

SCHOOLCRAFT COLLEGE
18600 Haggerty Road, Livonia, Michigan 48152-2696

STUDENT CONDUCT RESOLUTION PROCEDURE

Students alleged to have violated the Student Code of Conduct (Policy 2011) are given due process through a procedure called Resolution. Resolution ensures that students:

1. Receive a written description of their possible Code violations
2. Have their cases heard by one or more objective decision-makers

Resolution is achieved through mutual consent or a panel hearing.

Respondents may have an advocate of their choosing present during Resolution. The advocate:

1. Is not allowed to make a presentation or represent the respondent
2. May confer quietly and exchange notes with the respondent
3. May ask questions about procedure
4. May suggest questions to the respondent for the respondent to ask

SECTION 1 – STEPS IN RESOLUTION PROCESS

1. Initial investigation
 - a. College reviews report and gathers additional information.
 - b. College may close the case due to lack of information or because the behavior described does not represent a Code violation
 - c. College will pursue Resolution if it looks like the Code may have been violated
 - d. College may decide that further investigation is necessary (see step 4)
 - e. Only cases where there is reasonable cause of a Code violation will go forward
 - f. 'Reasonable cause' is defined as credible information to support the alleged Code violation
2. Educational meeting
 - a. Respondent meets with a College administrator
 - b. Respondent shares his/her side of the story
 - c. Respondent learns about the Resolution process
 - d. Administrator may decide that further investigation is needed (see step 4)

- e. Administrator may decide that a panel hearing is necessary (see step 5)
 - f. Respondent may request a panel hearing (see step 5)
 - g. Administrator may recommend Resolution by mutual consent (see step 3)
3. Mutual consent
 - a. Administrator finds the respondent responsible for the Code violation and identifies one or more sanctions to be imposed on the respondent
 - b. The respondent accepts the administrator's finding and sanction(s).
 - c. Process ends
 4. Further investigation (if necessary)
 - a. Administrator gathers additional information on the case
 - b. Investigation can lead to an additional educational meeting, an offer of Resolution by mutual consent, or a decision to call for a panel hearing
 5. Panel hearing
 - a. A panel of college employees (usually three to five) is convened to hear the case
 - b. An administrator presents information on possible Code violations to the panel
 - c. The respondent addresses the panel concerning the possible Code violations
 - d. The College and the respondent may ask witnesses to address the panel
 - e. The respondent can have an advocate present. This advocate:
 - 1) Is not allowed to make a presentation or represent the respondent
 - 2) May confer quietly and exchange notes with the respondent
 - 3) May ask the panel chair questions about procedure
 - 4) May suggest questions to the respondent that the respondent may then direct to the panel chair
 - f. After hearing all presentations, the administrator, respondent and witnesses are dismissed and the panel deliberates in private
 - g. The panel decides if the respondent is 'responsible' or 'not responsible' for violating the Code
 - h. If respondent is found 'responsible,' the panel identifies the sanction(s) to be imposed on the respondent
 - i. The hearing process ends
 6. Appeal of hearing panel finding and/or sanctions
 - a. The respondent may appeal the finding, the sanction(s), or both, on one or more of these grounds
 - 1) There was an error in due process
 - 2) New information not available at the time of the hearing has come to light
 - 3) Sanctions are inconsistent with College precedent.
 - b. The appeal must be submitted in writing within 10 calendar days from the date of being notified of the finding

- c. More details on the appeals process are contained in section 3
7. Reopening a case when finding is 'not responsible'
 - a. When the finding is 'not responsible' through mutual consent or through a panel hearing, the reporter or victim may request that the College reopen the investigation and/or hold a panel hearing.
 - b. Such a request will only be granted for extraordinary cause
 - c. The decision is in the sole discretion of the Vice President and Chief Student Affairs Officer, or, in the case of a Title IX case, the Title IX Coordinator
 8. Title IX: What it is and how the Resolution procedure is different for Title IX cases
 - a. Title IX is a federal law that determines how colleges must handle cases where possible Code violations involve gender-based or sexual misconduct, stalking, or intimate relationship violence
 - b. In a Title IX case, the hearing panel's finding and sanction(s) are recommended to the College's Title IX Coordinator
 - c. The Coordinator makes the final determination on the finding and the sanction(s)
 - d. The appeal process is the same as in other panel hearings (see step 5)

SECTION 2 – STEPS IN PANEL HEARING PROCESS

1. Scheduling and notice of hearing
 - a. A hearing will be scheduled no less than five and no more than 20 calendar days from the date the respondent is notified of allegations of Code violation
 - b. Notice for the date, time and location of the hearing will be provided in writing to the respondent, victim (if different from the respondent), and reporter
 - c. If the respondent or the reporter cannot attend the hearing, they must notify the Student Relations office at least two calendar days before the hearing date
 - d. Except in cases of grave or unforeseen circumstances, the hearing will proceed if the respondent fails to give the minimum two-day notice or does not appear for the hearing
 - e. In cases where the reporter fails to appear at the hearing, the College may drop the allegations or pursue the allegations on its own behalf, as determined by the Associate Dean of Enrollment Management and Student Relations
 - f. No respondent may be found "responsible" for a Code violation solely as a result of his or her failure to appear for a hearing, with one exception: When the alleged Code violation is failure to comply with a summons from the College
 - g. Respondents who fail to respond to a hearing notice will receive a "no response" letter and may be administratively withdrawn from classes and/or have a registration hold placed on their student account

2. Preparing for the hearing
 - a. At least four calendar days before the hearing, the respondent will deliver to the Student Relations Office a written response to the allegations
 - b. At least four calendar days before the hearing, the respondent and the reporter will deliver to Student Relations:
 - 1) A list of witnesses they want to appear at the hearing.
 - 2) Physical evidence they possess and intend to use during the hearing
 - 3) A list of physical evidence items that they intend to use but don't have in their possession; this will allow the College time to arrange for those items to be present at the hearing
 - 4) The name of the advocate, if any, who will accompany them at the meeting
 - c. At least four calendar days before the hearing, the College will provide the respondent and the reporter with:
 - 1) Written documentation about the hearing and the allegations
 - 2) A list of hearing panelists
 - 3) If the respondent or reporter objects to any panelist, they must raise all objections in writing to the Student Relations Office immediately
 - 4) A panelist may be unseated only if the Associate Dean of Enrollment Management and Student Relations concludes that a conflict of interest or bias prevents them from being impartial
 - 5) Panelists who feel that they cannot be impartial must recuse themselves from the panel

3. The hearing
 - a. Hearings are closed to the public
 - b. Admission to the hearing of persons other than the parties involved will be at the discretion of the panel chair
 - c. If there is more than one respondent, standard procedure is to hear the case jointly
 - d. The panel chair may decide to allow each respondent to present their case separately
 - e. Regardless of how respondents present their cases, the panel must deliver separate findings and sanction(s) for each respondent
 - f. Respondents may have an advocate of their own choosing present. The advocate may not make a presentation or represent the respondent
 - g. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair and suggest questions to their advisee
 - h. The respondent, reporter and panelists may question witnesses and the other parties involved, either directly or through the chair, at the chair's discretion
 - i. Unduly repetitive witnesses can be limited at the discretion of the chair
 - j. Procedural questions are subject to the final decision of the chair.
 - k. There will be a verbatim recording, such as an audio recording, of the hearing. The panel's deliberations will not be recorded

4. Exhibits, records, and written statements
 - a. Pertinent items may be accepted as information for consideration by the panel at the chair's discretion
 - b. Formal rules of evidence are not observed
 - c. The panel chair may limit the number of character witnesses presented or may accept written affidavits of character instead
5. Deliberation, finding, and sanction
 - g. After the hearing the panel will deliberate in private and determine by majority vote if it is more likely than not that the respondent violated the Code
 - h. The Associate Dean of Enrollment Management and Student Relations will be available as a resource during all deliberations
 - i. For respondents found responsible violating the Code, the panel will determine the sanction(s) to be imposed on the student
 - j. Within two business days of the conclusion of deliberations, the chair will provide the Associate Dean with a written report describing the finding, how each member voted, information cited by the panel to support its finding, and any information the panel excluded from consideration and why. This report should conclude with the sanctions
 - k. The report should not exceed two pages
6. Notification of finding and sanction(s)
 - a. The Associate Dean of Enrollment Management and Student Relations will notify the Vice President and Chief Student Affairs Officer of the finding and sanction(s) and ensure that respondent and reporter are informed within three business days of the hearing
 - b. Notification to respondent and reporter will be made in writing by mail to the local or permanent address on record for the student and to the student's College email address
 - c. The notification will include a rationale for the finding and sanction
 - d. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously
7. Special hearing provisions for sexual misconduct, discrimination and other sensitive allegations
 - a. These provisions will focus on making the alleged victim more comfortable without working to the disadvantage of the respondent
 - b. For example, the alleged victim and respondent could be allowed to testify separately
 - c. The past sexual history or sexual character of a party will not be admissible by the other parties in hearings unless such information is determined to be highly relevant by the panel chair
 - d. All such information sought to be admitted by a party or the College will be presumed irrelevant until a showing of relevance is made, in advance of the hearing, to the chair
 - e. Demonstration of pattern, repeated, and/or predatory behavior by the respondent, in the form of previous findings in any legal or campus

proceeding, or in the form of previous good faith allegations, will always be relevant to the finding, not just the sanction

- f. The parties will be notified in advance if any such information is deemed relevant and will be introduced in the hearing
- g. The party making any report alleging sexual misconduct, other behavior falling within the coverage of the federal law known as Title IX, and/or a crime of violence as defined by the Federal Educational Right to Privacy Act (FERPA) will be notified in writing of the outcome of a hearing, any sanctions assigned and the rationale for the decision

SECTION 3 – STEPS IN APPEAL PROCESS

Reporters, victims and respondents can appeal a panel's decisions.

1. Timing

For appeals by respondents

- a. Respondents can request an appeal the finding, the sanction(s), or both
- b. Requests for appeals must be filed within 10 calendar days of the notice of the outcome to the hearing
- c. The 10-day deadline may be extended for extraordinary circumstances
- d. The request for appeal must be submitted in writing to the Vice President and Chief Student Affairs Officer

For appeals by reporters or victims

- a. Reporters and victims may request that a panel's finding and/or sanction(s) be reconsidered
- b. Requests must be filed within 10 calendar days of the notice of the outcome to the hearing
- c. The 10-day deadline may be extended for extraordinary circumstances
- d. The request must be submitted in writing to the Vice President and Chief Student Affairs Officer

2. Grounds for appeal

A request for appeal will be considered if one or more of conditions exist

- a. A procedural error occurred that significantly impacted the outcome of the hearing
- b. New information not available at the time of the hearing has come to light and this information could impact the original finding or sanction. This information must be summarized in writing as part of the written appeal (see step 1).
- c. The sanctions imposed are substantially outside the parameters or guidelines set by the College for this type of offense or the cumulative conduct record of the respondent

3. Reviewing and acting on the request for appeal
 - a. The Vice President and Chief Student Affairs Officer will review the request for appeal and decide within five calendar days if the request is denied or is allowed to move forward. A decision to deny ends the process
 - b. If the appeal moves forward, the Vice President and Chief Student Affairs Officer will convene a panel to hear the appeal
 - c. If the case involves misconduct that falls under the federal law known as Title IX (gender-based or sexual misconduct, stalking, or intimate relationship violence), the Vice President and Chief Student Affairs Officer will turn the case over to the Title IX Coordinator, who will convene a Title IX appeals panel
4. Finding, sanction(s) in effect during appeal
 - a. The finding and sanction(s) will remain in effect while the appeal is being considered
 - b. Sanctions may be delayed in extraordinary circumstances
 - c. Extraordinary in this context means that the Vice President, Associate Dean and (as appropriate) Title IX Coordinator – in consultation with one another – conclude that the appeal is very likely to result in a reversal of the finding and/or a change in the sanction(s)
 - d. The proximity of the hearing process to exams, end-of-semester or graduation does not qualify as extraordinary circumstances
5. Special consideration for Title IX case appeals
 - a. If the case involves misconduct that falls under the federal law known as Title IX (gender-based or sexual misconduct, stalking, or intimate relationship violence), the Vice President and Chief Student Affairs Officer will turn the case over to the Title IX Coordinator, who will convene a Title IX appeals panel to consider the appeal
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7. Other guidelines for appeals
 - a. All parties in the case will be kept informed of the status of the appeal process
 - b. Appeals are not intended to be full re-hearings of the case. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal; witnesses may be called if necessary
 - c. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so

SECTION 4 – EXPECTATIONS OF THE COLLEGE DURING RESOLUTION

Amnesty in special circumstances

1. Students who are committing a minor Code violation can offer assistance to others in need and report more serious Code violations without fear of being sanctioned for the minor violation. For example:
 - a. Two students are drinking or using drugs and one of them collapses. The one student should seek medical assistance for the other immediately
 - b. One student kicks over a trash can, spilling its contents on the floor and walks away. That student's companion decides to take it to the next level by knocking over more trash cans and vandalizing the building. The first student should report the second student's actions
2. In both examples the reporting student would be required to attend an educational meeting with an administrator but would not face sanctions.
3. A record of the offer of amnesty will be maintained
4. The College may decide to not extend amnesty to the same person repeatedly

Burden of proof: “More likely than not”

1. At colleges across the country, students are found in violation of the Code if the information shows that it is *more likely than not* that a Code violation occurred. This is different from the standard used in criminal proceedings, which is *beyond a reasonable doubt*

Challenges to students' thinking

1. Resolution is not about punishment. It is about protecting the interests of the community and challenging students to think reflectively about decisions they've made and actions they've taken
2. The College's hope is that Resolution will help them bring their behavior into accord with our community expectations

Discipline records

1. All but two types of sanction remain as part of the student's record for seven years and are then removed from the record
2. Suspension and expulsion remain on the record permanently

Due process

1. Respondents can expect to receive a written description of their possible Code violations and to have their cases heard by one or more objective decision-makers.

Findings of “responsible” or “not responsible”

1. Students are found “responsible” or “not responsible” for violating the Code.
2. A “responsible” finding leads to a caution letter or a sanction.
3. Sanctions create a discipline record for the student.

Hearing preparation

1. No less than four calendar days prior to a panel hearing, the respondent will receive written information describing the hearing process and outlining the information that will be presented to the panel by the College.
2. Prior to the panel hearing, all respondents will be offered the opportunity to meet with the Associate Dean of Enrollment Management and Student Relations to discuss the how the process works and review the information the College intends to present to the panel.

Interim action

1. In some cases the College will place a hold on a student’s account to prevent the student from registering for additional classes or receiving transcripts. This step is usually taken when a student fails to respond to correspondence. The student is informed of this step in a “no response” letter from the College.
2. In more serious cases the College will suspend a student or restrict the student’s access to College facilities and activities while the investigation is happening and before an educational meeting or panel hearing has been scheduled.
3. The College will take this step under one or more of these conditions:
 - a. The student represents a threat of harm to others.
 - b. The student faces allegations of criminal activity.
4. The College believes suspending or restricting the student will preserve the integrity of an investigation, protect College property and/or prevent disruption of College operations.
5. The College will schedule an educational meeting or a panel hearing within 12 calendar days of the start of interim action.
6. A student who receives an interim suspension or restriction may request a meeting with the Vice President and Chief Student Affairs Officer to demonstrate why the interim action is not merited. Regardless of the outcome of this meeting, the College may still proceed with the scheduling of an educational meeting or panel hearing.

Investigation

1. Initial investigation usually takes up to seven business days
2. Initial investigation might lead to determination that additional investigation is required
3. Additional investigation will require up to 10 additional business days
4. The Associate Dean of Enrollment Management and Student Relations will investigate the report or will appoint an investigator
5. For reports that fall under the federal law Title IX, the investigator works under the direction of the College’s Title IX Coordinator

6. Title IX covers cases involving gender-based or sexual misconduct, stalking, or intimate relationship violence
7. The investigator will talk with the reporter, the respondent, the victim (if different than the reporter), and witnesses
8. The investigator may review other sources of information, such as documents, photographs, video from security cameras or other sources, voicemail messages, text messages, emails, and social media posts
9. The investigator may obtain information from a police investigation, either from the Schoolcraft Campus Police Authority or an off-campus police agency, if the information is relevant to the possible Code violation being investigated.

Investigation plan and communication

1. The College will maintain a written investigation plan that includes the general timeline for the investigation and lists of witnesses and information sources
2. The College will provide periodic updates to the reporter, respondent and victim (if different from the reporter) on the status of the investigation

Investigation without reporter, victim or respondent involvement

1. There are cases where key individuals decline to participate in the investigation
 - a. The person making the report (the reporter) declines to participate beyond making the initial report
 - b. The victim of the alleged misconduct declines to participate
 - c. The respondent who is alleged to have engaged in misconduct declines to participate
2. The College will pursue the case without the involvement of one or more of these individuals if it is believed that investigating the report is in the best interest of the College community and is necessary to uphold the Code

Notification of alleged Code violations

1. Respondents receive written notification of their alleged Code violations
2. The College uses the respondent's Schoolcraft student email account and U.S. Mail for all correspondence related to the Resolution process
3. The initial written notification will include instructions on how to schedule an educational meeting with the appropriate administrator and a deadline for scheduling that meeting

Notification of hearing

1. If a respondent's case goes to a panel hearing, the respondent will receive written notification of the hearing date, time and location.
2. Every effort will be made to schedule the hearing for no less than five and no more than 20 calendar days from the date of the respondent being notified.
3. The notification letter will give the respondent a specified time period – usually no less than four calendar days – to respond to the letter.

Notification of outcomes

1. The outcome of a Resolution by mutual consent or by a panel hearing is part of the education record of the respondent and is protected from release by the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. See section 1 for a description of these conditions.

Parental notification

1. The College may notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations.
2. The College may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations.
3. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

Privacy as allowed by FERPA and Title IX

1. The outcome of Resolution is part of the respondent's educational record.
2. The outcome is protected from release under the Federal Education Rights and Privacy Act (FERPA) except when the Code violation is a "crime of violence" as defined by FERPA.
3. The FERPA definition includes arson, assault, stalking, burglary, criminal homicide, destruction of property, kidnapping, robbery, and forcible and non-forcible sex offenses.

Recognition of student rights

1. As members of a college community, students have the same rights guaranteed to U.S. citizens and Michigan residents.
2. Students have additional rights pertaining to accessing Schoolcraft College's programs and services.
3. These additional rights are spelled out in the Catalog and Student Handbook, both available on the College's website.

Recognition of student responsibilities

1. Students have responsibilities that come with membership in a college community.
2. These responsibilities are spelled out in this Student Code of Conduct.

Resolution by mutual consent

1. The College may offer the respondent the opportunity to agree to a finding and sanction without taking the case to a panel hearing.
2. This form of Resolution is known as "mutual consent."

Resolution by panel hearing

1. The College may call for a panel hearing, or the student may request one.
2. In a hearing a panel of College staff (usually 3-5) hears the case, delivers a finding and decides on the sanction(s).

Resolution by panel hearing in sensitive cases

1. Cases involving sexual misconduct, discrimination and other conduct of a sensitive nature will have special provisions for the hearing.
2. These provisions will focus on making the alleged victim more comfortable without working to the disadvantage of the respondent.
3. For example, the alleged victim and respondent could be allowed to testify separately.

Sanctions

1. Sanctions are consequences for students found responsible for Code violations.
2. Sanctions range in severity from a warning letter and probation to suspension and expulsion.
3. The full list of sanctions is contained in Policy 2011.

Sanctions follow-through

1. Students who fail to comply with their sanctions face additional sanctions and/or suspension from the College.
2. A suspension will only be lifted when the student has complied.
3. This determination will be made by the Vice President and Chief Student Affairs Officer.
4. For some sanctions, a hold may be placed on the student's account, preventing the student from enrolling or obtaining official transcripts until the sanction is fulfilled.

Safe harbor in cases involving substance abuse or dependency

1. The Code should not deter students from seeking help.
2. Students who bring their abuse, addiction or dependency to the attention of a College official in order to seek help will not face sanctions for drug- and alcohol-related Code violations disclosed during this process.
3. Instead, a written action will be developed that focuses on getting the student the help he/she needs.
4. If the student fails to follow the action plan, safe harbor protection may be lifted and the College may initiate the Resolution procedure

SECTION 5 – EXPECTATIONS OF THE STUDENT DURING RESOLUTION

Ask questions

Students involved in Resolution are encouraged to contact the Student Relations office at 734-462-4486 if they have questions or concerns about the process.

Be open to learning

Resolution is intended to protect the interests of the campus community while helping the students involved learn and grow from the experience. Students who take part in Resolution are expected to be able to:

1. Identify the rule violations in question.
2. Describe at least one lesson or insight gained from the experience.
3. Assess how their behavior was or was not consistent with their self-image.
4. List their educational and/or career goals.
5. Explain how their time at Schoolcraft can help them achieve their goals.
6. If appropriate for the case, students will also be able to...
7. List at least two methods for resolving conflict.
8. Describe personal or cultural biases that may have influenced their actions.

Check Schoolcraft email

Email correspondence will be sent to the student's College-issued email account. Students are responsible for checking messages sent to this account.

Evaluate the process

You may be selected to receive a questionnaire asking you to evaluate the Resolution process. Your response will be anonymous and will not be connected to your name or student ID. It will be aggregated with other responses and the data will be used to improve the process.

Keep contact information updated

Printed correspondence will be mailed to the student's address that is on record with the College. Students are responsible for keeping their mailing address and other contact information up-to-date.

Respond in a timely manner

Communications to students about the Resolution process will include a deadline for the student to respond or to take some action. Meeting these deadlines enables students to move through the Resolution process in a timely manner. Failure to meet deadlines could result in further disciplinary action.

Support the process

Abusing, interfering with or failing to comply with the Resolution process is a violation of this Code (see #44 in The Rules).

Proposed Cabinet
March 1, 2011
Revised—Cabinet
January 20, 2015
January 19, 2016