

# Procedural Options for Resolution

After a complaint is filed and the investigation is complete, and if the individual complainant and/or the University elect to pursue the complaint, the following procedural options shall constitute the University's resolution processes for alleged violations of the Code of Student Conduct. The University and its Conduct Review Officers reserve the right to exercise discretion on when and how to resolve a complaint and in taking disciplinary action under the Code of Student Conduct.

Alleged violations of the Sexual Misconduct Policy will be resolved under The Special Procedures Governing Sexual Misconduct.

While an alleged violation is being investigated and at any time during resolution of the matter, the University may, in its sole discretion, put in place appropriate administrative measures to ensure the safety and well-being of individuals and the community, to preserve evidence, and/or to maintain the integrity of the Code of Student Conduct process.

In general, the University does not permit observers, relatives, or legal counsel to participate in a resolution process. Additionally, unauthorized recording of any resolution process is strictly prohibited.

Students with documented disabilities may request reasonable accommodations in order to fully and meaningfully participate in a process by contacting the Dean of Students Office. Students should submit accommodation requests in advance to allow adequate time to review, identify and implement any reasonable accommodations.

## **Non-Disciplinary Resolution Options:**

### Educational Referral

In certain circumstances, the Conduct Review Officer may refer a student to appropriate University personnel for educational follow-up and resolution of the matter external to the Code of Student Conduct. The Conduct Review Officer will consider the level of severity and the circumstances surrounding the incident, the prior conduct history of the student(s), and other factors in making this determination. Therefore, no disciplinary sanctions will be imposed. The goal is to educate and deter future violations of the Code of Student Conduct. At a minimum, the educational referral is an opportunity to discuss the short- and long-term impact on the individual and the community, and to promote responsible decision making. This education is mandatory and failure to comply may result in a referral back to the Conduct Review Officer for resolution through the procedural options provided in the Code of Student Conduct.

### Alternative Resolution

As Villanova aims to create a culture that addresses and repairs harm, and that promotes wellness and mutual love and respect, the University may elect to resolve certain complaints through alternative resolution options outside of a disciplinary process. Examples of alternative resolution include facilitated dialogue, conflict coaching, mediation, counseling, listening circles, restorative conferences, educational follow-up, and other supportive measures, administrative outcomes, or restorative practices.

The Conduct Review Officer, in their sole discretion, may utilize alternative resolution for cases deemed appropriate, and involved students are expected to comply with and participate in alternative resolution attempts. The nature of some cases, including but not limited to those involving sexual misconduct, are not appropriate for alternative resolution.

An alternative resolution process may or may not result in agreement or resolution. At the discretion of the Conduct Review Officer, if resolution is reached through an alternative resolution process, the matter will be considered resolved. Any outcomes, requirements or agreements reached through alternative resolution will be considered binding and failure to abide may result in disciplinary action. If, after reasonable attempts, the matter is not resolved, the Conduct Review Officer may elect to resolve the complaint through the other procedural options provided in the Code of Student Conduct.

The Conduct Review Officer may consult, as needed, with other University officials regarding alternative resolution, and may refer students to appropriate University personnel or third parties to facilitate an alternative resolution process.

## **Disciplinary Resolution Options:**

### Administrative Response

In cases where a violation results in a sanction no greater than a Conduct Notice and/or a Disciplinary Fine that does not exceed \$150.00, the University may elect to respond to the violation by administratively sanctioning the student and notifying them in writing. Upon receipt of notice of the sanction, the student may request a Conduct Review Meeting if there is any objection to the violation or the imposed sanction.

### Conduct Review Meeting

In cases where the University elects to pursue disciplinary action under the Code of Student Conduct, the Conduct Review Officer will schedule a Conduct Review Meeting with the accused student (hereafter referred to as the "Respondent"). The Conduct Review Officer will notify the Respondent in writing of the date, time and location of the meeting, the alleged violation(s) in question, the procedural rights and resolution options available, and the potential sanctions for the alleged violation(s).

At the Conduct Review Meeting, the alleged violations of the Code of Student Conduct are discussed, and the Respondent is afforded the opportunity to review the information which forms the basis for the allegation. If a student fails to respond to notice of a meeting with the Conduct Review Officer, they may find the student responsible in their absence and sanction the student accordingly, and/or place a hold on the student's record until the meeting takes place.

During the meeting, students who accept responsibility for the alleged violations will be sanctioned accordingly by the Conduct Review Officer and will receive notice of the sanction(s) imposed. Acceptance of responsibility may be rejected by the Conduct Review Officer in any case that warrants additional investigation. Students who accept responsibility do not waive their right to appeal for review of sanction as outlined in the Code.

When students deny responsibility for an alleged violation, or the facts of a specific incident are in question, the Conduct Review Officer will determine responsibility for alleged violations by reviewing the complaint in a manner chosen by the Conduct Review Officer that will endeavor to ensure fairness to all involved. The Conduct Review Officer will generally follow similar procedures as outlined for a Conduct Review Board when making their determination. Students found responsible by the Conduct Review Officer will be sanctioned accordingly and will receive notice of the sanction(s) imposed.

In cases where students deny responsibility, or the facts of a specific incident are in question, or where acceptance of responsibility has been rejected by the Conduct Review Officer, the Conduct Review Officer may at any time determine in their discretion that due to the seriousness of the potential

sanctions, or the nature or complexity of the facts of the case, that it would be beneficial to refer the matter to a Conduct Review Board. The Conduct Review Officer may consult with appropriate University officials in making this determination.

## Conduct Review Board

As an institution of higher education, Conduct Review Board proceedings are administrative in nature and designed to determine responsibility for alleged violations. As such, the Board's procedures are governed by University policies, not by processes associated with the criminal justice system. A Conduct Review Board (Board) is generally composed of one student and two faculty/staff members. All Boards will have student body representation on them. All members of the Board shall be impartial with no conflict of interest between the Board member and any party. The Conduct Review Officer, as assigned by the Dean of Students, will facilitate the administrative and logistic needs of the Board and assure orderly proceedings and fairness is observed.

The Conduct Review Officer will inform the Complainant and Respondent of the Board's procedures and the date and time of the review. The Complainant and Respondent are expected to cooperate fully with the Board. If either party fails to appear at a scheduled proceeding, the Board may proceed without them.

The Complainant and/or the Respondent may challenge the composition of the Conduct Review Board if they believe that a conflict of interest exists with a Board member. The student making this challenge must submit a written request to the Conduct Review Officer with specific and verifiable documentation. All objections must be raised within three days of receiving notification of the composition of the Conduct Review Board. The Conduct Review Officer will make the determination whether to replace the Board member. The Complainant and Respondent may not contact members of the Board, or have third parties contact the Board, prior to the convening of the Board.

All proceedings shall be held in appropriate facilities designated by the Conduct Review Officer and shall be private. The Conduct Review Officer may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the Complainant, Respondent, and/or other witnesses during the disciplinary proceedings, as determined in the sole judgment of the Conduct Review Officer to be appropriate.

The University does not permit observers, relatives, or legal counsel for either the Complainant or the Respondent to participate at proceedings or be present during proceedings. Additionally, unauthorized recordings of the proceedings are not permitted.

In Board proceedings involving more than one Respondent, the Conduct Review Officer, in his or her sole discretion, may permit the proceedings concerning each student to be conducted either separately or jointly.

The Complainant and the Respondent may present statements concerning the alleged violation and may present relevant witnesses. The witnesses must be identified in advance, and their statements should be included in the investigation conducted by the Department of Public Safety. The Board may consider written statements or other supporting documentation. The Respondent and the Complainant may review all written statements and materials presented to the Board prior to the commencement of the proceedings. During the proceedings, the Respondent, the Complainant and the witness will direct their comments only to the Board. Witnesses will provide information to and answer questions from the Board. Questions may be suggested by the Respondent and/or Complainant to be answered by each other or by other witnesses. In such instances, those questions will be directed to the Board rather than to the witness directly. The Board in its discretion will determine whether or not those questions are appropriate, relevant and not repetitious. This method is used to preserve the educational tone of the proceedings and to avoid creation of an adversarial environment.

Formal rules of evidence shall not apply. In the Board's discretion, evidence, including hearsay, shall be permitted if it is relevant, reliable, not unduly repetitious, and it is the sort of information on which responsible persons are accustomed to rely in the conduct of serious affairs. Evidence of character will not be considered by the Board in making factual determinations.

After all statements and materials have been presented, the Complainant and the Respondent may present final comments to the Board.

Subsequently and in private, the Board will promptly determine by a preponderance of the evidence with a majority vote whether the Respondent has violated the Code of Student Conduct. The Board will make its decision known to the Conduct Review Officer. The Conduct Review Officer will promptly convey the Board's decision to both the Respondent and the Complainant. This notification will occur separately and nearly simultaneously. The Conduct Review Officer will then determine the sanction.

The University may maintain such records of the proceedings as the Conduct Review officer deems appropriate for the circumstances, which may include findings of fact. If, during the course of the proceedings, further violations of the Code of Student Conduct become apparent, the Board may recommend that such allegations be considered as a separate case.

Consistent with Federal regulations, for cases involving an alleged crime of violence, the Complainant will be informed of the final results of the disciplinary process.