

Disciplinary Procedure for Non-Academic Violations

The procedures set forth below apply unless more specific procedures for the particular program or conduct exists, in which case, the specific procedures will apply.

Jurisdiction of the College

Generally, Wilmington College jurisdiction and discipline shall apply to conduct which occurs on College premises, off campus, electronic social networking venues or any other location which adversely affects the College community and/or the pursuit of its objectives. It is the responsibility of the Judicial Advisor(s) and the Vice President, Chief Student Affairs Officer to make this determination.

Reporting Violations

Any member of the College community may file a complaint against any student or organization (recognized student organization) for misconduct. Complaints must be in writing and directed to the Vice President, Chief Student Affairs Officer or any of the individuals listed below. Complaints should be submitted as soon as possible after the event takes place, preferably within 48 hours. A charge of a Student Code violation must be filed within six months of the identification of the person allegedly committing the violation. This requirement, however, may be waived by the Vice President, Chief Student Affairs Officer in cases of egregious conduct (e.g., sexual assault). Notification of violations involving student athletes may be reported to the Vice President for Athletic Administration and appropriate Head Coach.

Persons to whom formal complaints may be sent are provided below:

Persons/Office	Areas Reporting to this Office
Trevor Bates/President	All Vice-Presidents
John McKiernan/Chief of Staff	Key advisor to the President
Libby Hayes/ Senior Director of Human Resources, Title IX Coordinator	Payroll, Title IX
Deanna Vatan/ Associate Vice President of Retention and Academic Success	Accessibility and Disability Services, Student Resource Center, Peer Navigators
Kenn Patterson/ Vice President, Dean of Faculty	Faculty, Academic Affairs, Retention Efforts, Office of Institutional Effectiveness, Officer Registrar/Academic Records Office, Assistant Deans* Academic Success*, Library, Peace Resource Center, Quaker Heritage Center, Branch, Wilmington Global*, Accreditation
Beatriz Ibanez-Alvarez Vice President, Chief Business and Finance Officer	Business Office, Physical Plant, Conference Services Information Technology, Financial Aid* strategic Planning
Vice President Chief Enrollment Officer	Admissions Office, Financial Aid, Public Relations
Sigrid Solomon/ Vice President, Chief Student Affairs and Dean of Students	Housing and Residence Life, Student Activities, First-Year Connections, Health Services, Counseling Services, Multicultural Affairs, Orientation, Greek Life, Wellness, Service and Civic Engagement, Campus Ministry, Campus Safety, Food Service, Bookstore, Mailroom, Athletics, Career Center

Michael Allbright/ Associate Vice President For Student Engagement	Activities Programming Board, Student Orientation, Welcome Weeks, Peer Navigators, Greek Lif
Joe Bull/ Vice President, Chief Advancement & Alumni Officer	Alumni and Family Engagement Office, Campaign, Annual Fund
Sylvia Stevens/ Vice President for External Programs	Branch Campuses
Bill Wilson/ Vice President for Athletic Administration and Director of Athletics	Athletic Coaches, Athletic Training Staff, Intramural Sports

Record Retention

A record of complaints submitted under the formal process is to be maintained for a period of two years. The Vice President, Chief Student Affairs Officer office maintains a summary of the complaints and their resolution. The appropriate division head maintains the actual file with all documentation. Updating of the summary information should be done on a monthly basis and purging of files more than two years old should occur at the beginning of each semester.

Informal Student Grievance Policy

Ideally, student(s) will first try to work through any concerns or issues directly with the person(s) with whom he/she is having a problem. If this is not possible, or proves non-productive, the student may ask for direction or advice from the Vice President, Chief Student Affairs Officer or someone on staff or faculty with whom he/she is comfortable. Typically, the following approach can be implemented:

- If the problem is with another student, the reporting party would talk to the appropriate staff member with responsibility for the area in which the problem exists (e.g., in residence halls the RA or one of the professional staff members; in an office, work situation, or class environment, the supervisor or faculty member);
- If the problem is with a member of the faculty, administration, or staff, the reporting party would talk with the person responsible for the area (e.g., area coordinator, director, or immediate supervisor).

After meeting with the appropriate person, the reporting party may choose to drop the complaint or proceed with a course of action which may include: mediation, a meeting that includes all parties, or some other action which may not require the reporting party's direct involvement. If the result of the informal process is satisfactory, nothing further needs to occur. If, however, the informal action does not resolve the situation, the student may choose to address the issue/concern using the formal complaint process.

Formal Judicial Review

Definitions

Judicial Advisor: The College official authorized by the Vice President, Chief Student Affairs Officer to impose sanctions upon students or recognized student organizations found to have violated the Student Code. the Vice President, Chief Student Affairs Officer may authorize on a case-by-case basis other College personnel to serve as Judicial Advisors.

Judicial Board: Comprised of the Judicial Advisor, two students selected by the Student Government Association, and two faculty members drawn from the panel selected by the faculty. The Judicial Advisor shall serve as the chairperson of the Board. The Judicial Board determines whether a student has violated the Student Code and recommends imposition of sanctions.

Judicial Board Quorum: The Judicial Board may conduct a hearing if a quorum exists at the time of a hearing. A quorum consists of the Judicial Advisor and 2 members, one student and one faculty member. Attenuated Judicial Board hearings may occur at times when the College Calendar makes it difficult to achieve a quorum at a hearing (e.g., finals weeks and during breaks). In these instances, a hearing may occur with a quorum even if the board consists of the Judicial Advisor and 2 other members who both may be either students or faculty members.

Investigation

The Judicial Advisor shall present all charges to the accused student in written form within one week of the filing of charges. A time shall be set for a hearing, not less than five nor more than fifteen calendar days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the Judicial Advisor or Vice President, Chief Student Affairs Officer

Before the hearing, the Judicial Advisor will conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Judicial Advisor. The Judicial Advisor may refer the case for mediation to resolve the case.

If the charges cannot be disposed of by mutual consent, the Judicial Advisor investigating the case will refer it back the Vice President, Chief Student Affairs Officer to appoint a new Judicial Advisor to hear the case. In this instance, the original Judicial Advisor will present the findings of the investigation to the hearing board. A quorum is required to hear a complaint except where an attenuated hearing is permitted (see Definitions above).

Hearings

Hearings shall be conducted by a judicial body according to the following guidelines:

- The reporting party and the accused have the right to be assisted by any member of the College community they choose to act as their support person. The reporting party and/or the accused are responsible for presenting his/her own case, however, the support persons are permitted to speak and should assist the student in understanding the judicial process as an educational one.
- Hearings normally shall be conducted in private. Admission of any person to the hearing who is not a support person or a witness shall be at the discretion of the judicial body and/or Judicial Advisor.
- In hearings involving more than one accused student, the chairperson of the judicial body may permit the hearings concerning each student to be conducted separately.
- The reporting party, the accused, and the judicial body shall have the privilege of presenting witnesses. The Judicial Advisor has the right to deny or limit testimony that is repetitious or irrelevant.
- Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a judicial body at the discretion of the chairperson.
- All procedural questions are subject to the final decision of the chairperson.
- There shall be a single verbatim record, such as a tape recording of all hearings before a Judicial Board and Appellate Board. The record shall be the property of the College. The accused student and/or the reporting party shall have access to a record of the hearing. All tapes are destroyed either after appeals are completed or after the time allotted for appeals has passed.

- After the hearing, the judicial body shall determine (by consensus) whether the student has violated the Student Code.
- Standard of Review: The judicial body's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
- No student can be solely found responsible for violating the Student Code of Conduct because he or she failed to appear before a Judicial Board.
- In each case in which a judicial body determines that a student or organization has violated the Student Code, the sanction(s) shall be determined and imposed by the Judicial Advisor. The recommendation of all members of the judicial body shall be considered by the Judicial Advisor in determining and imposing sanctions. The Judicial Advisor is not limited to sanctions recommended by members of the judicial body. Following the hearing, the Judicial Advisor shall advise the accused in writing within 5–10 school days of its determination and of the sanction(s) imposed, if any.
- Disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's confidential record. Student's confidential record is destroyed seven years after graduation.

Sanction Guidelines

Sanctions may include, but are not limited to, the following:

- Probation: Probation indicates a specific time period where any further violation of any College policy may cause more severe action to be taken by the College, including withheld suspension, temporary suspension, or dismissal. Probation may limit participation in extra-curricular activities, intramurals, and/or affiliation with certain groups, and may include other loss of privileges. Additional sanctions and/or activities may be imposed as a requirement for successfully completing the social probationary period.
- Withheld Suspension: Withheld Suspension is the most severe disciplinary action taken that allows a student to remain on campus and in classes. Any further violation of College regulations may cause suspension from the College. Withheld Suspension may limit participation in extra – curricular activities, intramurals, and/or affiliation with certain groups, and may include other loss of privileges. Additional sanctions and/or activities may be imposed as a requirement for successfully completing the period of withheld suspension.
- Temporary Suspension: If the Vice President, Chief Student Affairs Officer and Dean of Students or designee believes that a student's action and/or continued presence on campus presents a substantial danger to the safety or welfare of that student or others on campus, temporary suspension from the College pending a hearing on the matter may result.
- Suspension: Suspension requires a student to leave campus and not return until readmitted. The length of suspension is determined by the offense, and re-enrollment at the College is contingent upon fulfilling additional sanctions.
- Dismissal: Dismissal requires the student to leave campus and he/she may not re-enroll at the College.

Offenses are divided into the following four levels:

Level I: Withheld Suspension, Suspension, Dismissal, Restriction, Restitution, Counseling, Campus Housing Suspension or Expulsion, Notification to Others, Educational and Other Sanctions

- Alcohol Abuse/Public Intoxication
- Alcohol Consumption in Violation of College Regulations
- Conduct that Creates a Safety Hazard
- Damage to College Property

- Dishonesty
- Disorderly Conduct
- Drug Use or Possession
- Failure to Complete a Prior Sanction
- Fleeing and Eluding
- Harassment
- Hazing
- Sexual Misconduct
- Stalking
- Theft
- Violation of Law
- Participating as an Accessory to a Level 1 Offense
- Second Level II Offense
- Third Level III Offense
- Fourth Level IV Offense
- Other

Level II: Probation, Restriction, Restitution, Counseling, Campus Housing Suspension or Expulsion, Notification to Others, Educational and Other Sanctions

- Computers/Technology (including violation of the College's Network Use Agreement)
- Alcohol and Other Drug Policy (alcohol)
- Damage to College Property
- Disorderly Conduct
- Failure to Complete a Prior Sanction
- Fire Safety Issues (tampering with fire equipment, failing to comply with fire alarm procedures, etc.)
- Harm to Others
- Theft – resale/possession and/or use of stolen items
- Participating as an Accessory to a Level II Offense
- Second Level III Offense
- Third Level IV Offense
- Other

Level III: Letter of Warning, Notification to Others, Counseling, Campus Housing Suspension or Expulsion, Educational and Other Sanctions

- Damage to College Property
- Failure to Complete a Prior Sanction
- Fire Safety Issues (candles, smoking, unauthorized electrical items, etc.)
- Furniture Removal (lounge furniture, dressers, desks)
- Misuse of Phones (prank calls, phone harassment, etc.)
- Pet Policy (dogs, cats, rabbits, snakes, etc.)
- Participating as an Accessory to a Level III Offense
- Second Level IV Offense
- Other

Level IV: Verbal Warning, Letter of Concern, Campus Housing Suspension or Expulsion, Educational and Other Sanctions

- Non-Approved Postings

- Residence Life Policies – (courtesy/quiet hours, door propping, visitation, solicitation, windows screens, etc.)
- Violations of the Residential Housing or Greek Housing Policy
- Student Activities Policies
- Participating as an Accessory to Level IV Offenses
- Other

Record Retention

Disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's confidential record. Students' confidential records are destroyed seven years after graduation.

Appeals

Definitions

Appellate Board: Comprised of the Judicial Advisor, two students selected by the Student Government Association, and two faculty members selected by the faculty. The Judicial Advisor designee shall serve as the chairperson of the Board. The Vice President, Chief Student Affairs Officer may modify the composition of the Appellate Board when he or she deems it appropriate.

Appellate Board Quorum: The Appellate Board may conduct a hearing if a quorum exists at the time of a hearing. A quorum consists of the Judicial Advisor and two (2) members, one student and one faculty member. Attenuated Judicial Board hearings may occur at times when the College Calendar makes it difficult to achieve a quorum at a hearing (e.g., finals week or during breaks). In these instances, a hearing may occur with a quorum even if the board consists of the Judicial Advisor and two (2) other members who both may be either students or faculty members.

Time to Appeal

A decision reached by the judicial body or a sanction imposed by the Judicial Advisor may be appealed by accused students or reporting party within five (5) school days of notification of the decision. Such appeals shall be in writing and shall be delivered to the Office of Student Affairs.

Scope of Review

Except as required to explain the basis of new evidence, an appeal shall be limited to review of the official record of the initial hearing and supporting documents for one or more of the following purposes:

- To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Student Code was violated and giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
- To determine whether the decision reached regarding the accused student was based on substantial evidence, that is, whether the facts in the case are sufficient to establish that a violation of the Student Code occurred.
- To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code that the student was found to have committed.

- To consider new evidence, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.

Review of Judicial Board Decision

If the Appellate Board upholds the appeal, the matter may be remanded to the original judicial body for re-opening of the hearing to allow reconsideration of the original verdict. In cases where only the sanction is being appealed, the Appellate Board will make the decision.

In cases involving appeals by students accused of violating the Student Code, review of the sanction by the Appellate Board may not result in more severe sanction(s) for the accused student. Instead, following an appeal, the Appellate Judicial Advisor may, upon review of the case, reduce or change but not increase, the sanctions imposed by the Judicial Board. In cases involving appeals by the reporting party, the Appellate Judicial Advisor may, upon review of the case, reduce or increase the sanctions imposed by the Judicial Board, or they may also remand the case to the original judicial board for reconsideration.

Final Review

In any case, ultimate appeal may be made to the Vice President, Chief Student Affairs Officer within five (5) school days of the decision of the Appellate Board. The decision of the Vice President, Chief Student Affairs Officer shall be final and binding.