

Mary Baldwin University
Code of Student Conduct
Ignorance is No Excuse

The Mary Baldwin University (“MBU”, “MB”, “Mary Baldwin”, or “University”) Code of Student Conduct (Code) identifies the rules governing Student conduct and the procedures employed to investigate and resolve alleged violations of the Code. The Judicial Board and the Office of Student Life are charged with the primary responsibility to regulate matters of Student conduct in the University community. The motto “Ignorance is No Excuse” means that all Mary Baldwin students are expected to be familiar with the Code and its standards and to conduct themselves in accordance with its conduct rules.

All student inquiries concerning the Code should be directed to the current Judicial Board Chair¹ or to the Judicial Board’s Advisor.

The current version of this document, which may be revised from time to time with Student Government Association Senate approval, shall be available online at:

<http://www.marybaldwin.edu/student/jb/>

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¹ All gender references in the Code shall be construed to be gender neutral; female references shall be equally construed to be a male reference and vice versa.

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I. Mary Baldwin University Judicial Pledge

As a Mary Baldwin University Student, I will respect myself and all members of the University community by upholding and supporting the Judicial Board Code of Student Conduct through my words, deeds, and actions.

II. Definition and Purpose of the Judicial Board

The Judicial Board is a Student board made up of one Chair and up to 7 Student representatives. Judicial Board positions are peer elected and filled through the Student Government Association elections or by Chair appointment. Members of the Judicial Board are held to the same Code standards as all Mary Baldwin students. The Judicial Board exists to educate students about the Code, investigate alleged violations of the Code and, depending on the nature and severity of the alleged Code violation, to determine student responsibility and impose sanctions.

III. Judicial Board Motto

The motto of the Judicial Board is *Ignorance is no excuse*. This motto illustrates the expectation that all Students who enroll at Mary Baldwin agree to abide by all of the University’s rules, regulations, and standards. Failure to abide by the Code may result in sanctions, including termination of a Student’s academic career at Mary Baldwin.

IV. Authority, Scope, and Interpretation of the Code

The Code is established under the authority of the Student Government Association at Mary Baldwin, in conjunction with the staff in the Office of Student Life.

Generally, the Code governs and regulates Student conduct that occurs on the University’s main campus or any building or property owned or used by the University in connection with its educational and other programs; or Student conduct that occurs off-campus that is

disruptive, harmful, poses a reasonable concern for the safety and well-being of Students, faculty and/or staff, or that otherwise is harmful to the University's purposes, mission and objectives.

The Code regulates off-campus Student conduct to promote and reinforce the following values and University goals:

1. To prevent and reduce behavior that undermines Student academic success and that negatively detracts from the educational mission of the University;
2. To promote and protect the health and safety of Students and other University community members;
3. To provide timely intervention, support, and resources to those who may be struggling with substance abuse/addiction or other psychological issues; and
4. To address Student conduct and activities that clearly conflict with the University's interests and mission.

The Chair and the Judicial Board Advisor, with the assistance of the Associate Vice President of Student Life, if needed, will determine if an off-campus incident involves Student conduct that falls within the scope of the Code.

The Chair, the Judicial Board Advisor, and Representatives of the Judicial Board have the responsibility and authority to interpret the Code, with the assistance of the Associate Vice President of Student Life, as needed.

V. Standards of Due Process

Any Student charged with a violation of the Code has the right to request the assistance of a Student Advocate. Student requests for assistance should be made through the Lead Advocate. If a Student will be assisted by a Student Advocate, the student and/or the Student Advocate must notify the Initial Meeting Official or the Hearing presiding officer in writing at least 24 hours in advance of any scheduled Initial Meeting or Hearing.

Any Student charged with a violation of the Code is entitled to a Hearing before the members of the Judicial Board or with Administration, depending on the nature and severity of the charge, as provided for in Sections XIV-XVII of this Code, except where the Student and the University agree to resolve the charge without a hearing, as provided for in Sections XXI-XXII of this Code.

The focus of a Student Conduct Proceeding is to determine whether the accused Student has engaged in conduct that violates the Code. Student Conduct Proceedings will not be governed by legal rules of evidence and deviations from the procedures prescribed in this Code will not invalidate any sanction decision or outcome, unless the deviation results in significant prejudice to the Student's right to receive reasonable notice of the charges against him/her and the right to respond to the charges.

The standard used to determine if a violation of the Code has occurred shall be a preponderance of the evidence, meaning that it is more likely than not that a violation has occurred. The criminal standard of beyond a reasonable doubt shall not apply in Student Conduct Proceedings.

VI. Student Confidant Clause

Any Student charged with a violation of the Code has the right to request that the Chair grant the use of a Student Confidant with which to discuss the case. The accused student may send a written request to the Chair with the proposed Student Confidant's name, student leadership positions (if any), and, if possible, student ID number. The request should explain why the accused requires a confidant and the confidant's relationship to the accused and any other parties involved in the case.

Prior to sending the written request, the accused may acknowledge an investigation is ongoing in order to confirm the potential Student Confidant is willing to serve in that capacity. Sharing unnecessary detail, including all other names and facts pertaining to the case, prior to the student being appointed as an official confidant is not permitted and will be considered a breach of confidentiality.

The Student Confidant request will be evaluated for approval by the Lead Advocate and the Judicial Board Chair and, in cases involving a related Honor Council case, the Honor Council Chair. The Judicial Board Chair may deny or revoke the use of a Student Confidant if s/he presents the possibility of interfering with the case in any way. Typically, use of a student confidant is reserved for cases that may result in a major penalty, such as suspension or dismissal.

If approved, the following applies to a Student Confidant:

1. The student confidant may discuss the case with the accused on a personal level.
2. The student confidant *may not* counsel the accused, question witnesses and case investigator(s), be present during the interview or hearing, or present arguments to the Judicial Board.
3. The student confidant may not have any involvement in the case. This includes any involvement in the incident of alleged code violation, any participation in a hearing (e.g. serving as a character witness, providing testimony or any kind) and any other involvement the Judicial Board Chair judges inappropriate.
4. The student and Student Confidant must meet with the Judicial Board Chair and Lead Advocate to discuss responsibilities and complete the oath of confidentiality.

VII. Amnesty Clause

In order to encourage responsible decision making about one's personal welfare and the

ability to make ethical decisions in regard to the welfare of others, the Judicial Board has an amnesty process.

The amnesty process is intended to be used by those affected by medical emergencies as a result of alcohol or other drugs, on or off-campus, that:

1. Are voluntarily reported by:
 - a. The affected party (even if they did not personally report the need for medical attention)
 - b. Witness(es) that looks over the affected party until appropriate medical personnel arrive and cooperate with the responding authorities;
2. Did not violate any other policies other than the Prohibited Conduct relating to Alcohol, Drugs and/or Controlled Substances listed in Section X of this Code. With regards to drugs and/or controlled substances, this will only include being under the influence of drugs.

Amnesty may be granted regardless of whether or not the responding medical personnel deem it necessary to transport the affected party to the hospital.

Students who believe that the amnesty process affects their case must submit a request for amnesty using the online form to the Judicial Board Chair, Advisor, and/or Administration if the case has been forwarded for adjudication, within 72 hours of receiving notification that they are charged with a violation of university policy.

Amnesty request forms are **available online at:**

https://cm.maxient.com/reportingform.php?MaryBaldwin&layout_id=7

Individuals pursuing amnesty will have their request reviewed on an individual basis during their Initial Meeting with the person assigned to hear the case. If granted, a finding of Amnesty Granted will be marked on the file instead of a finding of Responsibility. If amnesty is granted, educational sanctions or assignments may still be required.

The Amnesty Process does not apply in circumstances where medical attention is requested by Mary Baldwin staff members, police, or emergency personnel while performing their job duties. In addition, it does not provide protection against legal or civil suits resulting from the incident. All requests for amnesty subsequent to an initial qualifying request will be considered on a case-by-case basis.

VIII. Violations of the Law and the Code

Violations of University policy, rules or regulations, or federal, state, or local laws may result in a violation of the Code. Student Conduct Proceedings will generally proceed even if the conduct also results in action initiated by federal, state, or local law enforcement officials, or a private party, based on the same conduct, and the resolution of Student Conduct Proceedings will not be delayed or be dependent upon the outcome of any other criminal or civil proceeding.

IX. Definitions

When used in the Mary Baldwin Code of Student Conduct, the terms below will be defined as follows:

1. “Administration” means the staff in the Office of Student Life responsible for the adjudication of a Student Conduct Proceeding that has been referred by the Judicial Board for any reason. Adjudication of a Student Conduct Proceeding at this level will normally be handled by the Associate Vice President of Student Life, unless they designates someone else in the Office of Student Life to handle the adjudication of the Student Conduct Proceeding.
2. “Bullying” means any written, electronic, or verbal communication, behavior, gesture, or any physical act that is threatening or intimidating which takes place on University Premises, online, in person, or at campus sponsored events and which (1) places a person in actual or reasonable fear of harm to their person or damage to their property or (2) creates a hostile environment by substantially interfering with or impairing a student’s educational performance, opportunities or benefits, or a student employee or leader’s ability to perform essential functions of their job or position.
3. “Campus Safety Officer” is the University professional employed by the Campus Safety Department under the Director of Safety and Security.
4. “CCC” refers to the Cadet Conduct Council and is a student board that is part of the Virginia Women’s Institute for Leadership (VWIL) and exists to investigate alleged violations of the VWIL Code of Conduct, and to determine if Student violations have occurred and, if so, to impose sanctions.
5. “Code” means the Mary Baldwin University Code of Student Conduct.
6. “University” means Mary Baldwin University.
7. “Controlled Substance” means any drug, chemical, or substance whose possession and use is defined as a “Controlled Substance” under either state or federal law. Prescription medications may constitute a Controlled Substance under this Code if inappropriately possessed, used, or distributed.
8. “Discrimination” means the unequal and unlawful treatment of another based on or because of the person’s race, color, creed, religion, gender, age, national origin, disability, military status, or sexual orientation.
9. “Drug Paraphernalia” means all equipment, products, and materials of any kind which are either designed for use or which are intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana or a controlled substance.
10. “Guest” means anyone who is not a student who is present on University Premises at the invitation and/or hosting of a Student. Non-residential Students who are visiting a residential Student in a residence hall shall also be considered a Guest.

11. "Harassment" means verbal, written, visual, or physical conduct based on or motivated by an individual's actual or perceived sex, sexual orientation, gender identity or expression, race, creed, color, place of birth, ancestry, ethnicity, religion, national origin, age, disability, marital status, or other characteristics as defined and protected by law in the location where a particular program is operating, that has the purpose or effect, from the point of view of a reasonable person, of objectively and substantially undermining and detracting from or interfering with an individual's educational or work performance or access to Mary Baldwin resources; or creates an intimidating, hostile, or offensive educational, work, or living environment.
12. "Hate Crime" means (i) a criminal act committed against a person or his property with the specific intent of instilling fear or intimidation in the individual against whom the act is perpetrated because of race, religion, ethnic origin or sexual orientation or that is committed for the purpose of restraining that person from exercising his rights under the Constitution or laws of the Commonwealth of Virginia or of the United States, (ii) any illegal act directed against any persons or their property because of those persons' race, religion, national origin or sexual orientation and (iii) all other incidents, as determined by law-enforcement authorities, intended to intimidate or harass any individual or group because of race, religion, national origin or sexual orientation.
13. "Hazing" means an act which endangers the health or safety of a student or students or which inflicts physical or psychological abuse on a student or students or which destroys, damages, or removes public or private property with or as a condition for the purpose of initiation, admission into, affiliation with, or continued membership in a student group or organization regardless of whether the student or students so endangered or injured participated voluntarily in the activity. Apathy and acquiescence in the presence of Hazing are not neutral acts and may be violations of the Code.
14. "HC" refers to the "Honor Council" and means a Student board made up of one Chair and up to seven (7) Student representatives and which exists to educate students about the Honor sections of the Code, to investigate related alleged violations, and to determine if Student violations of the Honor Code have occurred and, if so, to impose sanctions.
15. "Hearing Body" means, in Student Conduct Proceedings over which the Judicial Board retains jurisdiction, members of the Judicial Board and/or Honor Council designated and/or appointed by the Judicial Board Chair to serve as a panel to determine whether a Student or a Student Club, Group or Organization has violated the Code and to determine the sanction, if any, for such violation. A Judicial Board Hearing Body is typically comprised of three (3) members. A Hearing Body member who has a bias about or an interest in the case should recuse him/herself. If the Hearing Body member refuses to recuse him/herself, the Judicial Board Chair will make a decision about whether to remove that person from the Hearing Body. In any Student Conduct Proceeding heard by Administration, "Hearing Body" mean the members of the faculty and staff of the University, appointed by the Associate Vice President of Student Life to serve as the panel to determine if a Code violation has occurred and to determine the sanction, if any, for such violation. An Administration Hearing Body will be made up of

- two (2) faculty and staff members of the University appointed by Administration, and one (1) member designated by the charged Student.
16. "Hostile Educational or Employment Environment" means one in which a person is subjected to harassment that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, limits or deprives an individual from participating in or benefitting from the University's education or work programs and/or activities. The University evaluates the existence of a Hostile Environment from both a subjective and objective viewpoint.
 17. "Investigating Committee" means a group appointed by the Judicial Board Chair to investigate an alleged Code violation that shall proceed to a Hearing and to present the University's position on the charge during the Hearing. The Investigating Committee shall be comprised of one member of the Judicial Board and two members of the Honor Council. In Student Conduct Proceedings adjudicated and heard by Administration, the Investigating Committee shall mean the member or members of the faculty and staff of the University appointed by the Associate Vice President of Student Life to investigate an alleged Code violation that shall proceed to a Hearing and to present the University's position on the charge during the Hearing.
 18. "JB" refers to the "Judicial Board" and means a Student board made up of one Chair and up to seven (7) Student representatives and exists to educate students about the Code, to investigate alleged violations, and to determine if Student violations have occurred and, if so, to impose sanctions.
 19. "Minor Violation" means a violation of the Code for which the possible sanctions are other than suspension and dismissal.
 20. "Party" means a Student or Student Group, Club or Organization alleged to have violated the Code.
 21. "Record of the Hearing" means the letter containing charges, the audio recording of the Hearing, all documents offered as evidence at the Hearing, the written opinion of the Hearing Body, and the decision of the Judicial Board or Administration.
 22. "SA" refers to "Student Advocate" and means any member of a Student board made up of one Chair and up to seven (7) Student representatives and exists to help interpret the Code for, assist throughout a Student Conduct Proceeding, and mentor any Student charged with a Code violation.
 23. "Self-defense" is the legal right to use reasonable force to protect oneself or members of one's family from bodily harm, or to a lesser extent one's property, from the attack of an aggressor if the defender has reason to believe the danger of bodily harm is imminent and that force is necessary to avoid this danger. Self-defense is a defense to a criminal charge or to tort liability; however, it is not an acceptable justification for violent behavior on campus or typically a defense to a charge under this Code.
 24. "Separation of the Student from the University" means the Student may not be present on University Premises, attend or participate in classes, manipulate any website or other material residing on the University's web server, access the University's email services, enter or use any University service or facility, or participate in any Student Club, Group, Organization or other University sponsored programs, activities, or related events.

25. "Major Violation" means a violation of the Code for which the possible sanctions include suspension or dismissal.
26. "PEG" means the Program for the Exceptionally Gifted at Mary Baldwin University.
27. "Sexual Misconduct" means any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without Consent. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. Sexual Misconduct also includes complicity in Sexual Misconduct. The University encourages reporting of all Sexual Misconduct. Sexual Misconduct includes but is not limited to: dating violence; domestic violence; non-forcible sex acts; sexual assault; sexual exploitation; sexual harassment; and stalking. Further definitions of the types of sexual misconduct and related terms can be found in the University's Sexual Misconduct Policy on the Title IX Website found here: <http://www.mbc.edu/title-ix/>
28. "Student" or "student" means a person who is enrolled in a schedule of undergraduate or graduate courses at the University, a person attending classes at or through the University, or a person participating in orientation programs on the University premises. The term Student includes those who are full-time, part-time, commuters, residential, in the Adult Degree Program and studying abroad.
29. "Student Club" means a collection of persons who have complied with the University's formal requirements for recognition, At Mary Baldwin, "Student Club" is used to refer to student organizations other than the Student Government Association and its Executive Council.
30. "Student Conduct Proceeding" means a proceeding initiated to investigate an alleged Student violation of the Code, to determine if a violation has occurred and, if so, the sanction to be imposed for such a violation.
31. "Student Confidant" means a Student who has been formally requested by another Student and approved by the Lead Advocate and the Judicial Board Chair and/or the Honor Council Chair as someone the Student can talk to for moral support while they are involved in a Conduct Proceeding.
32. "Student Group" means a number of persons associated with each other for a common purpose, and who have not complied with or satisfied the University's formal requirements for recognition.
33. "Student Organization" means a collection of persons who have complied with the University's formal requirements for recognition and is used to refer to the Student Government Association and its Executive Council.
34. "University" means both University College and Mary Baldwin College for Women.
35. "University Official" means any person employed by the University or serving in a student leadership position in which that person is authorized by the University to perform administrative or professional duties. Examples of University Officials are Judicial Board Representatives, Honor Council Representatives, Resident Assistants, and Student Assistants.
36. "University Premises" means all buildings, facilities, or grounds owned, leased,

operated, controlled, or supervised by Mary Baldwin University, including adjacent streets and sidewalks.

37. "Violent Behavior" means conduct and/or behavior, verbal and non-verbal, including but not limited to, verbal and/or physical aggression, attack, threats, harassment, intimidation and other disruptive behavior in any form, or by any media, which causes or could cause a reasonable person to fear physical harm by any individual(s) or group(s) against any person(s) or property.
38. "VWIL" refers the Virginia Women's Institute for Leadership Program at Mary Baldwin University.
39. "Weapon"-is defined as any weapon as described in the Code of Virginia 18.2-308A or any other provision to the Code of Virginia. This description has been broken into sections and can be found in Section X of this Code.

X. Conduct Rules and Regulations

The following conduct, or an attempt to engage in any of the following conduct, is prohibited and shall be subject to a Student Conduct Proceeding:

1. Honor Code violation
 - a. Plagiarism
 - b. Lying
 - c. Cheating
 - d. Confidentiality
2. Use of inappropriately profane and abusive language or behavior
3. Conduct or behavior that violates local, state or federal law, regardless of whether such conduct or behavior otherwise constitutes a specific violation of this Code.
4. Violation of the privacy or physical space of others
 - a. Engaging in a physical altercation with another member of the University community
 - b. Failure to respect the privacy of another member of the University community
 - c. invasion of privacy with the proliferation of digital image capture (ex. drone)
5. Damage or misuse of the University's name, image or property, or the property of a member of the University community, including but not limited to:
 - a. Attempted or actual vandalism
 - b. Attempted or actual theft
 - c. Attempted or actual littering
 - d. Standing, sitting, or hanging on the roof, ledge, or out of a window of a residence hall or other campus building.
6. Failure or refusal to comply with the directions of a University Official acting in the capacity of their role at the University, or a law enforcement officer, and/or failure to identify oneself to any of these persons when requested to do so
7. Conduct that endangers the safety and welfare of any member of the University community, including one's self, and includes, but is not limited to, physical

- abuse/attack, assault, suicidal behavior, self-mutilation, etc.
8. Bullying
 9. Stalking
 10. Disruption or obstruction of teaching, research, administration, or other University activities
 11. Participation in a demonstration which disrupts the normal operations of the University or infringes on the rights of other members of the University community, or leading or inciting others to disrupt scheduled and/or normal activities on University Premises or any conduct that obstructs or interferes with the freedom of pedestrian or vehicular movement on University Premises.
 12. Discrimination
 13. Hazing
 14. Unauthorized possession, duplication, loan, or use of keys or ID Cards to access University Premises or property, or the unauthorized/uninvited entry to or use of University Premises or property
 15. Visitation Policies
 - a. Failure to properly sign in or out a Guest
 - b. Failure to announce to roommate and hallmates that a Guest is staying in a room
 - c. Having a Guest for longer than 72 hours or three consecutive nights. Guests may not return for a next visit any sooner than 72 hours or three consecutive nights after the previous departure
 - d. Having a Guest during final exams who is not a Student. Visitation ends at midnight on the Friday before an exam week and does not resume until 5pm on the last day of the exam period. Commuter Students may visit during exam week for the purpose of group studying.
 - e. Failure to abide by residence hall specific visitation hours or other policy. Residence Hall visitation is outlined in the chart below or may be in program specific manuals.
 - f. Any violation of the Code by a Guest

Residence Hall Visitation Chart:

Residence Hall	Main Lounges	Weekday Visitation (Monday-Thursday)	Weekend Visitation (Friday-Sunday)
Spencer, Tullidge, Hilltop	Allowed for 72 hours or 3 consecutive nights on weekends	No visitation	Allowed for 72 hours or 3 consecutive nights on weekends
McClung, Memorial, Kable, King, Woodson, and Houses & Apartments	Allowed for 72 hours or 3 consecutive nights	Allowed for 72 hours or 3 consecutive nights	Allowed for 72 hours or 3 consecutive nights

- Please Note: Residence Life and buildings associated with PEG, VWIL, and/or International students may have different visitation rules outside of this Code

16. Prohibited Conduct relating to Alcohol
 - a. Possession or consumption of alcohol in a manner that is not authorized by University policies or in a manner contrary to law
 - b. Possession or consumption of alcohol by a Student who is under 21 years of age
 - c. Furnishing or selling alcohol to any person who is under 21 years of age
 - d. Possession and/or use of kegs, party balls, or other common source containers used for the delivery of alcohol
 - e. Engaging in any behaviors, engaging in any games or using any devices designed or intended to facilitate rapid or mass consumption of alcohol, including but not limited to beer funnels/bongs, keg stands, shotgunning/chugging, flip cup, beer pong, quarters, etc.
 - f. Possession, use, sale, distribution, or manufacture of false identification cards
 - g. Driving with an open container of alcohol in the vehicle
 - h. Operating a motor vehicle under the influence or while impaired by the consumption of alcohol or other Controlled Substances
 - i. Public consumption, use, or intoxication by alcohol, marijuana, or any other Controlled Substance. Public places include, but are not limited to, residential hallways, elevators, stairwells, residential lounges, etc.
17. Prohibited Conduct relating to Drugs and/or Controlled Substances
 - a. Possession, consumption, purchase, and/or distribution of any drug and/or Controlled Substance
 - b. Possession or use of drug paraphernalia. This includes possession of drug paraphernalia that has never been actually used for drug consumption or use.
 - c. Possession with intent to manufacture, distribute, and/or sell any drug or other Controlled Substance
 - d. Misuse or abuse of consumer products (ex. medications, bath salts, etc.)
18. Smoking in an unauthorized location, including but not limited to cigarettes, cigars, and electronic cigarettes
 - a. Smoking in a University building or a campus owned/operated vehicle
 - b. Smoking in an area not designated as a smoking area with a smoking receptacle
19. Violation of Fire Safety regulations including, but not limited to:
 - a. Destruction or misuse of any fire alarm or equipment (ex. extinguisher or pull station)
 - b. Intentionally triggering a false alarm
 - c. Failure to properly evacuate during a fire alarm
 - d. Unauthorized setting of a fire on University Premises
 - e. Possession of any prohibited items from the Housing Contract
 - f. Possession of any items that have proven to be a fire risk (ex. hoverboards)
 - g. Having more than 7 people in a residence hall room at one time
20. Violation of Quiet Hours

- a. Regularly defined Quiet Hours
 - Quiet Hours are as follows:
 - Sunday-Thursday from 10pm-10am*
 - Friday and Saturday from 12am-12pm*
 - Noise levels should be kept to a minimum as to not disturb others during these times.
 - b. Courtesy Quiet Hours
 - Excessive levels of noise that disrupts others is not acceptable at any time.
 - c. Exam week Quiet Hours
 - During exam week Quiet Hours are in effect 24/7 throughout the entire week to promote a studious environment.
21. Violation of Pet Policy. Presence of a pet inside a residence hall other than a fish in a small aquarium.
22. Illegal or unauthorized possession or use of harmful or dangerous items, including but not limited to:
- a. Possession of any gun, bow, crossbow, or other weapon designed or intended to propel a missile or projectile of any kind.
 - b. Possession of any explosive substance or device.
 - c. Possession of any tear gas, mustard gas, phosgene gas, or other noxious or nauseating gases or mixtures of chemicals designed to and capable of producing vile, injurious, or nauseating odors or gases. Pepper spray is the only exception to this policy. Further information regarding the possession and use of pepper spray can be found in Section XI of this Code.
 - d. Possession of any stun weapon, including any device that emits a momentary or pulsed output, which is electrical, audible, optical, or electromagnetic in nature and which is designed to temporarily incapacitate a person.
 - e. Possession of any knife other than a pocket knife having a folding metal blade of less than three inches. (ex. dirk, bowie knife, switchblade knife, ballistic knife, machete, or razor)
 - f. Possession of any slingshot, brass knuckles, spring stick, or blackjack
 - g. Possession of any flailing instrument consisting of two or more rigid parts connected in a manner that allows them to swing freely. (ex. nun chucks or fighting chains)
 - h. Possession of a disk having at least two points or pointed blades which is designed to be thrown or propelled. (ex. throwing star or oriental dart)
 - i. Possession of any frame, receiver, muffler, silencer, missile, projectile, or ammunition designed for use with a dangerous weapon, including any cartridge, pellet, ball, missile, or projectile adapted for use in a firearm.
 - j. Possession of any weapon of like kind as those described above, even if intended for decoration.

VWIL/VMI issued weapons and equipment used by those working in an official capacity with the police department, fire department, or emergency services are the only exceptions to this policy. Further information regarding the procedures for use

and storage of these weapons/tools can be found in Section XII of this Code.

23. Disorderly, lewd, or indecent conduct, or a breach of peace
24. Aiding, abetting, or facilitating any conduct prohibited by this Code.
25. Sexual misconduct, including but not limited to:
 - a. Sexual Assault
 - b. Non-forcible Sex Acts
 - c. Sexual Exploitation
 - d. Sexual Harassment
 - e. Stalking
 - f. Dating Violence
 - g. Domestic Violence
26. Hate Crime
27. Harassment
28. Violation of any rule, regulation, policy, procedure or standard adopted and published by the University, including but not limited to:
 - a. Residence Life policies
 - b. Academic or administrative office policies
29. Abuse of the Code, including, but not limited to:
 - a. Failure to obey the summons of a Hearing Body or University official
 - b. Falsification, distortion, or misrepresentation of information during an Initial Meeting, a Resolution Meeting, or before a Hearing Body
 - c. Disruption or interference with the orderly conduct of an Initial Meeting, a Resolution Meeting, or a Hearing
 - d. Making false, frivolous, or misleading charges of Code violations
 - e. Attempting to discourage a person's participation in an Initial Meeting, a Resolution Meeting, or Hearing proceedings outlined in this Code
 - f. Attempting to influence the impartiality of a member of the Judicial Board or a Hearing Body prior to, and/or during the course of, an Initial Meeting, a Resolution Meeting, or a Hearing
 - g. Harassment, intimidation, and/or retaliation towards a member of a Hearing Body, complainant, respondent or witness at any time
 - h. Failure to comply with sanction(s) imposed under this Code
 - i. Influencing or attempting to influence another person to commit an abuse of this Code

XI. Pepper Spray Exception and Rules

Pepper Spray is the only exception to the chemicals section of the weapons policy outlined in Section X of this Code.

Students are allowed to possess Pepper Spray in small quantities/dispensers as a means of protection and/or self-defense. It is the University's expectation that Students will be responsible with these

dangerous items and exercise caution when it comes to their storage and/or use. If a Student discharges their pepper spray in an incident that comes to the attention of the Judicial Board, it is their responsibility to prove that they used it in a proper manner. Whether or not the use was appropriate will be determined by the Judicial Board Chair, Judicial Board Advisor, Administration, or designee.

XII. VWIL/VMI and Emergency Services Weapons Exceptions and Rules

VWIL/VMI issued weapons and equipment used by those working in an official capacity with the police department, fire department, or emergency services are the only exceptions to the weapons policy outlined in Section X of this Code.

Students are only allowed to be in possession of weapons or equipment issued by VWIL or VMI that violate the weapons policy when they are operating under an official capacity with their roles in those programs (ex. parades or practices). In order to possess/use this type of weapon or equipment, a Student must follow the sign-in/sign-out procedures, as well as any other policies, of the VWIL Arms Room. These weapons or equipment must be signed out and then returned within the same day. Under no circumstances should these weapons or equipment be in a residence hall or other campus building, other than the Arms Room. All cleaning of these weapons or equipment should take place in the Arms Room.

Students who work in an official capacity with the police department, fire department, or emergency services may occasionally possess weapons or equipment that violates the weapons policy outlined in this Code. Students to which this applies are responsible for registering such weapons or equipment with the Office of Campus Safety as soon as they receive or become in possession of it. Even once registered, any weapons or equipment that is a violation of the weapons policy in this Code must be stored at the Office of Campus Safety or in the student's personal vehicle. Under no circumstances should these weapons or equipment be in a residence hall or other campus building.

XIII. Search Policy

Searches of Residential spaces will fall under the University Administration policy. The University Search policy will be found under Administrative Practices and Policies Fall 2017 at <http://www.marybaldwin.edu/student/sga/administrative/>

Please note that routine health and safety inspections that take place in the residence halls are a separate process from searches and are not covered by this section of the Code.

XIV. Individual Sanctions

If the Judicial Board or Administration determines that a Student has violated this Code and a sanction is imposed, regardless of severity, a letter will be placed in the Student's

permanent file describing the violation, finding and sanction.

Multiple factors may affect the severity of a sanction including but not limited to the Student's demeanor, acceptance of responsibility, and level of cooperativeness during the Student Conduct Proceeding; the past conduct record of the Student; the nature and seriousness of the incident; and the severity of the damage, injury, or harm resulting from the incident. One or more of the following sanctions may be imposed upon a Student for a violation of the Code.

1. Minor Violation Sanctions

- a. **WARNING:** A notice to the Student that the Student is violating or has violated the Code. The Warning notice will state that future incidents of a similar nature will result in a more severe sanction.
- b. **DISCIPLINARY PROBATION:** A written reprimand for a violation of the Code with continued permission to remain enrolled in the University but under prescribed conditions during a probationary period. Disciplinary Probation is for a designated period of time and includes the possibility of the imposition of more severe disciplinary sanctions if the student is found to have committed any additional Code violations during the probationary period. Disciplinary Probation is typically thought of as a period of reflection during which the student should avoid future violations.
- c. **LOSS OF PRIVILEGES:** Denial of specified privileges for a designated period of time.
- d. **FINANCIAL SANCTIONS:** Sanction resulting in the payment of money by the student to the University or an effected party.
 - i. **Administrative Costs-** The Student may be assessed a fine that relates to the actual costs incurred by the University to resolve or address the alleged violation (for example, such as the cost of employee wages for relocating furniture that was moved from a lobby or to remove people from a building during a false fire alarm).
 - ii. **Restitution-** the Student may be required to pay restitution which serves as compensation for loss, damage, or injury. Restitution may take the form of appropriate services and/or monetary or material replacement.
 - iii. **Educational Outreach Assessment-** the Student may be required to pay an Educational Outreach Assessment, which is a sanction that, although financial in nature, provides a tangible learning opportunity for students. Through this sanction the student becomes an active contributor to him/her education and that of him/her peers, as the money collected is used for educational programming about the Code.
- e. **DISCRETIONARY SANCTIONS:** Work assignments, service to the University, community service, or related discretionary assignments.
- f. **EDUCATIONAL SANCTIONS:** Participate in a specific program, complete a specific project, or complete a research assignment/paper.
- g. **RESIDENCE HALL RELOCATION:** Relocation of the Student from their current residence hall to another residence hall.

- h. RESIDENCE HALL SUSPENSION: Separation of the Student from the residence halls for a specified amount of time, after which the Student is eligible to return. Conditions for return may be specified.
- i. RESIDENCE HALL DISMISSAL: Permanent separation of the Student from all University housing.

2. Serious Violation Sanctions

In addition to the following sanctions, Serious Violations may result in the imposition of Minor Violation sanctions listed above.

- a. University SUSPENSION: Separation of the Student from the University for a specified period of time, after which the Student is eligible for readmission. The University may impose conditions for readmission which the Student must satisfy.
- b. University DISMISSAL: Permanent Separation of the Student from the University.
- c. Summary SUSPENSION: See Section XVI of this Code

XV. Student Organization/Club/Groups Sanctions

Student Organizations, Clubs, or Groups may be charged with violations of this Code without regard to whether specific members of such Organizations, Clubs, or Groups are individually charged with violations arising from the same occurrences.

The officers or leaders or any identifiable spokesperson for a Student Organization, Club, or Group may be directed by the Judicial Board Chair, Judicial Board Advisor, or Administration to take appropriate action to prevent or end violations of this Code by the Organization, Club, Group, or members who are acting on behalf of the Organization, Club, or Group.

Failure to comply with any such direction will be considered a violation of this Code.

Student Organizations, Clubs, or Groups may be held responsible collectively if any one or more of these situations apply:

- 1. A Code violation was committed by one or more members of a Student Organization, Club, or Group while acting on behalf of or in connection with the activities of a Student Organization, Club or Group;
- 2. A Code violation was committed by one or more members of a Student Organization, Club, or Group and the funds of the Student Organization, Club or Group were used to finance the activity; and/or
- 3. A Code violation occurred during or as a result of a Student Organization, Club, or Group's sponsored function.

One or more of the following sanctions may be imposed on a Student Organization, Club, or Group responsible for a violation of this Code:

- 1. WARNING: An official written notice of misconduct. An additional Code violation within a two year period that results in a Warning of the Student Organization, Club, or Group shall automatically result in Registration Probation as a minimum sanction.
- 2. REGISTRATION PROBATION: A written reprimand for a violation of the Code with

permission to continue operate at the University but under prescribed conditions during the probationary period. Registration Probation is for a designated period of time and means the Student Organization, Club, or Group is not in good standing with the University. The Student Organization, Club, or Group may add new members during the probationary period and may engage in activities except as otherwise specified under the terms of Registration Probation.

3. **REGISTRATION SUSPENSION:** A temporary removal of University recognition for a specified period of time. During the period of Registration Suspension, the Student Organization, Club, or Group is not considered in good standing with the University and may not add new members or hold, sponsor, or attend events as a group. Additionally, no University funding will be provided during a period of Registration Suspension.
4. **ADDITIONAL STUDENT ORGANIZATION, CLUB, OR GROUP SANCTIONS** may be imposed, including:
 - a. Suspension of activities, including but not limited to:
 - i. Exclusion from organized campus events (ex. Club Rush, Apple Day, etc.)
 - ii. Denial of use of University facilities for meetings and activities
 - iii. Suspension of rushing, recruiting, or intake process
 - iv. Loss of social privileges for a specified time (ex. activities, mixers, etc.)
 - a. Loss of University funding
 - b. Restitution
 1. For expenses incurred by individuals or the University as a result of providing education programs or other educational experiences related to the violation
 2. For loss to the University, person, or organization/club/group
 - c. Situational, appropriate educational or discretionary group or organization sanction
5. **REGISTRATION REVOCATION:** The permanent removal of University recognition for a Student Organization, Club, or Group. Registration Revocation means that the Organization, Club, or Group may not function at the University, participate in University programs, or utilize University facilities or services.

XVI. Summary Suspension

1. Students

In certain circumstances, and at any time prior to the final resolution of a Student Conduct Proceeding under this Code, the Judicial Board Chair, Judicial Board Advisor, Administration, or designee may impose a University or residence hall Summary Suspension.

A Summary Suspension may be imposed only:

- a. To ensure the safety and well-being of members of the University community or the preservation of University property;

- b. To ensure the Student's own physical, mental, or emotional safety and well-being; or
- c. If the Student poses a significant threat of disruption of or interference with the normal operations, programs, and/or activities of the University.

During a Summary Suspension, a Student may be denied access to all University Premises and all University programs and activities.

2. Student Organizations, Clubs, and Groups

When the University receives a report of an alleged violation of this Code by a Student Organization, Club, or Group, the Judicial Board Chair, Judicial Board Advisor, Administration or designee may summarily suspend the activities of the Student Organization, Club, or Group pending the outcome of the investigation of the Code violation.

XVII. No Contact Orders

In certain circumstances, and at any time prior to the final resolution of a Student Conduct Proceeding under this Code, the Judicial Board Chair, Judicial Board Advisor, Administration, or designee may issue a No Contact Order for students involved in some capacity with a case.

A No Contact Order is typically issued for one of the following reasons:

- a. To ensure the safety and well-being of members of the University community;
- b. To ensure the Student's own physical, mental, or emotional safety and well-being; or
- c. If the Student poses a significant threat of disruption of or interference with the normal operations, programs, and/or activities of another student.

No Contact Orders prohibit a variety of behaviors, including, but is not limited to, the following: verbal communication, written communication, electronic communication, communication through a third party, or any physical contact. The behavior restricted is direct contact, not indirect contact. This means that you are not restricted from eating meals in the dining hall, attending class, or other Mary Baldwin/program specific events. No contact orders are not meant to impede the academic process. They are intended to protect students from being involved in any direct act that could be interpreted by another other party as intimidating, harassing, bullying, etc.

No Contact Orders are issued through email on a case by case basis and may be imposed at any point throughout the judicial process. No Contact Orders are sometimes lifted at the conclusion of a case, however may remain in place indefinitely.

XVIII. Incident Reports

Anyone affiliated with the University may refer a student or student group or organization suspected of violating the Code to the Judicial Board. The referral must be submitted using the Incident Report form found at the following link:

https://cm.maxient.com/reportingform.php?MaryBaldwin&layout_id=0

A person making a referral may be asked to appear before a Hearing Body as a witness and must comply with this request. A referral should be made as soon as possible after the alleged incident. Anonymous referrals are not permitted.

Upon receipt of a referral, the Judicial Board Chair and Judicial Board Advisor will determine whether sufficient cause exists to initiate a Student Conduct Proceeding. The Judicial Board reserves the right to forward any case to Administration, regardless of severity of alleged offense. Any charge that may result in University Suspension or University Dismissal, or which alleges any form of sexual misconduct, shall be automatically referred to Administration for adjudication. Within thirty (30) days of receipt of a referral, the Judicial Board Chair will communicate to the alleged violator (i) that a Student Conduct Proceeding will be initiated; (ii) the nature of the alleged Code violation; and (iii) whether the Student Conduct Proceeding will be adjudicated by the Judicial Board or by Administration. The thirty (30) day period for initiating a Student Conduct Proceeding shall not be jurisdictional and, if reasonable under the circumstances, a reasonable extension of the thirty (30) day time limit shall be permissible.

XIX. Confidentiality

All members of the University community involved in any way with a Student Conduct Proceeding are expected to keep strictly confidential both the existence of a Student Conduct Proceeding; all information included in an Incident Report or presented to either the Judicial Board, the Judicial Board Advisor, or Administration during a Student Conduct Proceeding, and the outcome of the Student Conduct Proceeding including any sanctions imposed. If you have been notified that an incident report has been submitted against you, this means an official Student Conduct Proceeding will be initiated and Confidentiality applies.

An accused Student may discuss their case during the pendency of a Student Conduct Proceeding with the following people:

1. Their parents;
2. Their Student Advocate;
3. The Honor Council or Judicial Board Chair;
4. The Advisor to the Honor Council or the Judicial Board;
5. An appointed Investigating Committee;
6. An Initial Meeting official;
7. A Hearing Body; and
8. Faculty, administration, and/or staff of the University.

An accused Student may not discuss their case with any other person, except as provided above. If a Student is found to have violated this Code and given a sanction, s/he may disclose to others the nature of the sanction; however s/he may not disclose to others any other information related to the Student Conduct Proceeding, except as provided above. A failure by any Student to maintain confidentiality as identified in this section of the Code will result in a referral to the Honor Council.

The Judicial Board reserves the right to publish the results of all Student Conduct Proceedings that result in a finding that a Student has violated the Code once each semester. All such results shall be published without any Student names. However, if information has been improperly disclosed relating to a Student Conduct Proceeding, in violation of the confidentiality requirements as outlined in this Code, the Judicial Board reserves the right to publicly release a statement, without any Student names, to clarify the facts relating to a Student Conduct Proceeding.

XX. Relationship Between Judicial Board, Honor Council, Cadet Conduct Council, and PEG Program Administration

The Judicial Board, the Honor Council, the Cadet Conduct Council, and PEG Program Administration are separate bodies with jurisdiction, generally, over different Student misconduct or violations. As a general proposition, Student misconduct involving lying, cheating, and confidentiality directly related to academic activities or pursuits shall be treated as Honor Code violations and shall be adjudicated by the Honor Council and its processes. Additionally, Student misconduct directly related to a Student's involvement in or requirements imposed on them by their connection to the VWIL Program or the PEG Program shall be adjudicated by the Cadet Conduct Council or the PEG Program Administration and its processes respectively. In some instances, however, the Judicial Board, the Honor Council, the Cadet Conduct Council, and/or the PEG Program jurisdictions overlap, including but not limited to the following:

1. Lying during a Student Conduct, Cadet Conduct Council, or PEG Proceeding: All Students participating in a Student Conduct, Cadet Conduct Council, or PEG Proceeding are subject to the Honor Code. If a Student is suspected of lying during a Student Conduct Cadet Conduct Council, or PEG Proceeding, adjudication of the underlying charge shall continue and a separate charge relating to the suspected offense of lying shall be referred to the Honor Council.
2. Concurrent Honor Code, Judicial Code, Cadet Conduct, and/or PEG Program violations: If a Student is accused of an act that violates a combination of the Honor Code, the Judicial Code, the Cadet Conduct Code, and/or PEG Program, the Honor Code offense will be considered a primary offense and charges shall proceed under the processes of the Honor Code. However, a Student Conduct, Cadet Conduct Council, or PEG Program Proceeding may also begin. The Judicial Board, Honor Council, Cadet Conduct Council, and PEG Program reserve the right to conduct a joint investigation, if deemed necessary.

In the event of conduct that violates a combination of the Honor Code, the Judicial Code, the Cadet Conduct Code, and/or PEG Program, the Honor Council, Judicial Board, Cadet Conduct Council, and/or PEG Program may consider the penalty imposed by the other boards in imposing its sanctions.

There are a number of special circumstances that apply with regards to cases involving a Student who is a member of the PEG Program, previously known as the Early College or Early University Program, as a result of the age of these students. The PEG Program includes any student who entered Mary Baldwin through the program, both those students living in the PEG building and those who have moved out onto the main campus. The special circumstances that affect the process outlined in Sections XXI-XXIII of this Code are:

1. Notification process- The Director of the PEG Program or their designee will be copied on the Notification Email of all students in the PEG Program. It will be the responsibility of the Director of the PEG Program or their designee to communicate the information to the parents of the charged student.
2. Initial Meeting, Resolution, and/or Hearing-
 - a. The Director of the PEG Program or their designee will participate in all proceedings that involve a PEG Program student. This includes, but is not limited to, any discussion about the pursuit of a case, any meetings that occur as part of the case, and the decisions made about a case.
 - b. The parents or legal guardians of the PEG Program student will have three options for participation in the process. They can choose to attend the proceedings in person, listen in on the proceedings via phone, or they can defer to the Director of the PEG Program or their designee to sit in on their behalf. Their choice needs to be communicated to the Director of the PEG Program or their designee within 72 hours of the student's receipt of the Notification Email and the Director of the PEG Program or their designee will communicate that decision to the Judicial Board Chair, Advisor, and/or Administration, depending on who is adjudicating the case.
 - c. Parents and/or legal guardians will be held to the same standards as a Student Advocate or Faculty/ Staff Advisor in a case. They may counsel the charged Student and ask questions of the Judicial Board Chair, Judicial Board Advisor, Judicial Board Representative, Administration, or designee during the Initial Meeting and the Resolution Meeting if that option is selected. They may counsel the Student, but not speak on their behalf during a Hearing if that option is selected.
3. Outcome- The Director of the PEG Program or their designee will be copied on the Outcome Letter of all students in the PEG Program. It will be the responsibility of the Director of the PEG Program or their designee to communicate the information to the parents of the charged student.

Once a PEG Program student reaches the age of 18, they will be dealt with as a general student and the special circumstances outlined above will no longer apply.

XXI. Participation, Notification, Initial Meeting, and Selection of Process

A Student charged with an alleged Code violation and subject to a Student Conduct Proceeding shall participate and cooperate with the process and engage with the Judicial Board and/or Administration in a timely manner. The expectations of Student participation include:

1. Administration, or a designee will send a notification letter via Mary Baldwin email to a charged Student through the Student's University email account to notify the Student of the charge, whether the Student Conduct Proceeding will be handled by the Judicial Board or has been referred to Administration, and the Student's procedural options for adjudication or resolution of the charge. The communication will outline the general details of the incident from the Incident Report and will notify the student that they need to schedule an Initial Meeting and will include the specific deadline to respond to this notification. Students are expected to respond to Administration with proposal(s) for Initial Meeting date(s) and time(s).
2. If a charged Student wants the assistance of a Student Advocate, the Student shall be responsible for securing one by contacting the Lead Student Advocate prior to the Initial Meeting. See Section V of this Code. The Student Advocate may counsel the charged Student and ask questions of the Judicial Board Chair, Judicial Board Advisor, Judicial Board Representative, Administration, or designee during the Initial Meeting.
3. During this Initial Meeting, a discussion will be held to make sure the student understands the allegations against them and the options for resolution of the case. At this time the student will decide whether they want a Resolution or a Hearing. All cases resulting in a resolution will be resolved in ten (10) business days after the initial meeting. Appeals may fall outside of the ten (10) business day timeline and appeals must be filed five (5) business days after the decision and/or sanctions. Cases which go to a hearing may take longer.
 - a. Resolution: A Resolution is an option available to a Student whether the Student Conduct Proceeding proceeds through the Judicial Board or through Administration. If the Judicial Board retains jurisdiction, the Student may choose the Resolution option, which is an informal meeting with the Judicial Board Chair, the Judicial Board Advisor, a Judicial Board Representative, or designee to resolve the charge. If the Judicial Board refers the Student Conduct Proceeding to Administration, the Student's Resolution will be with Administration, or a designee to resolve the charge. If a Student chooses the Resolution option, the Student waives their right to a formal Hearing, but may appeal the findings of the Resolution as provided for in Section XXV of this Code. If selected, the Resolution will take place as part of the Initial Meeting and begin as soon as it is selected.
 - b. Hearing: A Hearing is a formal process in which a case is heard by a Hearing

Body. The option of a Hearing is available whether the Judicial Board retains jurisdiction over the Student Conduct Proceeding or refers the Proceeding to Administration. See Sections XXIII-XXIV of this Code for further information on the Hearing process. Hearing decisions may also be appealed as provided for in Section XXV of this Code. If a Student chooses the Hearing option, it will take place separate from the Initial Meeting. The remainder of the Initial Meeting will be used to answer any questions the student has regarding the Hearing process.

4. Contact will be made by Administration or designee with an initial notification letter sent to Student to initiate the Judicial process in regards to the alleged Code Violation(s). This letter will be sent via Mary Baldwin email in a secure, certified link that contains the specific date and time deadline for response. The Student must respond to Administration or designee within 72 hours of receipt. This email from the Student is to include proposal(s) for Initial Meeting date(s) and time(s).
 - a. If the Student fails to respond to the initial notification letter email within 72 hours, a second notification letter will be sent to Student by Administration or designee. This letter will be sent via Mary Baldwin email in a secure, certified link that contains the specific date and time deadline for response. The Student must respond to Administration or designee within 24 hours of receipt. This email from the Student is to include proposal(s) for Initial Meeting date(s) and time(s).
 - i. If the Student fails to respond to the second notification letter email within 24 hours, an Administrative meeting will be scheduled for Resolution to the alleged Code Violation(s). The Administration will send a letter to the Student via Mary Baldwin email in a secure, certified link summarizing the Administrative meeting's decision, any imposed sanctions, and information about the appeals process.
 - ii. If the Student fails to respond to the notification letters in the allotted time frame due to extenuating circumstances, an extension and/or exception may be requested to the Administration or JB Chair explaining the situation. If approved, the student may propose Initial Meeting date(s) and time(s) after the deadlines outlined above.
5. The Student shall be responsible for notifying the Initial Meeting official or the Hearing Body of any scheduling conflicts with Initial Meeting date or Hearing date. The scheduling of an Initial Meeting and Hearing will ordinarily proceed promptly; however, the Initial Meeting or Hearing may be delayed by the Initial Meeting official or the Hearing Body for the following reasons:
 - i. In times of heavy Student Conduct Proceeding caseloads;
 - ii. If the Student Conduct Proceeding is initiated near the end of an academic semester or term;
 - iii. In the event of a known conflict with a Student's academic schedule; or
 - iv. In the event of the reasonable need by either Party for additional time.

6. Any Student who fails to engage or cooperate with a Student Conduct Proceeding and/or to complete sanctions as imposed through a Student Conduct Proceeding may receive additional Code charges and/or additional sanctions up to and including University Dismissal.

XXII. Resolution Procedures

If a Student chooses to proceed with a Resolution, it will take place as part of the Initial Meeting and begin as soon as it is selected.

The following procedures will be used in Resolution meetings conducted by the Judicial Board Chair, the Judicial Board Advisor, a Judicial Board Representative, Administration, or a designee:

INFORMATION ABOUT A RESOLUTION

1. If a charged Student wants the assistance of a Student Advocate, the Student shall be responsible for securing one by contacting the Lead Student Advocate prior to the Resolution. See Section V of this Code. The Student Advocate may counsel the charged Student and ask questions of the Judicial Board Chair, Judicial Board Advisor, Judicial Board Representative, Administration, or designee during the Resolution.
2. Because the Resolution is an informal process, no witnesses can be called during the Resolution. A conversation will take place between the Judicial Board Chair, the Judicial Board Advisor, the Judicial Board Representative, Administration, and/or the designee and the charged Student to gather information about the alleged Code Violation.
3. At the conclusion of the conversation about the alleged Code violation, the Judicial Board Chair, Judicial Board Advisor, Representative, Administration, or designee will discuss possible findings and sanctions with the charged Student and answer any Student questions regarding both. The Student will be instructed that they will receive an email notification at their University email account informing him/her of the Resolution official's decision and sanction, if any. The Resolution official may bring in the student for an in-person delivery of the decision and sanction at their discretion.
4. The Resolution official may interview other witnesses or individuals, as necessary, before reaching a final resolution of the charge.
5. If the Resolution official determines that the Student has violated the Code and that either University Suspension or University Dismissal is the appropriate sanction, the Student shall be notified of the decision and sanction in person and in writing.

XXIII. Hearing Procedures

If a Student chooses to proceed with a Hearing, a Hearing will be scheduled promptly with the appropriate Hearing Body, which shall depend upon whether the decision previously

was made to proceed with Judicial Board jurisdiction or to refer the matter to Administration. The Student shall be responsible for notifying the Hearing Body presiding official of any scheduling conflicts with the proposed Hearing date.

The Judicial Board Chair, Judicial Board Advisor, Administration, or designee will prepare a Hearing Notice letter to the charged Student. The Hearing Notice letter will include a statement of the specific charge against the Student, a brief description of the facts upon which the charge is based, the date, time, and place of the Hearing, instructions for preparing for the Hearing, information regarding selecting an Advisor to assist the Student during the Hearing, and information regarding the procedure for the Hearing. This letter will be delivered to the Student by their campus email account. While not required, in some cases, the letter will also be delivered by campus mail and/or hand delivery.

For all alleged Code violations, the Hearing shall not be fewer than five (5) days after the date of the Hearing Notice letter, unless the Student requests an earlier Hearing date and the requested date can be accommodated by the Hearing Body.

The following procedures will be used in Student Code violation Hearings conducted by a Hearing Body:

PRIOR TO THE HEARING

1. An Investigating Committee is appointed. In Hearings conducted by the Judicial Board, the Investigating Committee shall consist of one member of the Judicial Board, appointed by the Judicial Board Chair, and two members of the Honor Council, appointed by the Honor Council Chair. In hearings conducted by Administration, the Investigating Committee shall include members of the faculty and staff of the University selected by Administration. Administration, in its discretion, may choose to appoint only one faculty or staff member in place of a full committee, which shall be comprised of three members. Once the Investigating Committee is appointed, the members will investigate the charge before the scheduled Hearing by the following means:
 - a. Interview the charged Student to get their response to the charge;
 - b. Interview any witnesses who submitted a written report in connection with the charge;
 - c. Interview any other witness identified as having relevant information regarding the charge as the Investigating Committee deems necessary to fully investigate the charge; and
 - d. Review all written reports and relevant documents regarding the charge.
2. If the charged Student wishes to have the assistance of an Advisor at the Hearing, the Student is responsible for securing one. An Advisor can be a Student Advocate requested by contacting the Lead Student Advocate or a member of the faculty, administration, or student body of the University. The Advisor may counsel the charged Student during the Hearing; however, the Advisor may not speak on behalf of or in the place of the charged Student.

3. The Student may request that witnesses appear and testify on their behalf. The Student shall be responsible for providing a list of witnesses to the presiding officer of the Hearing Body at least 72 hours (3 days) prior to the Hearing date. The witness list should include the phone number and email address, if known, of each witness identified. The Student should only identify as Hearing witnesses those individuals with direct knowledge of the facts relevant to the charge. If at the conclusion of the presentation of evidence the Hearing Body determines the Student has committed a Code violation, the Student will be permitted to call **3** witnesses to testify regarding the Student's character to assist the Hearing Body to determine the appropriate sanction to be imposed. The Hearing Body has the discretion to limit such testimony to a reasonable number of witnesses to avoid testimony that is unnecessarily duplicative. The Student must also include in their witness list all witnesses who may testify with regard to the sanctions stage of the Hearing.
4. The Investigating Committee may also call witnesses to testify. The Investigating Committee shall provide a list of all such witnesses to the presiding officer of the Hearing Body at least 72 hours (3 days) prior to the Hearing date. The witness list should include the phone number and email address, if known, of each witness identified.
5. If at any point, a student would like to withdraw from the University to avoid a Hearing, they may notify in writing the Associate Vice President of Student Life of their intention to withdraw from the University. If the charged Student chooses to withdraw from the University, their official record will be marked to reflect a pending Code violation Hearing that must be resolved before the Student can be considered for readmission to the University.

DURING THE HEARING

1. In a Judicial Board Hearing, the Hearing Body shall be comprised of three (3) members of the Judicial Board and/or Honor Council who are not appointed to serve on the Investigating Committee. In an Administrative Hearing, the Hearing Body shall be comprised of three (3) faculty and staff who are not appointed to serve on the Investigating Committee. See Section XXIV of this Code for more information regarding the Hearing Body.
2. The Hearing will be tape recorded.
3. The Student and all witnesses will state their names, be administered an oath, and the official charges will be read.
4. A member of the Investigating Committee will present its report and answer questions from the Hearing Body and, thereafter, from the charged Student.
5. The Investigating Committee may call witnesses to testify. Each witness called by the Investigating Committee will answer questions from the Investigating Committee, the Hearing Body and the charged Student. The Investigating Committee may further present any documentary and physical evidence, if any, relevant to the charge for the Hearing Body to consider.
6. The charged Student will next make their statement and may call witnesses to testify. Each witness called by the charged Student will answer questions from the charged

Student, the Investigation Committee and the Hearing Body. The charged Student may further present all documentary and physical evidence, if any, relevant to the charge for the Hearing Body to consider.

7. At the conclusion of the presentation of all evidence and testimony, the Hearing Body will retire and deliberate to reach a decision regarding whether a Code violation has occurred. The Hearing Body's deliberations shall be closed to the Student, the Investigating Committee, and to any witness, and the deliberations shall not be recorded. After the Hearing Body has reached a decision regarding the charge, it shall announce its decision, along with a brief explanation of the supporting reasons for its decision, to the charged Student. The Hearing Body's announcement of its decision along with supporting reasons shall be recorded and made a part of the Record of the Hearing.
8. If the Hearing Body determines that the Student has violated the Code as charged, the Student will then be permitted to make a statement regarding possible sanctions to be imposed.
9. At the conclusion of the presentation of statements in the sanctions stage of the Hearing, the Hearing Body will retire and deliberate to reach a decision regarding the appropriate sanction to impose, if any. The Hearing Body's deliberations shall be closed to the Student, the Investigating Committee, and to any witness, and the deliberations shall not be recorded. After the Hearing Body has reached a decision regarding the sanctions, if any, it shall announce its decision, along with a brief explanation of the supporting reasons for its decision, to the charged Student. The Hearing Body's announcement of its decision along with supporting reasons shall be recorded and made a part of the Record of the Hearing.

XXIV. Hearing Body

"Hearing Body" means, in Student Conduct Proceedings over which the Judicial Board retains jurisdiction, members of the Judicial Board and/or Honor Council designated and/or appointed by the Judicial Board Chair to serve as a panel to determine whether a Student or a Student Club, Group or Organization has violated the Code and to determine the sanction, if any, for such violation. A Judicial Board Hearing Body is typically comprised of three (3) members. In any Student Conduct Proceeding heard by Administration, "Hearing Body" mean the members of the faculty and staff of the University, appointed by the Associate Vice President of Student Life to serve as the panel to determine if a Code violation has occurred and to determine the sanction, if any, for such violation. An Administration Hearing Body will be made up of two (2) faculty and staff members of the University appointed by Administration, and one (1) member designated by the charged Student. A Hearing Body member who has a bias about or an interest in the case should recuse him/herself. If the Hearing Body member refuses to recuse him/herself, the Judicial Board Chair will make a decision about whether to remove that person from the Hearing Body.

XXV. Appeals

1. Appeal Defined

An appeal is not a new Hearing. An appeal is a review of a decision by a Resolution meeting official or a Hearing Body to determine whether sufficient cause exists to invalidate the decision and/or sanction. Only a Student or a Student Organization/Club/Group found to have violated the Code may file an appeal. All appeals must be made in writing to the Associate Vice President of Student Life. If the Associate Vice President of Student Life has been previously involved in any aspect of the Student Conduct Proceeding, the Associate Vice President of Student Life will direct the appeal to their designee. In any Student Conduct Proceeding where the sanction imposed was neither University Suspension nor University Dismissal, a Student may only request one appeal. Likewise, Student Organizations/Clubs/Groups are limited to only one appeal unless the sanction appealed from is either Registration Suspension or Registration Revocation.

2. Appeal Deadline

After a Student or a Student Organization/Club/Group receives the decision of the Resolution meeting official or a Hearing Body, the Student or Student Organization/Club/Group must submit in writing an appeal that identifies the reasons supporting the appeal within five (5) business days.

3. Grounds for Appeal

Appeals shall be limited to the following grounds:

- a. A material and prejudicial violation of due process;
- b. A material and prejudicial deviation from the procedures adopted by the Judicial Board in this Code; and/or
- c. Sanctions that are disproportionately severe or inappropriate for the Code violation.

4. Student and Student Organizations/Clubs/Groups Appeal Procedures

- a. Written appeals shall be submitted within five (5) business days by a Student or by a leader of a Student Organization/Club/Group directly to the Associate Vice President of Student Life by the appeal deadline.
- b. The Appeals Board comprised of the Associate Vice President of Student Life or designee, the Honor Council Chair or designee, and the Lead Advocate or designee, one full-time member of the faculty; one member of the staff. The faculty and staff members are appointed annually by the Executive Committee of SGA and approved by the Senate. Alternates for Board members may sit at the discretion of the chair, who will in writing notify the appellant of the composition of the Board at least 48 hours in advance of a hearing, not including Saturdays, Sundays, and days when the college is not in session. This board shall consider the merits of all first level appeals, whether the decision appealed arises out of a Student Conduct Proceeding under the jurisdiction of the Judicial Board or Administration.
- c. The Board meets early in each academic year to review duties and procedures, including those set forth in the Student Code of Conduct and follow written procedures of operations.

- d. The Appeals Board shall reach its decision, in cases decided by a Hearing, based on the Record of the Hearing and the written appeal of the Student or Student Organization/Club/Group. The Appeals Board shall reach its decision, in cases decided by a Resolution meeting official, based on the Incident Report, the written decision of the Resolution meeting official, and the written appeal of the Student or Student Organization/Club/Group. The appeals board may call for the submission of new and/or additional oral or written evidence as necessary to reach a fully informed decision. Any new evidence will be added to the record of the hearing.
- e. After receipt of the appeal, the Appeals Board will render a written decision within five (5) business days. The Appeals Board may:
 - i. Affirm the finding of a Code violation and the sanction;
 - ii. Affirm the finding of a Code violation and reduce, but not eliminate, the sanction; or
 - iii. Return the case to the Judicial Board or Administration for a new Hearing if one or more grounds for appeal are met.
 - iv. The Associate Vice President of Student Life or designee will send copies of the appeal decision to the Student or the leader of a Student Organization/Club/Group, the Judicial Board Chair, and the Judicial Board Advisor.
- d. The Appeals Board decision will be final and conclusive, and any sanction upheld or determined on appeal will be imposed as directed, unless the sanction upheld is either University Suspension or University Dismissal, in the case of a Student appeal, or Registration Suspension or Registration Revocation, in the case of a Student Organization/Club/Group appeal. If a Student Conduct Proceeding resulted in University Suspension or University Dismissal, or a Conduct Proceeding against a Student Organization/Club/Group resulted in a Registration Suspension or Registration Revocation, and the decision was upheld by the Appeals Board, only then may a Student or a Student Organization/Club/Group file one additional appeal to the President of the University. Such an appeal shall be referred to as a "Second Appeal." A Second Appeal must be submitted in writing directly to the President of the University by the Student or the leader of a Student Organization/Club/Group.
- e. The President of the University shall decide a Second Appeal based on the Record reviewed by the Appeals Board, the record of the Appeals Board and its decision, and the written appeal of the Student or the Student Organization/Club Group. In rare circumstances, the President of the University may ask for the submission of new and/or additional oral or written evidence as necessary to reach a fully informed decision. Any new evidence will be added to the Record of the Hearing.
- f. After receipt of the appeal, the President of the University will render a written decision within five (5) business days. The President's decision may:
 - ii. Affirm the finding of a Code violation and the sanction;
 - iii. Affirm the finding of a Code violation and reduce, but not eliminate, the sanction; or
 - iv. Return the case to the Judicial Board or Administration for a new

Hearing if one or more grounds for appeal are met.

- g. The President of the University will send copies of the appeal decision to the Student or leader of the Student Organization/Club/Group, Judicial Board Chair, Judicial Board Advisor, and the Associate Vice President of Student Life.
- h. The decision of the President of the University will be final and conclusive, and the sanctions will be imposed as the President directs.

XXVI. Deferral of Sanctions

The President of the University, the Associate Vice President of Student Life, the Judicial Board Chair, or the Judicial Board Advisor may defer the imposition of a sanction during the duration of an appeal. If the sanction includes suspension or expulsion, an interim suspension during the appeal process may be imposed.

XXVII. Student Conduct Files and Records

1. The records relating to a Student Conduct Proceeding (Conduct Records), including audio recordings or transcripts from Hearings, in cases where a Student is found to have violated this Code will normally be retained as conduct records for ten (10) years from the date of the letter providing notice of final conduct action. Conduct Records may be retained for longer periods of time or permanently, as specified in the sanction. Conduct Records including the sanction of University Dismissal shall be retained permanently. Conduct Records designated as permanent shall not be destroyed except under very rare circumstances with unusual and compelling justification.
2. Students may inspect their Conduct Records in accordance with the Family Educational Rights and Privacy Act (FERPA).

XXVIII. Revision and Communication

This Code may be reviewed and amended by the Judicial Board, with approval from the Student Senate under the Student Government Association. Revisions of this Code will be communicated to the University community through official email and other means of mass communication. The official Code of Student Conduct will be available on the University website at <http://www.marybaldwin.edu/student/jb/>

Amended: 07/18/17