

judicial code

The judicial code at Northwest has been approved by the Board of Regents and functions on the premise that every student should adhere to various rules and regulations of the University and should receive a fair and impartial, closed hearing before a Discipline Committee that includes students when charged with a violation of these rules and regulations. The judicial code is coordinated by the Dean of Students; any questions concerning the policies and procedures outlined below should be directed to Jackie Elliott, Associate Vice President for Student Affairs, 562-1219.

VIOLATIONS

The following types of behavior have been identified as inappropriate, and a violation may be referred to one of the Discipline Committees described in Paragraph D. Although specific violations have been identified, it is recognized that other types of inappropriate behavior, which are detrimental to the best interests of the University or to members of its faculty, staff, or student body, may be referred to a Discipline Committee by the Associate Vice President for Student Affairs or by the designated Residential Life professional.

NOTE: Traffic violations are handled through Campus Safety. Excessive tickets may result in loss of parking privileges.

CLASS "A" VIOLATIONS

1. Entering the room or any living area of a member of the opposite sex who resides in University housing at a time other than approved open visitation hours
2. Excessive noise, including violation of quiet hours
3. Littering
4. Habitual misconduct (repeat offenders)
5. Individual hall regulations.

CLASS "B" VIOLATIONS

1. First offense of consumption or possession of alcoholic beverages on the University campus. NOTE: Possession could mean knowingly in the presence of alcohol.
2. Removing the battery from or disabling a residence hall smoke detector
3. Gambling
4. Destroying, defacing or tampering with public property within the residence halls
5. Use of University property or services without express authorization
6. Failure to identify self, falsely identifying self and/or failure to comply to the directions of a residence hall staff member acting in the performance of his/her duties
7. Violation of Hall Probationary status
8. Violation of the Escort Policy which is contained in the *Residence Hall Handbook* and posted on each hall floor
9. Cohabitation (first offense)

CLASS "C" VIOLATIONS

1. Sexual contact or sexual touching of another person without consent
2. Use, possession or distribution of any controlled substance, including but not limited to, narcotic drugs, marijuana, stimulants, barbiturates and/or hallucinogenic drugs, unless prescribed by a licensed physician. NOTE: Possession could mean knowingly in the presence of a controlled substance.
3. Possession or knowingly in the presence of drug paraphernalia
4. Any form of theft or stealing
5. Possession or exhibition of a weapon (e.g., guns, switchblades or knives deemed to be dangerous or illegal, hunting bows, explosives or other items with a blade exceeding four inches) NOTE: An item may be deemed a "weapon" if used in a threatening or harmful manner, i.e., laser pointer, box cutter
6. Possession or use of fireworks (including smoke bombs)
7. Destroying, damaging, defacing, endangering or vandalizing private, public, or University property
8. Endangering the health or safety of self, another person or University faculty/staff or threats of

endangerment

9. Any inappropriate and/or abusive behavior which disrupts a class, an official University function or the living/learning environment of the institution (NOTE: Alcohol impairment may be deemed inappropriate behavior.)
10. Striking another person without consent
11. Lying to University officials, to a Hearing Committee or to an Appeals Board
12. Harassing witnesses or committee members who have testified or will testify at any disciplinary hearing or at a proceeding that doesn't rise to hearing level
13. Violation of University policies, city ordinances or state and federal laws other than those listed in the handbook
14. Violation of Campus Conduct or Strict Campus Conduct Probationary status
15. Destroying, tampering with or altering fire alarms or other safety equipment
16. Discrimination, including, but not limited to, verbal abuse, racial slurs, sexual innuendos, or the threat of physical abuse, expressed verbally or in written or electronic communications
17. Consumption/possession of alcohol (second offense and beyond.) NOTE: Possession could mean knowingly in the presence of alcohol
18. Failure to comply with the directions of a University official or failure to identify self to, falsely identifying self to, providing false information to a University official
19. Intentional misuse/abuse of the University computer system, or repeated unintentional misuse/abuse (See page 39 for Computer Disciplinary Action.)
20. Hazing
21. Theft of telephone or communications services
22. Cohabitation (second offense)
23. Viewing pornography in a public access area or computer lab as per Missouri statutes.

HEARING COMMITTEES

The following Hearing Committees have been formed to hear cases based upon where the violation took place, the severity of the violation, and which committee, in the opinion of the Dean of Students or designated Residential Life Professional is best equipped to handle the hearing of a particular violation.

RESIDENCE HALL DISCIPLINE COMMITTEE. Each residence hall director will facilitate the selection of a Discipline Committee to hear those cases referred to them by the Associate Vice President for Student Affairs or designated Residential Life Professional (Class A or Class B violations) as well as rules specific to each given residence hall.

STUDENT DISCIPLINE COMMITTEE. The designated Residential Life Professional facilitates the selection of seven student members who represent the diversity of the campus population. The Student Discipline Committee will hear those cases involving Class B violations, those violations deemed by the Student Discipline Committee to be serious in nature and appeals of Residence Hall Discipline Committee cases.

STUDENT-FACULTY DISCIPLINE COMMITTEE. This committee is composed of four faculty members and four students with a non-voting faculty chairperson appointed as outlined in the By-Laws of the Constitution of the Student Government Association. The Committee hears Class "C" violations and those cases in which dismissal from the University could be the sanction recommended. It also may serve as an Appeal Committee for Student Discipline Committee.

SANCTIONS

The listed disciplinary actions are courses of action which may be taken when a student is found to have committed a violation as defined in Section A. The sanction(s) taken depend(s) upon the severity of the violation, previous offenses, degree of involvement, and the individual circumstances as determined and is at the sole discretion of the Committee. These sanctions and their descriptions shall serve as guidelines for the University Judicial Code and may be modified and used in any combination to meet the needs of the University and the

individual student involved.

ACQUITTAL

Student is found not to have committed the charge against him/her and the matter is dismissed.

CONDUCT WARNING

- a. The action is a written warning concerning conduct which has been judged to be a violation.
- b. A thorough explanation of the policy is given.

RESTITUTION

ASSIGNED SERVICE

Assigned service may be administered as a sanction in place of or in addition to a fine. It is most appropriate when the Committee feels that a student will learn the consequences of his or her actions as a result of the service. It is also appropriate when the action which brought the student to the Discipline Committee involved a lack of concern for the community.

FINES

Fines may be levied as a sanction according to the following guidelines:

- a) Class A Violations. A creative sanction set by the Committee depends upon the severity of the violation, degree of involvement and the circumstances surrounding the incident. The student will, in most cases, be asked to satisfy assigned service hours. The work, not less than one hour and not more than five hours per violation, will be assigned and supervised through the Residence Hall Director. At the end of the trimester, the Residence Hall Director has the right to assess a fine not to exceed \$50 per violation in place of the service hours. The work hours must be completed within the time frame outlined by the Hall Director. The fine will be billed to the student's University account. If the conditions of the sanction are not met, the case will be referred to a higher discipline committee for further consideration.
- b) Class B Violations. The fine set by this Committee depends upon the severity of the violation, previous offenses, degree of involvement, and the circumstances. This fine cannot exceed \$100 per violation. The fine will be billed to the student's University account.
- c) Class C Violations and Other Cases Heard by the Discipline Committee. The fine set by the Committee depends upon the severity of the violation, previous offenses, degree of involvement, and the circumstances. This fine cannot exceed \$200 per violation. The fine will be billed to the student's University account.
- d) The student can be ordered to make restitution to the University for vandalism or to another injured party, in addition to the fine assigned by the Committee.

ALCOHOL.EDU PROGRAM

- a) This is an alcohol education program for first-time violations.
- b) The Committee will identify a deadline for completion of the program.

DRUG RESPONSE PROGRAM

- a) This is a counseling/discussion program for first-time violations
- b) The committee will identify a deadline for completion of the program

ANGER MANAGEMENT SESSION

- a) This is an assigned program facilitated by the Counseling Center.
- b) The Dean of Students or designee will schedule the session.

COMPUTER USAGE RESTRICTIONS

A student found in violation of computer usage policies can be restricted from certain privileges for a time to be set by the Committee.

HALL PROBATION

- a) This is a formal probationary status for a period of time, not to exceed one trimester, as specified by the appropriate committee.
- b) Restrictions, provisions and/or assigned duties are individualized to allow for the particular needs of the student and the situation.
- c) Violation of hall probation may subject a student to further disciplinary action.

DISMISSAL FROM THE FLOOR

- a) The student is required to move from the residence hall floor he/she previously occupied. In some cases, he/she may be asked to move to another hall.
- b) The Committee shall state the terms of this removal as well as the length of time this change shall remain in effect.
- c) In most cases, the student will also be restricted from that area for the term of removal.

CAMPUS CONDUCT PROBATION

- a) This is a formal probationary status for a period of time as specified by the Committee.
- b) Restrictions and provisions of this probation are individualized to allow for the particular need of the student, the University and/or the situation.
- c) The student will be prohibited from holding office in extracurricular clubs, governing groups and activities.
- d) Any further violation of residence hall standards or University regulations while on probationary status means that the student is subject to further disciplinary action.

STRICT CAMPUS CONDUCT PROBATION

- a) This action is a formal probationary status during which the student is removed from good standing at the University.
- b) This term describes a set of conditions making it possible for a student to remain a student in the residence halls and/or the University in spite of a serious violation.
- c) The status is very near dismissal from the residence halls and/or from the University, and indicates the extreme seriousness of the probation.
- d) The student will have the following conditions imposed when removed from good standing. These conditions will remain in effect until the student is returned to good standing at the University.
 1. Student will be ineligible to graduate from this University until returned to good standing;
 2. Student will be restricted from operating or parking a vehicle on University property;
 3. Student will be restricted from representing the University in any public performance or exhibit, sporting event, intramural event, committee assignment or in running for and/or holding any governmental office or any office in a recognized student organization;
 4. Student will be ineligible to receive scholarships and/or grants from the University with the exception of need-based aid.
 5. Any further violation of University or residence hall standards while on probationary status means that a student is subject to suspension from the residence halls and/or the University.

DISMISSAL FROM RESIDENCE HALLS

- a) The student is required to move out of the residence halls.
- b) The Committee shall state the terms of the dismissal as well as the length of time this dismissal will remain in effect.
- c) In most cases, the student will also be restricted from the halls for the time of the dismissal.

DISMISSAL FROM THE UNIVERSITY

It may be recommended that the student be dismissed immediately from the University for a period of time to be designated by the Student-Faculty Discipline Committee. A two-thirds vote is required.

The various Discipline Committees in the University judicial system have the right and sole exercise of their discretion to assign disciplinary action which they consider appropriate for the student and the situation. A record of this action is to go to the student. A copy of this action shall also be placed in the student's discipline file in the Student Affairs Office.

APPEAL PROCEDURES

Any student found to have committed a violation by any of the discipline committees has the right to appeal his/her case.

In cases involving a Residence Hall Discipline Committee appeals will be considered by the Student Discipline Committee. In cases involving the Student Discipline Committee, appeals will be considered by the Student-Faculty Discipline Committee. In cases involving the Student-Faculty Discipline Committee, appeals will be considered by an Appeals Board appointed by the Vice President for Student Affairs.

1. Notice

- a. If a student wishes to appeal a decision of a disciplinary committee, he/she should submit a written appeal must also be presented to the committee advisor within three days (72 hours) after the student has been presented the Committee's decision.
 - b. In cases involving the Residence Hall Discipline Committee, the written appeal should be given to the designated Residential Life Coordinator.
2. Appeal Board
- a. The right of the appeal does not entitle a student to a full rehearing of his/her entire case. Rather, the Appeal Board shall limit its review of the Discipline Committee's action to the following issues:
 1. Did the Discipline Committee fail to afford the accused a reasonable opportunity to prepare and present his/her defense?
 2. Did the Discipline Committee incorrectly interpret a rule, regulation and/or policy or make an erroneous finding contrary to the strength of the evidence presented?
 3. Has new evidence surfaced that could have a direct bearing on the case?
 4. Was the sanction imposed appropriate when considering the gravity of the violation?
 5. Was the decision consistent with the weight of the evidence?
 - b. The matter may not even come to the Appeal Board unless the student presents the board with a written appeal stating a clear basis for one or more of the findings by the previous hearing committee mentioned above. The Appeal Board may, but need not, limit inquiry to the issue or issues put forward in the student's written appeal. The Appeal Board may, at its discretion, ask the student or any other party to make an oral or written presentation.
 - c. The Appeal Board may accept the decision of the Discipline Committee; reverse the Discipline Committee's decision and return the case to the Committee for further hearings, considering suggestions that the Appeal board may make; or reverse the Discipline Committee's decision and dismiss the case. It may NOT increase the sanction but it may, at its discretion, decrease the sanction. Returning the case to the Discipline Committee shall not be deemed to be double jeopardy, since the first hearing is still not complete.
 - d. If the Appeal Board accepts the report of the Discipline Committee, the matter is deemed final and binding upon all parties; except that either may petition the original Discipline Committee to reopen the matter upon discovery of new material evidence. The Discipline Committee will judge the relevance and materiality of the new evidence; however, no appeal can be taken from that decision.