

# STUDENT CONDUCT PROCEDURES

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The conduct process follows procedures to ensure basic fairness regardless of the method of adjudication.

The College reserves the right to notify appropriate law enforcement authorities for any violation of local, state, or federal laws.

*The following procedures are followed in non-Title IX student conduct proceedings. For Title IX procedures, please see the **Title IX Policy and Grievance Procedures**.*

## Incident Documentation

The student conduct process at Guilford begins with an "incident report" which details an incident of possible conduct violation(s), what happened, and who was involved. An incident report can be submitted by a member of the campus community directly through filing a report with Public Safety or other administrative offices.

The Dean of Students or their designee conducts a preliminary review of a submitted incident report to determine whether student conduct charges are warranted, additional investigation is needed, and/or a referral to other campus offices is made. If student conduct charges are warranted, the case is assigned to a student conduct hearing officer(s) to adjudicate and seek resolution.

## Communication

Guilford College email is the primary means of notifying students of student conduct charges, resolution options and requirements, meetings, and outcomes. Students are expected to read and respond to Guilford College email on a daily basis. Failure to open or read email regarding student conduct matters does not constitute an excuse for noncompliance.

## Notification of Charges and Procedures

After a case is assigned to a hearing officer, students identified as being principally involved in the incident will receive an email to their Guilford College account (excluding College weekends and holidays) of their identification as a party to the incident. This email will contain the following information:

- A reference number and the date, time, and location of the documented incident
- Pending charges as indicated under **Definitions of Violations in the Student Handbook**
- Information about the student conduct hearing process and options (including date, time, and location of administrative hearing, if required)
- Links to general information about the College's student conduct processes

## Informal Resolution

In some instances, incidents and/or allegations are most appropriately resolved in a manner not resulting in formal student conduct charges. Means of resolution may include meeting with a hearing officer, the Counseling Center, and/or other faculty/staff or other campus or off-campus resources as appropriate.

## Expedited (Email) Resolution

In certain cases, an expedited resolution may be offered to the student. This is a means to resolve the student conduct case by

email, and for which an administrative hearing will not be required. However an administrative hearing may still be requested by the student. An expedited resolution is only offered at the discretion of the hearing officer based on the following considerations:

- The clarity of the documentation – expedited resolution will only be offered when the documentation and facts of the incident are understood clearly, are unlikely to be disputed, and present a preponderance of evidence on which to determine an outcome.
- The seriousness of the violation and impact – expedited resolution will only be offered when the resulting accumulation of student conduct points will be three (3) or fewer and when the impact of the incident on the student and/or others is minimal. Cases which could lead to suspension or dismissal cannot go through expedited resolution.
- The student's prior conduct history – even when the above two criteria are met, expedited resolution may not be offered and an administrative hearing will be required if the student was found responsible for prior cases of similar violations or if the student has accumulated prior points from dissimilar incident(s).

When an expedited resolution is offered, the student will receive notification by Guilford College email of the incident, the pending charges, and pending sanctions and will be offered the following two options. **IMPORTANT:** If a student does not respond within the given timeframe, they are choosing Option 1 below through inaction. Their plea will be entered as "No Plea / No Contest" and they are responsible for the outcome and assigned sanctions and do not have the right to appeal.

**Option 1: Accept or Do Not Contest Responsibility** - The student may respond within 48 hours to enter a plea of "Accepts Responsibility" or "No Plea / No Contest" thereby accepting the charges and all assigned sanctions including assigned points. Students who choose this option waive their right to appeal.

**Option 2: Dispute or Respond to Charges** - If a student wishes to dispute, respond to, or further discuss the incident, the documentation, the charges, or how the College resolves student conduct matters, they may respond within 48 hours to request an Administrative Hearing (see below) which would then be scheduled.

## Formal Resolution: Administrative Hearing and Determination of the Outcome

In cases where an expedited resolution is not offered or a student selects Option 2 above, an administrative hearing will be held.

An administrative hearing is a meeting conducted by 1-2 trained conduct hearing officers with the involved student. The hearing officer(s) will review the incident documentation, pending charges, and how the College resolves student conduct matters and the student will have the opportunity to respond.

Following the administrative hearing, the hearing officer(s) will consider and weigh all documentation as well as the information/disclosures shared by the student during the hearing, to determine an outcome based upon a preponderance of evidence. The hearing officer(s) may determine that additional charges apply based on

subsequent information and the hearing. The hearing officer(s) may also determine that further investigation is required prior to adjudicating the outcome.

### Notification of the Outcome

The student will be notified of the outcome of the case by Guilford College email. The outcome notification will include:

- The “plea outcome” or finding of responsibility for each charge (a determination of whether or not the student was found responsible for violation(s) of the student code of conduct based on a preponderance of evidence).
- If the student is found responsible, the notification will also include:
  - Assigned sanctions and instructions and deadlines for actions required by the student (See also Point System & Sanctions (<https://catalog.guilford.edu/student-handbook/student-code-conduct-rights-responsibilities/point-system--sanctions/>) in the Student Handbook)
  - Assigned student conduct points including the status of total cumulative points (See also Point System & Sanctions (<https://catalog.guilford.edu/student-handbook/student-code-conduct-rights-responsibilities/point-system--sanctions/>) in the Student Handbook)
  - Appellate procedures (See also the Student Conduct Appeals Process (<https://catalog.guilford.edu/student-handbook/student-code-conduct-rights-responsibilities/student-conduct-appeals-process/>))

For cases where expedited resolution is offered and the student accepts or does not contest responsibility, the outcome and sanctions may be outlined in the initial notification of charges and procedures.

## Student Support in Conduct Processes

### Accommodations for Administrative Hearing:

If a student believes that they have a disability that may impact the hearing process, they must contact the Accessibility Resource Center (<https://sites.google.com/guilford.edu/accessibility/>) to request an accommodation be made.

### Conduct Process Advisor:

A student involved in any student conduct process is allowed to have an advisor throughout the process. This may be an individual of the student’s choosing or the College may appoint one at the student’s request from a pool of trained faculty and staff. However, a conduct process advisor may not serve multiple involved parties of the same case and a conduct process advisor may not serve if they are also an involved party in the same case.

The role of the advisor is limited in scope. Students who are reporting or responding parties are expected to ask and respond to questions on their own behalf. A conduct process advisor may not answer for, speak for, or represent the student. The conduct process advisor and student may consult with one another privately, quietly or in writing, or outside the hearing during breaks. The conduct process advisor may assist the student in preparing for a hearing or in understanding the Student Handbook (<https://catalog.guilford.edu/student-handbook/>).

The student must inform the hearing officer(s) in advance of any hearing if a conduct process advisor will be present and who that individual will be so that accommodations may be made for the meeting location and the hearing officer(s) may assist the conduct process advisor in understanding their role.

## Confidentiality and Recordings Policy

All hearings are considered confidential. Audio recordings, video recordings, pictures, etc., are not allowed during any aspect of a hearing.

See also FERPA below.

## Nonparticipation in Conduct Process, Cases Heard in Absentia

Students are encouraged to participate in the student conduct process. If a student chooses not to participate or attend an administrative hearing, the case will be heard in absentia and the outcome will be determined without the student’s input. In a case heard in absentia, the student forfeits the right and ability to appeal the outcome.

## Points System and Sanctions

Refer to the Point System & Sanctions (<https://catalog.guilford.edu/student-handbook/student-code-conduct-rights-responsibilities/point-system--sanctions/>) information in the Student Handbook. Students are responsible for the full and timely completion of any sanctions which require action on their part. Incomplete/overdue sanctions may result in a judicial hold being placed on the respective student’s account, which will interfere with actions such as course registration, housing check-in, graduation, and obtaining transcripts.

## Unresolved Cases

All outstanding student conduct charges must be resolved before a student can graduate from the College or before a withdrawn student can be readmitted to the College. Students with unresolved student conduct charges and/or sanctions may have a judicial hold placed on their account resulting in the inability to receive transcripts, register for classes, register for College housing, be readmitted or graduate.

## Student Conduct Records

Student conduct records are created for all student cases in which disciplinary or academic honor code charges are alleged and are maintained by/in the Office of Academic and Student Affairs.

These records are retained and expired according to the following guidelines:

- For conduct cases when the student was found not responsible or the charges were dropped, the case files, charges, and outcomes are not retained in the student’s official student conduct record.
- For conduct cases when the student was found responsible and suspension/dismissal were not resulting outcomes, the case files, charges, and outcomes are retained as the student conduct record for seven calendar years beyond the hearing date.
- For conduct cases when the student was found responsible and which resulted in suspension or dismissal and/or all academic dishonesty cases for which the student was found responsible, the case files, charges, and outcomes are retained as the student conduct record in perpetuity at the College’s discretion.

**FERPA**

All disciplinary and honor code violation records are considered confidential and are accessed and released in accordance with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). For internal College proceedings, authorized officials of the College will be provided access to records as necessary to their official duties in accordance with FERPA. Otherwise such records are released only upon the written permission of the student.

Contact the Registrar's Office to record or change your FERPA disclosures.