Procedural Options

For incidents involving alcohol policy violations, the Conduct Review Officer will assess the level of severity of the incident, the type and quantity of alcohol present, attendant circumstance surrounding the incident, and the past behavior of the student(s) involved. Based on that assessment, the Conduct Review Officer may refer the student to the Community Standards Coordinator for resolution of the matter external to the Code of Student Conduct. 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 Community Standards Coordinator will meet with the student to discuss healthy decision making, alternative strategies, coping with peer pressure, and the short and long term impact of their behavior. This meeting is mandatory and failure to attend and comply will result in the Community Standards Coordinator referring the student back to the Conduct Review Officer for resolution under the provisions of the Code of Student Conduct.

If the University elects to pursue action under the Code of Student Conduct, the Conduct Review Officer will schedule a meeting with the Respondent, except in cases where the sanction is no greater than a Conduct Notice and/or a Disciplinary Fine that does not exceed $150.00. In such cases, the University may elect to administratively sanction the student and notify them in writing. Upon receipt of notice of the sanction, the student may request a meeting be held if there is any objection to the imposed sanction.

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 records until the meeting takes place.

A. Administrative Action

During the meeting with the Conduct Review Officer, students suspected of a Code violation who accept responsibility for their behavior as documented will be sanctioned accordingly by the Conduct Review Officer and 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 the sanction as outlined in the Code.

B. Administrative Review

When students suspected of a Code violation deny responsibility or the facts of a specific incident are in question, the students may elect to have an administrative review by the Conduct Review Officer. The Conduct Review Officer will generally follow the procedures outlined for the University Conduct Review Board in conducting this proceeding. In their discretion, the Conduct Review Officer will review the matter in a manner chosen by the Conduct Review Officer that will endeavor to ensure fairness to all involved and issue sanctions accordingly.

C. Conduct Review Board

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, it would be beneficial to have the matter heard by a Conduct Review Board. The Conduct Review Officer may consult with appropriate University officials in making this determination. As an institution of higher education, the University 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.

Conduct Review Board Procedures
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 him/her.

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 in the room during proceedings.

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.

**D. Mediation**
Villanova University may, at the discretion of the Dean of Students or their designate, require students to attempt to mediate the resolution of a complaint through the mediation procedure. Any Complainant or Respondent may request that the Dean of Students or their designate consider a complaint for referral to the mediation process. Mediation will be used solely at the discretion of the University for appropriate cases.

In the event the Dean of Students, or their designate, requires mediation of a particular complaint, the Dean of Students or their designate will appoint a mediator from the faculty or staff. After a mediator has been appointed, the mediator will meet with all relevant individuals involved. The mediator will help resolve concerns on an ad hoc and confidential basis. If, after reasonable efforts, the situation cannot be resolved by mediation in the opinion of the Dean of Students or their designate, the Dean of Students may pursue the complaint through the other procedural options provided for in the Code of Student Conduct.