

Standards of Conduct: Procedures- Graduate and Professional Studies

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Introduction and Overview

This overview gives a general idea of how the university's campus conduct procedures work, but it should be noted that not all situations are of the same severity or complexity. Because of this, these procedures are flexible and are not exactly the same in every situation, though consistency in similar situations is a priority.

The student accountability procedures are intended to provide opportunities for students to be actively accountable for their behaviors as well as provide opportunity for learning, growth, and change. The procedures are administrative procedures rather than criminal, civil, or juvenile law procedures. This means that the procedures are primarily focused on determining responsibility for a violation of university policy or responsibility for harm done to another individual or group rather than the focus being on guilt or innocence (as in criminal law). When sanctions are necessary, the sanctions will be focused as much as possible on the repair of harm and rebuilding of trust (to individuals and groups that have been harmed) rather than on punishment. The university commits itself to accountability procedures that are fair, equitable, and impartial.

The Dean of Students is responsible for the application of these procedures. When graduate/seminary students are involved, the procedures will be implemented by the appropriate Academic Dean or by their designee, many times in collaboration with the Dean of Students.

Procedures

Notice:

The campus accountability process begins with a report being given to a member of the campus community. A report of harm and/or violation of university policy may come from any source (victim/harmed party, student leader, staff, faculty, student) and may come through multiple formats including online (via incident report form), email, phone conversation, or face to face meeting. The most direct and efficient forms of report for graduate and seminary students are face to face conversations with the student's Program Director, Dean, or Associate Dean. Other Graduate and Seminary faculty and staff or other students may also become aware of harm and/or violation of university policy. When members of the campus community become aware of harm done and/or violation of university policy, they are obligated to consult with the appropriate staff person to determine next steps. Once a report is received, in most cases, a university representative will contact the parties involved for an initial conference to explain the accountability process and gather information.

Preliminary Inquiry/Staff Conference

The function of a preliminary inquiry is to determine the nature and the impact of the violation of policy and/or harm/impact involved in the situation. The preliminary inquiry is purposely meant to be an opportunity for the student to describe the situation from their perspective. The inquiry can be investigatory at times, but is meant to provide opportunity for a student to take ownership and responsibility for their actions. Students may bring a support person* to this initial inquiry as well as any other meetings that follow.

*A support person (SP) can be a student, faculty, or staff person from EMU - provided the SP is not of family relation to the respondent. The role of the SP is to provide support for the respondent during the resolution process. The SP assists the respondent in the areas of taking responsibility, determining which resolution process is desired and appropriate, as well as providing support upon completion of the accountability process.

Procedure

During the preliminary inquiry the university staff person will determine the nature of the incident as well as procedural options.

The preliminary inquiry may lead to:

1. A determination that there is insufficient evidence to pursue the alleged violation any further. If this happens the matter is considered closed and no records (other than the notice) are kept.
2. A determination that investigation is needed when it is clear that more information must be gathered.
3. A determination that the incident should be moved to a different procedure (Restorative Justice Conference/Circle, Staff Conference, University Review Board).
4. A determination that the preliminary inquiry be considered a Staff Conference.

If a determination is made that further investigation is needed (#2 above), the staff members will be responsible to complete the investigation (interviews, evidence gathering, etc.) and stay in communication with individuals involved. When the investigation is complete, the inquiry will be reconvened and any new information will be presented and discussed.

If a determination is made that the incident will be most adequately processed through a different procedure (#3 above), the staff members will consult with the Director of Residence Life, Student Accountability, and Restorative Justice, and the appropriate Academic Dean to proceed. (see procedural descriptions below)

If a determination is made that the preliminary inquiry be considered a Staff Conference (#4 above), the staff members will continue with Staff Conference procedure. (see procedural descriptions below)

Procedure Descriptions

Staff Conference

A staff conference is a meeting between the respondent(s) and one or two graduate program staff members. Respondents may bring a support person with them to a staff conference. Support persons are not character witnesses. If present, their role is to provide support for the respondent in taking responsibility as well as supporting the respondent upon completion of the accountability process.

As much as possible, the dialogue in a staff conference is focused on the harm that was caused and how the respondent can take responsibility for and be accountable to repair the harm.

Examples of violations that are typically managed via a Staff Conference: alcohol and drug violations, repeated open hours violations, incidences where there is no clear other individual or group who has been harmed/impacted.

During a staff conference the alleged violation is discussed and responsibility (for the violation of policy and/or harm) is determined. If, based on the preponderance of the evidence, it is determined that the respondent is not responsible for a violation of university policy or responsible for harm, the accountability process stops and no records are kept.

If it is determined that the respondent is responsible for the violation/harm, the staff members will lead a discussion of potential outcomes. As much as possible, outcomes are meant to provide opportunity to repair harm and rebuild trust and re-enter the campus community. In cases where there is no clear harmed party, outcomes are intended to be educational and developmental while providing opportunities to engage the campus community.

The full range of outcomes are available (see "outcomes" below). Before ending the Staff Conference, the staff members and respondent will discuss and confirm outcomes for the violation. The staff members, in consultation with the Director of Residence Life, Student Accountability, and Restorative Justice, will write an Outcome Letter to the respondent(s). The letter will include a brief description of the violation/harm, a record of whether respondent took responsibility or was held responsible for the violation/harm, and a list of outcomes. In most cases the Outcome Letter will be hand-delivered to the respondent(s), but can also be sent via campus mail or emailed as a pdf.

A copy of the Outcome Letter will be placed in the respondent's student life file. The respondent is expected to complete the outcomes within the determined timeframe or further outcomes may be assessed.

Restorative Justice Conference/Circle

A Restorative Justice Conference involves structured and unstructured dialogue between respondent(s), impacted parties, and support persons. Facilitators hold pre-conference meetings with all involved parties before the conference to ensure full and active participation, and to determine if the parties are ready and able to (in good faith) proceed with the conference. The focus of the conference itself is on the harm that was done, the needs that have been created because of the harm, and the obligations that follow in order to make things as right as possible.

Examples of violations that may be suitable to be processed via a RJ Conference: alcohol incidents with wide impact, theft, harassment, assault, academic integrity, abusive language, dishonesty, severe alcohol or other drug incidents.

A Restorative Justice Circle allows for larger numbers of harmed parties, and can be especially effective with mixed-responsibility conflicts and harms where the distinction between respondent and harmed party is not clear. Restorative Circles involve respondents, impacted parties, community members, support persons, resource persons, and facilitators. The process involves specific questions posed to all participants, who are invited to participate equally. A Circle can be particularly impactful when there is shared responsibility for a particular incident, and the circle can provide the space needed for resolution.

Examples of violations that may be suitable to be processed via RJ Circles: alcohol incidents with wide impact, fights, roommate conflicts, bias incidents, noise, cases with multiple harmed parties/respondents, topics that affect the university community - racism, sexism, alcohol abuse, etc.

Because restorative justice processes are generally voluntary processes to repair acknowledged harm and rebuild trust, the following general criteria must be met in order to pursue a restorative conference/circle as a formal procedural option in EMU's student accountability process:

1. Respondent(s) takes responsibility for their actions.
2. Impacted parties are willing to participate.
3. Respondent is aware of the harm caused by their actions.
4. Respondent has a desire to meet impacted parties and listen to the needs of those individuals.
5. The existence of a clearly identifiable community impact resulting from the violation.

If the preliminary inquiry reveals that the above criteria have been met, and the determination is made to proceed with a RJ conference or circle, the Director of Residence Life, Student Accountability, and Restorative Justice will inform staff RJ facilitators (trained in RJ conferencing and circles) and those facilitators will contact impacted parties for pre-conference meetings to determine if the incident is appropriate for a conference or circle. If facilitators determine that a particular incident is not appropriate for a conference or circle, it will revert to a Staff Conference for appropriate resolution.

Generally, a restorative conference or circle will develop a Restorative Agreement that describes the harm that has been caused as well as the agreed upon steps to be taken (by the respondent or others) to repair the harm and rebuild trust. The full range of outcomes are available (see "outcomes" below) though many times the specific harm done will require a specific action to repair. Depending on the severity of the harm and the desires of those harmed /impacted, a restorative agreement may include a temporary suspension from the university to provide the needed space for community recovery. The Restorative Agreement is considered to be the outcomes of the process. A copy of the Restorative Agreement (if there is one) will be placed in the respondent's student life file. The respondent is expected to follow through with the outcomes within the determined timeframe or further outcomes may be assessed.

University Review Board (URB)

Function

The URB normally will hear serious disciplinary cases that involve: violations of civil or criminal laws, violations that become unusually numerous, seriously disruptive or threatening to the campus community, or violations in which a larger, more representative group is needed to determine responsibility for violating university policy. The URB is called upon to exercise sound objective judgment and to recommend outcomes to the Dean of Students.

Membership

The URB consists of

- a. two university administrators appointed by the President
- b. two faculty members appointed by the Provost in consultation with the President of Faculty Senate
- c. two EMU students in good standing; one appointed by the Director of Residence Life, Student Accountability and Restorative Justice, and a second appointed by the appropriate Academic Dean.
- d. one Student Life staff member appointed by the Dean of Students.

A trained faculty or administrator shall serve as chair. As much as possible, members of the URB will have limited or no direct personal relationship with the respondent or complainant. Direct personal relationship refers to classroom, club, sports, church or community activities in which both engage and have regular contact. Efforts will be made to include fair gender and ethnic representation.

Procedures

In order to assure students appropriate rights of privacy, URB hearing are closed to the public, including legal counsel, except when concurrent criminal charges are pending. The role of counsel is limited to consultation only. Hearings may be audio and/or videotaped for future reference and clarification purposes only.

Generally, the process will be:

1. A respondent(s) receives a written statement at least two working days prior to the URB hearing specifying the incident of concern; the date(s) of the alleged occurrence(s); the standard(s) of conduct alleged to have been violated; the date, time, and place of the hearing; and the right of appeal.
2. An incident report is given to the URB and to the respondent(s) and/or complainants by a member of the Student Life Division who is available for questions.
3. The respondent(s) and/or complainant(s) are present to discuss the incident and answer questions. The respondent and complainant may each be supported by an advisor who is an employee of EMU and whose role is limited to consultation with the student.
4. Students are generally limited to two witnesses on their behalf. Requests for witnesses to attend must be made at least one working day prior to the hearing.
5. After the situation has been thoroughly reviewed, all persons except for the URB are excused. The URB fully discusses all issues relevant to the case and reaches a decision of responsibility when a simple majority agrees. Appropriate outcomes, if any, are recommended by the URB to the Dean of Students.
6. The Dean of Students, considering the recommendation of the URB, issues outcomes to the respondent(s), if any, within five full working days of the hearing.
7. A copy of the incident report and outcomes of the hearing are placed in the respondent's active student life file.
8. Specific details of the procedures may be modified to accommodate an individual situation as long as fairness is not compromised. The chairperson and the respondent(s) should be aware of any such modifications prior to the hearing.

Outcomes

The full range of outcomes, up to and including dismissal, is available for recommendation by the URB. In recommending the outcomes the URB may consider the student's previous behavior, general attitude and contribution to pertinent academic and community life as well as the rights of the affected community members. Considering the recommendations from the URB, the Academic Dean will issue outcomes. URB recommendations may be modified by the Dean of Students in consultation with the University President and/or the Provost.

Confidentiality

Each member of the URB and any other participants in the hearing process will maintain confidentiality to the fullest extent allowed by law. A breach of confidentiality may result in disciplinary action. In addition, board members may be removed from further service for any such breach.

Outcomes

In issuing outcomes, staff member(s) may consider the student's previous behavior, general attitude and contribution to pertinent academic and community life as well as the rights and dignity of affected community members.

Outcomes for Accountability Procedures (Staff Conference, Restorative Justice Conferences/Circles, University Review Board):

The following outcomes are available,

1. mediation or conferencing
2. personal and/or group counseling
3. anger management training
4. application of a specific behavioral contract
5. mentor
6. alcohol assessment and recommendations
7. drug assessment and recommendations
8. community work/service assignments
9. exclusion from co-curricular or leadership activities

10. restriction of housing or other privileges
11. completion of issue-relevant education activities
12. fines
13. monetary or other restitution
14. reprimand
15. probation (unless otherwise specified, the period of probation lasts until outcomes have been completed and verified as completed)
16. extra-curricular suspension (separation from co-curricular activities, intercollegiate sports, elected and/or appointed leadership positions, and/or other on-campus and off-campus activities)
 1. Academic advisors, professors, athletic coaches and appropriate staff persons are informed of the suspension.
17. suspension (separated from the university for a specific period of time up to 10 class days)
 1. The student is required to make arrangements for leaving campus within 48 hours of notification (unless the decision is being appealed).
 2. While under suspension, the student is prohibited from university property. This includes all classes, on-campus work assignments and university related activities (athletic/music/drama practices or performances)
 3. Academic advisors, professors, athletic coaches and appropriate staff persons are informed of the suspension.
 4. Students are permitted to make up missed quizzes or assignments at the discretion of their professors. In some cases, students may be permitted to postpone a suspension to avoid a major exam/paper conflict if such is verified.
18. indefinite suspension/disciplinary withdrawal (separated from the university for an indefinite period of time, but not less than the remainder of the current semester and/or full semester following)
 1. The student is required to make arrangements for leaving the campus within 48 hours of notification (unless the decision is being appealed).
 2. The student is prohibited from campus property until the Dean of Students or a designee grants permission. If the decision to suspend a student is made within the last four weeks of the semester, imposition of the suspension may be delayed until the following semester, depending upon the gravity of the offense.
 3. In some cases, a notation is placed on the University Transcript: "Suspended on (date) for a violation of the University's Standards of Conduct." This notation remains until such time as the student successfully completes the term of the suspension and any conditions thereof.
 4. Re-admission involves reapplication through the Admissions Office.
19. dismissal (permanently separated from the university)
 1. A notation is placed on the official transcript "Dismissal on (date) for a violation of the University's Standards of Conduct"
 2. The student is required to make arrangements for leaving the campus within 48 hours of the notification (unless the decision is being appealed).
 3. The student is prohibited from campus property unless permission is granted by the Dean of Students or a designee.

Appeal Procedures

For a Staff Conference or University Review Board, any party may appeal the outcomes issued. (Because of the voluntary and participatory nature of Restorative Conferences and Circles, Restorative Agreements are not subject to appeal). Appeals for a Staff Conference decision must be submitted in writing within three working days following notification and should be directed to the appropriate Academic Dean. Appeals for a University Review Board decision must be submitted in writing within three working days following notification and should be directed to the Provost.

Reasons for an appeal must be clearly stated and based on one of the following:

1. Significant and relevant new evidence.
2. Alleged procedural error which may have materially affected the decision.
3. Claims that the outcomes issued are unduly harsh and arbitrary.

On the basis of these factors, the Academic Dean or Provost will review the appeal. A decision will be made to uphold or modify the decision. This appeal decision will be communicated in writing within four working days after the receipt of the appeal, except in cases where the review is complex and requires more time or contacts to corroborate or refute claims. The decision is final.