

PROCEDURES FOR INVESTIGATING COMPLAINTS OR REPORTS OF PROHIBITED CONDUCT UNDER THE HONOR CODE: STUDENT BEHAVIOR AND CONDUCT POLICY

Chatham utilizes the following procedures to adjudicate allegations that a student, students, or student organization violated the Student Behavior and Conduct Policy of the Honor Code.

1. Reporting a Violation of the Honor Code

A. How to Report

Allegations that a Chatham student, students, student organization or athletic team engaged in Prohibited Conduct may be brought forward in one of two ways: (a) any Chatham student, faculty, or staff member may report the alleged Prohibited Conduct to the Dean of Students (in person, by phone, or in writing, including email), or (b) by submitting a written Complaint through the online form to the Dean of Students. Written Complaints must include: the name of the Complainant; the specific provision(s) of the Honor Code allegedly violated; the names of all known witnesses who may have information concerning the allegation(s); and all known facts about the violation(s) being alleged.

Chatham students, faculty, or staff members may report an allegation of Prohibited Conduct or file a formal Complaint by contacting the Dean of Students or the Office of Student Affairs as follows:

Email HonorCode@chatham.edu or [submit an online form](#). The form may be submitted anonymously. Generally, the more information a report includes, the more helpful the report will be to the Office of Student Affairs in moving forward.

The Dean of Students and the Office of Student Affairs also have access to other Chatham reports and internal communications (e.g., Incident Reports, Campus Security Authority (CSA) reports, reports from the Office of Campus Police) which, if they refer to conduct or action that constitute Prohibited Conduct under the Honor Code, will be considered a report or reporting for purposes of the Honor Code. In addition, the Dean of Students may be notified of incidents from off-campus agencies (i.e. police reports, reports from local universities) and can use these reports to pursue action if the conduct described constitutes Prohibited Conduct.

B. Interim Measures

The Dean of Students or their designee will provide appropriate interim measures when necessary for the protection of other students involved. These measures can include, but are not limited to:

- Intentional Avoidance Order or temporary Persona Non Grata
- Employment, transportation, academic, or residential modifications
- Referral to the Counseling Center or mandated assessment if there is a threat to self or others.

The Dean of Students may impose an interim suspension on the Respondent in the case if it is determined that there is an immediate threat to the safety and wellbeing of the community or there is a threat of ongoing disruption with normal business. An interim suspension may include suspension of privileges, as well as suspension from the University. During an interim suspension, a student may be denied access to University residences and/or the campus, including classes, may be located to a different residence, have class changes made and/or denied access to other University activities or privileges for which the student may otherwise be eligible. The interim suspension does not replace the student Honor Code process.

2. What Happens After a Report is Received?

A. Preliminary Review/Investigation

When an allegation of Prohibited Conduct has been brought to the attention of the Dean of Students, the Dean of Students or their Designee shall conduct, in a timely manner, a preliminary review consisting of appropriate fact-finding (including, but not limited to, conducting interviews and gathering evidence) to determine, in the Dean of Student's discretion, which of two procedural options is appropriate.

3. Description of the Options for Resolving Allegations of Prohibited Conduct

There are two (2) options for resolving an allegation of Prohibited Conduct:

- **Informal Resolution:**
 - **Scope:** Informal Resolution is typically reserved (a) for matters involving alcohol and drug violations, (b) matters involving student organizations or athletic teams; and (c) violations of the Prohibited Conduct in the Honor Code that would not result in separation of a student from Chatham (such as suspension or expulsion).
 - **Process: One-on-One Through the Dean of Students or Their Designee:** The Dean of Students will work informally with the student(s) or student organization to determine responsibility and recommend sanctions if warranted. Pursuing the informal resolution is at the discretion of the Dean of Students; the Dean of Students may elect to refer the matter immediately to a Formal Resolution. A student, students or student organization or athletic team who have been offered Informal Resolution may at any time in the process request that the matter be referred to an Administrative Hearing. As part of the informal process, the

student, students, or student organization or athletic team must take responsibility for their actions. If they are unwilling to do so, then the matter would be referred to a Formal Resolution. A student, students, or student organization or athletic team who have participated in the informal process have no grounds for appeal.

- **Formal Resolution:**

- **Scope:** Formal Resolution is typically reserved for students with multiple violations, repeated offenses, or allegations that may result in a University initiated separation of a student from Chatham (*i.e.*, suspension or dismissal). Matters that could initiate separation from the university will automatically be referred to the Judicial Board, including the following prohibited conduct: Hate crimes, bias incidents, physical harm of others, threats of physical violence or harm to others, dealing/distributing illegal drugs and substances, and bringing weapons on campus. At their discretion, the Dean of Students may refer other prohibited conduct.
- **Two-Track Process:** Formal Resolution may proceed on two independent tracks:
 - **Track 1: Administrative Hearing (AH) Process:** Matters are conducted before a designated administrator (Dean of Students or Designee) who will oversee the hearing and make the final decision. Administrative Hearings can be appealed (see Section 5. Appeals). Students, groups of students, student organizations or athletic teams may request AH if they are unwilling to accept responsibility through the informal process or would prefer this process.
 - **Track 2: Judicial Board:** Resolutions are conducted before a three-member Judicial Board consisting of one each of the following: student, faculty, and administrator. (See section 4.B Formal Resolution for more detail). Judicial Boards are reserved for the most serious prohibited conduct that may result in a separation from the University.

For purposes of this Procedures section, Administrative Hearings (AH) and Judicial Boards (JB) may be referred to collectively as Student Conduct Hearings and will follow the same process. The primary difference is the Administrative Hearing is overseen by one administrator whereas the Judicial Board is a panel of three individuals.

University adjudication (Informal Resolution or Formal Resolution) is educational in nature and does not preclude or limit a student's access to the state and federal judicial systems when such systems may provide a cause of action for the same conduct alleged in Student Honor Code Hearings. Student Honor Code Hearings are not courts of law and are not bound by the formal rules of evidence and certain rights accorded to parties in civil or criminal actions.

When a Student Conduct Hearing results from a formal Complaint, the person making the Complaint will be the Complainant during any Student Conduct Hearing, and the person(s) alleged to have engaged in Prohibited Conduct shall be the Respondent(s). If the person who made the initial report chooses not to submit a formal Complaint, the Dean of Students or their

Designee shall serve as the Complainant on behalf of Chatham. In the case of Administrative Hearings involving student organizations, representatives of the student organization are entitled to be present through the hearing representing the Respondent.

4. Process for Administrative and Judicial Boards

A. Informal Resolution

As noted above, in an Informal Resolution, the Dean of Students or their Designee works with the Respondent(s) to determine responsibility and any sanctions if warranted. Ordinarily, an Informal Resolution process will be conducted and concluded within 15 Business Days of the time an allegation is brought to the attention of the Dean of Students. The process can take longer and will be appropriately documented if additional time is needed.

When the Dean of Students or their Designee has made a determination, they shall notify the Respondent in writing (email is authorized) of the determination and any sanctions. Upon receipt of that notification, the Respondent shall have five (5) Business Days to either accept or reject the determination by returning notification via email or letter to Dean of Students. Failure of the Respondent (s) to respond within the designated time frame will be deemed an acceptance of the determination of the Dean of Students or their Designee. If a student rejects an Informal Resolution determination, the Dean of Students will refer the matter to an Administrative Hearing or a Judicial Board as appropriate.

B. Formal Resolution: Administrative Hearing or Judicial Board

The process by which an Administrative Hearing or a Judicial Board are conducted is very similar, with the main difference being who presides over the process.

1. Overview

a. Oversight/Management

i. Judicial Board

A Judicial Board consists of three members: one (1) student, one (1) faculty member, and one (1) member of the administration (Vice President, Assistant Vice President, Dean, Assistant Dean, or Program/Department Director). Ordinarily and if possible, the composition of the Judicial Board should reflect the Respondent's student status (i.e., Undergraduate or Graduate), with the student and faculty Judicial Board chosen accordingly.

The Dean of Students will appoint a Pool of Judicial Board Members each academic year. The Pool shall include a minimum of three (3) individuals in each of the following categories: (a) Undergraduate Students, (b) Graduate Students, (c) Undergraduate Faculty, (d) Graduate

Faculty, and (e) Administrators. Selection is at the discretion of the Dean of Students; however, student Judicial Board members (Undergraduate and Graduate) must maintain at least a 3.5 GPA during their service as a Judicial Board Member and be in good conduct standing, and faculty members and administrators serving as a Judicial Board Member shall have taught or worked, respectively, for at least three (3) years at Chatham or another higher education institution.

The faculty member or the administrator may serve as the Chair of the Judicial Board. The student member may not serve as Chair, but otherwise shall have the same rights as the other two members of the Judicial Board.

It is the responsibility of the Dean of Student or their Designee to provide annual training to the Judicial Board Members.

ii. Administrative Hearing

Administrative Hearings shall be overseen by an Administrative Hearing Officer (AHO) assigned by the Dean of Students. Typically, an AHO will be an experienced member of the Office of Student Affairs.

It is the responsibility of the Dean of Student or their Designee to provide annual training to the AHO(s).

b. *Opportunity for Respondent to Object to Formal Student Conduct Hearing Members*

When the Dean of Students has appointed an AHO or Judicial Board for a Respondent's case, the Dean of Students will notify the Respondent in writing of the identity of the AHO or Judicial Board members. The Respondent shall have three (3) Business Days from such notification to object to any member of the AHO or Judicial Board on the basis that the person(s) would be unable to render a fair and objective decision because of personal bias. The fact that the Respondent knows or is acquainted with a Judicial Board member is not enough, alone, to establish bias. The Respondent must present evidence of specific prior interaction(s), communications, or relationship with an AHO or Judicial Board member that show that the individual would be biased against the Respondent. Similarly, while the Dean of Students will not appoint a faculty member to the Judicial Board who teaches a class in which the Respondent is currently enrolled, the fact that the Respondent took a class from a faculty member on the Judicial Board in the past is not enough alone to preclude that faculty member from serving on the Respondent's Judicial Board – barring evidence of personal bias of the kind described above.

If the Respondent has not objected to the slate of Judicial Board Members or AHO within the original three (3) days, the Dean of Students will hand the matter over to the Chair of the Judicial Board or AHO to arrange and conduct hearing.

c. *Rights of the Parties*

Complainants and Respondents are afforded the following rights in Student Conduct Hearings:

i. Respondent Rights

- To be informed in writing of the charge(s) and alleged Prohibited Conduct.
- To not be presumed responsible of any alleged violations unless so found through the appropriate student conduct proceeding.
- To refrain from providing information that is self-incriminating.
- To remain silent. Silence is not construed as culpability.
- To have an Advisor (see Definition) during a Judicial Board or an Administrative Hearing.
- To present witnesses at the hearing (although the Chair of the Judicial Board or AHO may elect not to allow witnesses whose testimony would be duplicative or repetitive of other testimony). Witnesses are not allowed to testify to character of either the Complainant or the Respondent. Witnesses may only testify about what they directly observed or heard about the incident(s) from the Complainant or the Respondent.
- To request reasonable accommodations to participate in these proceedings through the support of The Office of Academic and Accessibility Resources.
- To have a reasonable length of time to prepare a response to any charges. Reasonable length applies to formal resolution and students will be given a minimum of 10 days to prepare for the Administrative Hearing or Judicial Board.
- To be informed of the evidence upon which a charge is based and afforded an opportunity to offer a response.
- To be given an opportunity to articulate relevant concerns and issues, express opinions, and offer evidence before a Judicial Board or Administrative Hearing.
- To prepare and submit a written statement in matters that may result in separation from Chatham.
- To be afforded privacy by Chatham.
- To have their responsibility determined by the Preponderance of the Evidence (*i.e.*, “more likely than not”) standard.
- To request that a member of the Judicial Board or the AHO be disqualified on the grounds of personal bias.
- To be free from harassment, intimidation or retaliation for being a party to a Judicial Board or Administrative Hearing. Retaliation is expressly prohibited in the Honor Code and allegations of Retaliation will be investigated and prosecuted when appropriate under the Honor Code.
- To appeal a decision based on certain grounds enumerated below (see Appeals).

ii. Complainant Rights

- To be informed in writing of the charge(s) and alleged Prohibited Conduct.

- To have an Advisor (see Definition) during a Judicial Board or an Administrative Hearing.
- To present witnesses at the hearing (although the Chair of the Judicial Board or AHO may elect not to allow witnesses whose testimony would be duplicative or repetitive of other testimony). Witnesses are not allowed to testify to character of either the Complainant or the Respondent. Witnesses may only testify about what they directly observed or heard about the incident(s) from the Complainant or the Respondent.
- To request reasonable accommodations to participate in these proceedings. through the support of The Office of Academic and Accessibility Resources.
- To have a reasonable length of time to prepare for a proceeding.
- To be given an opportunity to articulate relevant concerns and issues, express opinions, and offer evidence before the Judicial Board or Administrative Hearing.
- To be afforded privacy by Chatham.
- To request that a member of the Judicial Board or the AHO be disqualified on the grounds of personal bias.
- To be free from harassment, intimidation or retaliation for being a party to a Judicial Board or Administrative Hearing. Retaliation is expressly prohibited in the Honor Code and allegations of Retaliation will be investigated and prosecuted when appropriate under the Honor Code.
- To appeal a decision on certain grounds enumerated below (see Appeals).

2. What Happens Prior to a Student Conduct Hearing

a. Notifications and Communications

The Dean of Students shall provide the Chair of the Judicial Board or the AHO with: copies of the formal Complaint, if any; the summary/statement of evidence gathered during the initial fact-finding and interviewing period by the Dean or their Designee; the specific Prohibited Conduct under the Code in which the Respondent is alleged to have engaged; and a summary of any past disciplinary history of the Respondent (only to be used for sanctioning purposes).

The Chair of the Judicial Board or the AHO, in consultation with the Dean of Students, shall notify in writing (email is acceptable) the Respondent, copying the Complainant (if applicable). The letter shall include the Complaint, if any, the summary of evidence and interviews from the Dean of Students/Designee, and the specific provision(s) of the Honor Code which the Respondent is alleged to have violated. The letter shall provide the date, time, and place of the Judicial Board or Administrative Hearing, and direct the Respondent and Complainant to the “Rights of the Parties” section in the Honor Code. Ordinarily, the hearing should be held within ten (10) business days of the notification.

It is the Complainant’s and Respondent’s responsibility (i.e., not the responsibility of the Chair of the Judicial Board or the AHO) to notify any witness, witnesses, or Advisor of the date, time and place of hearing.

The Complainant and the Respondent are not required to attend the hearing, but the hearing will occur as scheduled, and the right to question written information, witnesses and the complainants will be forfeited if the Complainant or Respondent does not attend. The Dean of Students or their designee can serve as a representative for the Complainant if requested. This will also be done in the case of reports or cases where there is no formal complainant.

At least five (5) Business Days before a Judicial Board or Administrative Hearing, it is the responsibility of the Respondent and Complainant to notify the Chair of the Judicial Board or the AHO of the names of their Advisor and any witness(es) they plan to present at the hearing, and a brief description of the content of each witnesses testimony.

Prior to the Judicial Board, the members of that Board shall meet, either in person or virtually, to review the case and the way the Judicial Board will be conducted.

b. Recording and Note-Keeping During Hearings

The Chair of the Judicial Board shall designate someone on the Board to take handwritten notes during the hearing. In Administrative Hearings, the AHO shall appoint a staff member to do so.

Judicial Boards and Administrative Hearings will also be audio recorded. In Judicial Boards, the Chair shall operate the audio recording device. In Administrative Hearings, the AHO shall operate the audio recording device. Audio recording will stop at the end of the Hearing and will not include any deliberations. Please see Section 4 for more information about audio recordings.

c. Rescheduling a Judicial Board or Administrative Hearing at a Party's Request

Should a Complainant or Respondent need to reschedule a Student Conduct Hearing because either they, a witness, or their Advisor cannot attend the hearing, the Complainant or Respondent may request to the Chair of the Judicial Board or the AHO, as appropriate, that the hearing be rescheduled. Such request must be made at least 24 hours before the scheduled hearing. Requests made less than 24 hours in advance will be reviewed the Chair to determine if extenuating circumstances warrant an exception. Only one request for rescheduling will be granted to a Complainant or Respondent.

d. Postponing a Judicial Board or Administrative Hearing

If the Dean of Students is not able to convene a Judicial Board or appoint an AHO because of calendar or other considerations (*e.g.*, over Summer break when students, faculty, and staff may not be present and available on campus), the Dean of Students may postpone the hearing until it is possible to convene the hearing. If the Dean of Students determines that the hearing cannot wait, every effort will be made to constitute a Judicial Board or appoint an AHO from available Judicial Board Pool members who are able to step in.

3. What Happens During a Student Conduct Hearing

Order of Proceedings

Student Conduct Hearings will be held in a secure and private (*i.e.*, closed door) room on Chatham's campus. Hearings and witness statements may also be conducted virtually using a secure platform such as Microsoft Teams. While the Chair of the Judicial Board or AHO have some discretion to modify the proceedings to suit the nature of a case, ordinarily the hearing will begin with everyone (Complainant, Respondent, witness(es), Advisor(s)) in the hearing room.

a. Introduction

- The Chair/AHO introduces all persons present and explains their roles.
- The Chair/AHO explains the purpose of the hearing and describes the order of events of the hearing.
- The Chair/AHO reminds the Respondent, Complainant (if applicable), Advisor(s) and any witnesses that:
 - Complete candor and honesty are required in the hearing. Perjury and intentional evasiveness are themselves grounds for disciplinary action.
 - What happens in the hearing should remain confidential.
 - Respondents or Complainants who harass, intimidate or attempt to influence the testimony of any parties involved in a Student Conduct hearing, or the members of the Judicial Board/Administrative Hearing Officer, will be subject to disciplinary action.
 - The hearing is not a legal proceeding.
- The Chair/AHO states that the proceedings, but not the deliberations, will be audio-recorded for use if any party chooses to appeal the determination. No one will have access to the recording after the hearing except the Complainant or Respondent if preparing an appeal, or the person hearing such appeal. Because we are creating an audio record, we will ask anyone speaking or testifying during the proceeding to identify themselves before speaking or testifying.
- The Chair/AHO states that only the Complainant and the Respondent will remain in the hearing room throughout the hearing. Witnesses will remain outside the hearing room and will be called in when it is their time to testify.

At this point, the Chair/AHO dismisses any witnesses to a waiting area outside the closed doors of the hearing room. The Complainant and Respondent and any Advisor(s) remain in the room.

b. Statement of Alleged Infraction(s)

The Chair/AHO reads the list of alleged specific infraction(s) and summarizes the information presented in the hearing packet.

c. Response from Respondent

The Chair/AHO invites the Respondent to respond to the allegation(s) and to the information presented in the hearing packet. The response may be:

- a. agreement with the allegation(s);
- b. disagreement with the allegation(s); and/or
- c. a statement (explanation, elaboration or rebuttal).

If the Respondent agrees with/admits to the allegations, the Chair/AHO may elect not to proceed further and instead to begin discussions on sanctions. Note, the Respondent will be given an opportunity to agree with the allegations in advance. If doing so, the Judicial Board may determine to move to discussion of sanctions at the opening of the board.

d. Opportunity for Testimony and Questions

- The Respondent and the Complainant have the right to testify orally, in writing, or both.
- The Judicial Board/AHO and then the Respondent are provided opportunity to question the Complainant.
- The Judicial Board/AHO and then the Complainant are provided opportunity to question the Respondent.
- The Judicial Board/AHO, then the Complainant, then the Respondent are provided an opportunity to question the Complainant's and the Respondent's witnesses, one at a time.
 - The precise order of witnesses will be determined by the Chair/AHO in consultation with the Complainant and Respondent. Insofar as possible, the order of witnesses will be determined prior to the hearing; if circumstances require it, the order may be altered as the Chair/AHO deems necessary and appropriate during the hearing.

e. Concluding Questions and/or Statements

When the Chair/AHO determines that all relevant evidence and/or testimony has been heard, the Chair/AHO invites concluding questions and/or statements. The Chair/AHO determines who will provide a closing statement first (Complainant or Respondent).

f. Adjournment of the Hearing

The Chair or AHO thanks and dismisses anyone who is not a member of the Judicial Board or the AHO, and ends the audio recording.

4. What Happens After a Student Conduct Hearing

a. Deliberations by the Judicial Board/AHO

The Board/AHO considers the evidence and testimony from the hearing and makes a determination of either responsibility or non-responsibility for each allegation. In making a determination of responsibility, the Board/AHO use the Preponderance of the Evidence standard (*i.e.*, “more likely than not”). In the case of Judicial Boards, the determination of sanctions must be by majority vote. If the Board/AHO’s finding is “responsible” for any of the allegations, the past disciplinary history of the Respondent(s), provided by the Dean of Students, will be considered in determining the Board/AHO’s decision regarding appropriate sanction(s).

b. Notification of Outcome

The Chair/AHO transmits to the Dean of Students a written report of the Board/AHO’s findings. The Dean of Students Office will send a final copy of findings to the Respondent(s) and Complainant (if applicable). If the Board/AHO becomes aware of other allegations during the hearing, these will be addressed by the Dean of Students following the hearing.

c. Hearing Notes and Recording

The Chair/AHO shall submit the audio recording and any handwritten notes to the Dean of Students after completion of the hearing.

All contents of the hearing packet, documents presented at the hearing and notes taken during hearing should be collected and kept by the Office of Student Affairs. In the case of an appeal, either party may access a copy of the packet and/or notes taken during the hearing at the Office of Student Affairs. No Chatham community member (faculty, staff, or student), but the person filing and hearing an appeal may have access to the audio recording.

The Dean of Students shall retain the audio recording and any written notes of the hearing. The recording and the written account are the property of the University and will be used only by the person hearing any appeal. Once the designated time for the appeal process has passed, the Dean of Students shall destroy the audio recording and notes.

5. Appeals

Any student who is a Complainant or a Respondent in a Student Conduct Hearing may appeal the decision to the Dean of Students within five (5) Business Days from the date of written notification of the decision. In hearings in which the Dean of Students has served as Complainant on behalf of the University, the Dean of Students will designate the appeal to Assistant Dean of Students or Director of Residence Life.

An appeal from a Student Conduct Hearing may be based only on one or more of the following grounds:

1. There is previously unavailable relevant evidence that likely would have significantly impacted the outcome of the hearing.
2. There was procedural error that likely would have significantly impacted the outcome of the hearing.
3. The sanctions that were imposed were substantially disproportionate to the findings.

An appeal decision shall consist of a written statement requesting review of the decision and/or sanction(s) and an explanation of why an appeal should be granted based on one or more of the three (3) grounds stated above. This also holds true in cases where the Respondent is a student organization.

If the Dean of students/Designee determines that one or more of the three conditions are met the Dean of Students/Designee may revise the sanction(s) or order a new hearing before a new Judicial Board/AHO.

The Dean of Students or their designee will typically render a decision on the appeal within five (5) business days of receiving the written notice of appeal. The Dean of Students or their designee will provide written notification (via email is acceptable) to the student who appealed within three (3) business days from the date of the decision. Appeals decisions will be final.