrative hearing or hearing before the University Student Conduct Board, as applicable.

Interim Suspension

If, in the judgment of the disciplinary officer, the safety or wellbeing of the accused student or any other person(s) may be jeopardized by the presence on campus of the student or the ongoing activity of a student organization whose behavior is in question, the disciplinary officer may suspend the student or student organization pending the conduct of disciplinary proceedings. The disciplinary officer may also suspend a student or organization pending disposition of a civil or criminal court action. Conduct involving acts of violence, physical abuse, use of weapons or behavior covered by Colgate's Policy on Public Order, the Policy on Alcohol and Drugs and/or the Hazing Policy, described elsewhere in this *Handbook*, are examples of situations for which an interim suspension may be expected. In all cases in which an interim suspension is imposed, the student or student organization will be given the opportunity to meet with the disciplinary officer prior to such suspension being imposed or as soon thereafter as reasonably possible.

Referral to Hearing Body

Most violations that may result in sanctions no more severe than probation are resolved in an Administrative Hearing with the Disciplinary Officer or his/ her designee. Any violation that could result in a sanction of suspension or expulsion must be referred to the University Student Conduct Board. As such, violations of a more serious nature, including but not limited to cases of academic dishonesty, assault, group misconduct, or violations by students with significant disciplinary records will likely require a hearing before the University Student Conduct Board.

University Hearing Bodies: Their Functions and Procedures

Administrative Hearing

The implicated student will be contacted regarding a possible violation and will be required to meet with the disciplinary officer by a specified date. The disciplinary officer will then give the student the opportunity to meet with the disciplinary officer to respond to the alleged violation. If the student admits to the violation, the disciplinary officer will assign a sanction (and/or points, if the violation is of the Policy on Alcohol and Drugs). Any sanctions (or points) that could be imposed by the University Student Conduct Board (see below), other than suspension, expulsion or revocation of degree, may be imposed in an administrative hearing. There is no option for an appeal of sanctions or points issued through an administrative hearing when a student admits responsibility. When appropriate, the disciplinary officer can designate another member of the staff of the vice president and dean of the college to conduct an administrative hearing.

University Student Conduct Board

The University Student Conduct Board determines if matriculated or enrolled students on or off campus, singly or acting as a group, have violated the University Code of Student Conduct, and, if so, what action should be taken. Depending on the type of violation, the disciplinary officer will convene one of two types of hearing:

- a. University Standards Hearing
- b. Organization Misconduct Hearing

The University Student Conduct Board is composed of eleven persons:

- The disciplinary officer, who serves as Chair of the Board;
- Five students;
- Three members of the faculty;
- One administrator at large (not a member of the Office of the Vice President and Dean of the College); and
- One member of the Office of the Vice President and Dean of the College, appointed by the vice president and dean of the college (the "Vice President and Dean of the College representative").

Except as otherwise provided below, a quorum for the hearing board consists of seven persons with at least one student, one faculty member, and either the disciplinary officer or the vice president and dean of the college representative. (If the disciplinary officer is absent, the vice president and dean of the college representative chairs the hearing.) In the absence of a quorum, the hearing will be rescheduled.

The configuration of the hearing body for an individual case will depend on the type of violation (see below). Faculty members are elected by the faculty, student members are appointed by the Student Senate, and administrators are appointed by the vice president and dean of the college. Terms for faculty and administrators (other than the disciplinary officer and the vice president and dean of the college representative) are three years; students serve for one year.

Students must have completed at least two terms at Colgate before they are eligible to serve on the board. Student members must be in good academic standing, and students who have been found responsible for violating the Code of Student Conduct by the University Student Conduct Board are not eligible to serve as Board members.

No member of the board may be a practicing attorney.

The board shall meet at times determined by the disciplinary officer.

Note: Certain violations of the Policy on Alcohol and Drugs will be resolved by the assessment of points (and implementation of the resulting consequences) in accordance with the description of the points system found in that policy. The assessment of points will be determined through an administrative hearing or University Student Conduct Board hearing, as determined by the disciplinary officer, to be held in accordance with the procedures set forth in this *System of University Standards and Student Conduct*.

University Student Conduct Board: University Standards Hearing

The disciplinary officer shall refer for a university standards hearing:

Cases involving possible violations of the Code of Student Conduct that could result in a sanction of suspension or expulsion;

Cases in which the student involved does not accept responsibility for the violation with the understanding that the full range of sanctions including suspension or expulsion are available should the student be found responsible for the behavior in question;

Cases of academic dishonesty other than plagiarism, and cases of plagiarism which are not to be resolved by the faculty member or in which the student involved does not agree with the faculty member's proposed resolution.

Configuration of the Board

The configuration of the board for a university standards hearing is as described above for the University Student Conduct Board.

Notification as to the Charge

At least seven (7) days prior to the hearing, or as far in advance as reasonably possible if an accelerated hearing is scheduled with the consent of the implicated student, the disciplinary officer shall send a letter to the student stating the following:

A description of the alleged violation(s).

The time and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If the student does not appear at the scheduled hearing, the hearing will be held *in absentia*. For compelling reasons, the chair may reschedule the hearing.

The right of the student whose behavior is in question to the assistance of an advisor at the hearing. An advisor must be chosen from among current students, faculty, staff or administrators at Colgate University. The advisor may not be a practicing attorney, and no practicing attorney may be present in the hearing room. The student subject to the hearing may speak and respond to questions on his/her own behalf. The advisor may consult with the advisee but may not speak on behalf of the advisee, unless he/ she is directed to answer questions raised by the board members. Hearings shall be scheduled as soon as it is possible.

Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term, during the summer as outlined in the section titled "Conduct Board Hearing When College is Not in Session," or at the beginning of the subsequent term, at the discretion of the disciplinary officer.

As is the case with the student whose behavior is in question (see "Notification as to the Charge," #3), the person, if any, initiating the action is also entitled to the assistance of an advisor at the hearing. An advisor must be chosen from among current students, faculty, staff or administrators at Colgate University. The advisor may not be a practicing attorney. The advisor may consult with the advisee but may not speak on behalf of the advisee, unless he/she is directed to answer questions raised by the Board members.

Anyone appearing at the hearing to provide information will speak and respond to questions on his/her own behalf.

The Hearing

Only the person(s) directly involved in the incident in question are permitted to attend the entire hearing; there will be no observers. The chair may allow other individuals who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the board or the persons involved. The Board does not hear character witnesses but will accept up to two letters supporting the character of the student involved.

Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in University Student Conduct Board hearings.

Only information pertinent to the possible violation will be considered by the board. However, information about other student disciplinary actions or civil or criminal convictions may be introduced at these hearings if, in the judgment of the chair, this information bears directly on the possible violation. The chair shall have discretionary authority to determine whether the board will receive and consider particular information, and to resolve any procedural questions or disputes arising in the course of a hearing.

Participation in a hearing by telephone, closed circuit television, video conferencing, video or audio recording, written statement or other means may be permitted by the chair to the extent deemed appropriate in his/her sole discretion.

Proceedings are strictly confidential. All persons present at any time during the hearing are expected to maintain confidentiality.

Hearings are recorded. Board members, the student whose behavior was in question, the persons, if any, who initiated the action, and appropriate administrative officers of the university shall be allowed to listen to the recording in a location determined by the disciplinary officer. No person will be given or be allowed to make a copy of the recording. Persons given access to the recording will be required to sign an agreement confirming that they will protect the confidentiality of the hearing.

Decisions

The Board shall deliberate in closed session to determine whether a student is responsible or not responsible for the violation(s) in question. The board shall base its determination on a standard of preponderance of the evidence (i.e., whether it is more likely than not that the student committed each alleged violation). If a student is found responsible by a majority of the board, the board will assess appropriate sanctions (and/or points, if the violation is of the Policy on Alcohol and Drugs). The disciplinary officer shall not vote to determine responsibility for a charge, but shall vote in the sanctioning phase of the hearing should the members of the Board be deadlocked in their decision. The deliberations of the Board shall be kept in strict confidence.

The chair shall forward a written decision to the student involved as soon as reasonably possible including, if applicable, sanctions and/or points. In cases of academic dishonesty, a copy of the Board's decision shall be sent to the faculty member who initiated the action.

Sanctions and Points Sanctions shall be determined by the administrative hearing officer in administrative hearings, or in cases reviewed by the University Student Conduct Board, a majority vote of the board. Factors considered when determining a sanction may include:

- The nature, severity of, and circumstances surrounding the violation.
- A student's disciplinary history,
- The impact of a sanction on a student,
- Previous cases involving similar conduct; and
- Any other information deemed relevant by the administrative hearing officer or Board.

The following are the usual sanctions that may be imposed upon students singly or in combination:

1. *Warning*: A formal statement that the student's behavior was unacceptable and a warning that further infractions of any university policy, procedure or directive will likely result in more severe disciplinary action.
2. *Probation*: A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student is found in violation of any university policy, procedure or directive within a specified period of time. Terms of the probation shall be specified and may include denial of specified social privileges, exclusion from co-curricular activities, and/or other measures deemed appropriate.
3. *Suspension*: Termination of student status for a definite period of time not to exceed two years, or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Colgate.
4. *Expulsion*: Permanent termination of student status.
5. *Withholding Diploma*. The university may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has disciplinary charges pending, or as a sanction if the student is found responsible for an alleged violation.
6. *Revocation of Degree*. The university reserves the right to revoke a degree awarded from the university for fraud, misrepresentation, or other violation of university policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
7. *Other Actions*: In addition to or in place of the above sanctions, the university student conduct board or administrative hearing officer may assign any other sanctions as deemed appropriate, including but not limited to the following:
 - a. Mandated counseling so the student has the opportunity to gain more insight into his/her behavior.
 - b. No contact" directive: a prohibition against having any avoidable contact with one or more identified persons, in person or through telephonic, electronic, written or other means. A no contact directive may include additional restrictions and terms.
 - c. Apology: Requiring the student to write a letter of apology to those involved.
 - d. Campus or Community Service: Requiring unpaid service to the university or area community stated in terms of type and hours of service.
 - e. Restitution: Reimbursement for damage to or misappropriation of property, or for personal injury, and other related costs.
 - f. Housing related sanctions:
 1. Loss, revocation or restriction of privilege (e.g., exclusion from specified locations or alteration of status in the housing lottery or other selection system) to live in university housing.
 2. Loss, revocation or restriction of off-campus living privileges.
 - g. Monetary Fines.

In cases of academic dishonesty where a finding of responsibility has occurred, the sanctions shall be:

For first offenses: Failure in the course and either warning or probation; or failure in the course and suspension.

For second offenses: Failure in the course and suspension or expulsion.

Note: For first offense cases in which a student has been found responsible for plagiarism but the University Student Conduct Board determines that the plagiarism does not constitute academic dishonesty, the penalty shall be a warning. If a warning is issued, the faculty member will determine the appropriate sanction for the particular assignment.

Note: Any matriculated and enrolled Colgate student arrested for driving with a blood alcohol level of 0.08% or higher will be sent before the University Student Conduct Board. A finding of responsible by the Board will result in, at minimum, a sanction of suspension, ordinarily for the remainder of the current term.

If a student has been found responsible for violation of the Policy on Alcohol and Drugs, the University Student Conduct Board will assess points in accordance with the description of the points system found in that policy.

Appeal

In the event that the University Student Conduct Board finds a student responsible for a violation, the student may appeal in writing to the vice president and dean of the college (or his or her designee) within seven (7) days after the student is notified of the decision of the Board or, if the appeal is based on the discovery of new information, within seven days of the discovery of new information

(see number 2 below) but in no event later than thirty (30) days from the date that the student is notified of the decision. An appeal may be based only on one of the following:

A procedural error occurred during the process that had a direct impact on the outcome.

New information has come to light that has a direct impact on the outcome.

The sanction is too severe.

After receiving the appeal, the vice president and dean of the college (or his or her designee) may:

Deny the appeal.

Accept the appeal and take appropriate action, which may include modifying the finding of responsibility and/or the sanction, or asking the Board to reconvene. While the appeal is pending, the sanctions imposed will remain in effect unless the vice president and dean of the college (or his or her designee) decides otherwise.

Records

For the benefit of the Board, a set of records of all prior hearings will be kept by the Disciplinary Officer. The record will include more detailed accounts of the hearings to assist the Board in imposing sanctions.

With the exception of expulsion, disciplinary sanctions shall not be recorded on a student's academic transcript. In the case of expulsion, the student's academic transcript shall be annotated with the statement: "Expelled for disciplinary reasons (effective date)." Students should review the University's Policy on Recommendations for more information about disclosure of disciplinary records.

Conduct Board Hearing When College is Not in Session

If a hearing needs to be held at or after the end of the semester and the regular University Student Conduct Board cannot be convened, the disciplinary officer may convene a special University Student Conduct Board. The membership will consist of members available at the time of the hearing with a quorum of five, including at least one student, one faculty member, the disciplinary officer, and the vice president and dean of the college representative, with the disciplinary officer acting as chair.

Organization Misconduct Hearing

The disciplinary officer generally refers possible violations of the Code of Student Conduct by organizations recognized by Colgate University to the University Student Conduct Board for an organization misconduct hearing. In instances where the violation is not referred to the University Student Conduct Board, the disciplinary officer or his/ her designee will review the case in an administrative hearing. The disciplinary action resulting from an organization misconduct hearing with respect to an organization does not preclude disciplinary action with respect to individual members of that organization.

A group or organization will be held collectively responsible (*i.e.*, subject to group/organizational discipline) when it is reasonable to attribute the actions of at least some of its members to the group or organization as a whole. Among the situations in which group/organizational discipline may be imposed are the following:

1. Any act or omission in violation of the Colgate University Code of Student Conduct, or University policy, that has received the explicit or implicit consent or encouragement of one or more of the group's or organization's officers;
2. Any act or omission in violation of the Colgate University Code of Student Conduct, or University policy, that has been undertaken by one or more members of the group or organization as a result of the unreasonable failure of the officers to oversee the conduct of the group's or organization's membership and/or group or organizational activities;
3. Any failure of the officers of the group or organization to ensure the adoption of reasonable precautions to avoid a violation of the Colgate University Code of Conduct, or University policy; or
4. Any policy or practice of the group or organization that results in a violation of the Colgate University Code of Student Conduct, or University policy.

A group or organization found responsible in accordance with the foregoing may have sanctions imposed against it pursuant to applicable University disciplinary procedures. A group or organization will not be held responsible for its members' actions which do not fall under the conditions stated above.

(October 2013)

Configuration of the Board

The Board for an organization misconduct hearing is composed of the members of the University Student Conduct Board with the following additions and specifications:

The addition of the vice president and dean of the college, who serves *ex-officio* and does not vote;

The disciplinary officer acts as chair of the board;

A quorum of the hearing board consists of eight persons (the seven voting members and the vice president and dean of the college, who does not vote) with at least one student, one faculty member, and either the disciplinary officer or the representative from the office of the vice president and dean of the college representative. (If the disciplinary officer is absent, the vice president and dean of the college representative chairs the hearing). In the absence of a quorum, the hearing will be rescheduled.

Notification as to the Charge

At least seven (7) days prior to the hearing, or as far in advance as reasonably possible if an accelerated hearing is scheduled with the consent of the implicated organization, the disciplinary officer shall send a letter to the organization stating the following:

A description of the alleged violation(s).

The time and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. For compelling reasons, the disciplinary officer may adjourn the hearing.

The right of the students representing the organization at the hearing to the assistance of an advisor at the hearing. An advisor must be chosen from among current students, faculty, and staff or administrators at Colgate University. The advisor may not be a practicing attorney, and no practicing attorney may be present in the hearing room. The students representing the organization at the hearing may speak and respond to questions on their own behalf. The advisor may consult with the advisee(s) but may not speak on behalf of the advisee(s), unless he/she is directed to answer questions raised by the board members.

Hearings shall be scheduled as soon as reasonably possible. Possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer as outlined in the section titled "Conduct Board Hearing When College is Not in Session."

As is the case with students representing the organization in question (see "Notification as to the Charge," #3), the person, if any, initiating the action is also entitled to the assistance of an advisor at the hearing. An advisor must be chosen from among current students, faculty, staff or administrators at Colgate University. The advisor may not be a practicing attorney. The advisor may consult with the advisee but may not speak on behalf of the advisee, unless he/she is directed to answer questions raised by the Board members.

Anyone appearing at the hearing to provide information will speak and respond to questions on his/her own behalf.

The Hearing

Only the person(s) representing the organization and others directly involved in the incident(s) in question are allowed to attend the entire hearing; observers will be permitted to attend at the discretion of the disciplinary officer. The chair may allow other individuals who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the board or the persons involved.

Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in organization misconduct hearings.

Only information pertinent to the possible violation will be considered by the board. However, information about other disciplinary actions against the organization and/or its members, and/or civil or criminal convictions, may be introduced at these hearings if, in the judgment of the chair, this information bears directly on the possible violation. The chair shall have discretionary authority to determine whether the Board will receive and consider particular information, and to resolve any procedural questions or disputes arising in the course of a hearing.

Participation in a hearing by telephone, closed circuit television, video conferencing, video or audio recording, written statement or other means may be permitted by the chair to the extent deemed appropriate in his/her sole discretion.

Proceedings are strictly confidential. All persons present at any time during the hearing are expected to keep confidential all matters discussed at the hearing; provided, however, that the person(s) representing the organization may discuss the hearing with other members of the organization.

Hearings are recorded. Board members, members of the organization whose behavior was in question, the persons, if any, who initiated the action, and appropriate administrative officers of the university shall be allowed to listen to the recording in a location determined by the disciplinary officer. No person will be given or be allowed to make a copy of the recording. Persons given access to the recording will be required to sign an agreement confirming that they will protect the confidentiality of the hearing.

Decision

The board shall deliberate in closed session to determine whether an organization is responsible or not responsible for the violation(s) in question. The deliberations of the board shall be kept in strict confidence. The board shall base its determination on a standard of preponderance of the evidence (i.e., whether it is more likely than not that the organization committed each alleged violation). If an organization is found responsible by a majority of the board, the board shall recommend appropriate sanctions. These recommendations will be offered to the vice president and dean of the college, who serves as a nonvoting member of the board.

The vice president and dean of the college will make the final decision and assess the appropriate sanctions. The vice president and dean of the college shall forward a written decision to the person(s) representing the organization at the hearing as soon as reasonably possible including, if applicable, sanctions. Notification to the person(s) representing the organization will constitute sufficient notice to the organization itself, and it is the responsibility of the person(s) representing the organization to notify the rest of the members of the organization of the decision resulting from the hearing.

Sanctions

Changes to an organization's recognition generally form the basis of sanctions for an organization. Recognition by the university grants to any organization the right to function on campus, to receive University privileges, to enroll Colgate students as members and to be associated with the University. An organization's prior disciplinary record, if any, shall be fully considered in the sanctioning phase. The board may use, but is not limited to, the following sanctions:

Full recognition with warning: The organization maintains full recognition but is warned that continued failure to meet the criteria for recognition or additional violations will result in a more serious sanction.

Probationary recognition: The organization is recognized by the university, but is placed on probation for a specified period of time during which specified privileges and activities may be revoked. Probationary recognition ordinarily will be in effect for a minimum of one semester.

Suspended recognition: Recognition is suspended for a specified period of time during which all privileges are revoked and the organization's activities are discontinued, and in the case of a fraternity or sorority the chapter house is not used for chapter activities.

Permanent withdrawal of recognition: Recognition is withdrawn permanently.

Other Actions: Other sanctions may be assessed according to the specifics of the violation(s) and the type of organization.

Appeal

In the event that an organization is found responsible for a violation, the organization may appeal in writing to the president of the university within fourteen (14) days after the organization is notified of the decision or, if the appeal is based on the discovery of new information, within seven (7) days of the discovery of new information (see number 2 below) but in no event later than thirty (30) days from the date that the organization is notified of the decision.

An appeal may be based only on one of the following:

- A procedural error occurred during the process that had a direct impact on the outcome.
- New information has come to light that has a direct impact on the outcome.
- The sanction is too severe.

After receiving the appeal, the president may:

- Deny the appeal.
- Accept the appeal and take appropriate action, which may include modifying the finding of responsibility and/or the sanction, or asking the Board to reconvene. While the appeal is pending, the sanctions imposed will remain in effect unless the President decides otherwise.

Records

The same policy with respect to records is followed as for the university standards hearing.

Campus Crime Reporting and Statistics

Colgate University is committed to providing a safe, supportive and secure environment for the entire university community, including visitors. The Advisory Committee on Campus Safety will provide upon request all campus crime statistics as reported to the United States Department of Education. To obtain a copy contact Gert Neubauer, Assistant Director of Campus Safety, 315-2287333 or via email at gneubauer@colgate.edu. You may also view crime statistics for all colleges and universities at the United States Department of Education's website: www.ope.ed.gov/security/Search.asp

[MENU](#)