JUDICIAL SYSTEM

The purpose of Beloit College’s judicial system is twofold: 1) provide educational opportunities for college and student to reflect on and learn from behaviors that challenge community norms; and 2) articulate clearly college policies and the process by which violations of the policies will be addressed.

THE HEARING OFFICER
The Associate Dean of Students and Director of Residential Life (hereafter referred to as Associate Dean of Students) and/or his/her authorized representative (designee) is officially authorized to act on behalf of Beloit College when investigating and acting upon alleged student violations of College policies, rules and regulations. The staff person(s) designated by the Associate Dean of Students to investigate an alleged violation of College policies, rules or regulations is referred to as the “Hearing Officer.” The Hearing Officer may enlist Beloit College staff and/or the College’s legal counsel to assist in investigating and/or acting on alleged violations as the Hearing Officer deems appropriate.

CONFLICT OF INTEREST
Various students, faculty and staff have certain roles in this procedure as defined below. The Beloit College community is small, and it is inevitable that persons with roles in this procedure will know, and in some cases work with, be friends with, or have other relationships with each other, witnesses, alleged perpetrators and/or alleged victims. There is a presumption that all persons with roles in this procedure will act in a fair manner, notwithstanding such relationships. No person shall be required to recuse theirself absent a showing of actual bias. The Hearing Officer shall determine whether actual bias exists. If the Hearing Officer determines that actual bias exists, the Hearing Officer shall replace the person in question and assign another person to carry out the functions of that person. The Hearing Officer’s determination shall be final. Any person alleging bias must bring the issue to the attention of the Hearing Officer in a timely way, or the issue of bias by the Hearing Officer shall be waived. In any case in which the Hearing Officer is alleged to have some bias, the Associate Dean of Students will make the final determination regarding bias and any required reassignment. If the Associate Dean of Students is alleged to have some bias, the Dean of Students will make the final determination regarding bias and any required reassignment.

TIMELINES AND DEVIATION FROM PROCEDURES
All timeframes indicated in this Policy are general guidelines and may be changed by the Hearing Officer or the Judicial Board. If any participant in any Hearing Officer investigation or Judicial Board procedure believes that any procedural error has occurred, that person shall bring in a timely way the perceived error to the attention of the Hearing Officer or Judicial Board, as appropriate, or the alleged procedural error shall be deemed waived. Even in the case of an actual procedural error, the fact of an error shall not require an outcome in favor of the person allegedly wronged by the error.
THE JUDICIAL PROCESS
If information alleging a violation of college policy is received, the Hearing Officer will advise the accused student of the charge(s) made against them. The student will have the opportunity to explain or answer the charge(s). The accused can enlist the support of any willing member of the Beloit College community, friend, faculty or staff of choice. The support person may attend any function at which the accused’s presence is required. The Hearing Officer will have authority to investigate the alleged violation, decide upon the merits of the charge(s) and to impose disciplinary sanctions appropriate to the circumstances. The Hearing Officer may interview witnesses, review documents, or consider such information as the Hearing Officer deems appropriate. If the accused student fails to answer the charges made against them, the Hearing Officer may proceed without the student’s participation and make a determination, which may include sanctions. The Hearing Officer shall decide whether a violation is more likely than not to have occurred. Students are responsible under this policy, and subject to sanctions, if the Hearing Officer determines that a violation is more likely than not to have occurred. If a student is found responsible and/or disciplinary sanctions are imposed, the Hearing Officer shall advise the student of their right to appeal. Typically the investigation and decision by the Hearing Officer is concluded within twenty (20) work days. Depending on the complexity of facts, number of witnesses, witness availability, and other factors, the Hearing Officer may extend this period.

In cases where there is an immediate threat to the community, the disciplinary investigation may follow removal from campus. The Hearing Officer shall have the right to impose such interim conditions as the Hearing Officer deems appropriate during any investigation or appeal. Such interim conditions may include, but are not limited to, for instance, a direction to a student to refrain from contact with another student, a direction to refrain from entering a location or participating in an activity, etc.

POSSIBLE DISCIPLINARY OUTCOMES
When imposing disciplinary outcomes for violating any college regulation or policy, the Hearing Officer may select any remedy or corrective action that the Hearing Officer determines is appropriate. The Hearing Officer may choose from, but is not limited to, the following alternatives:

1. **Drop Charges:** Not responsible for violating college policy
2. **Restitution:** Wherever appropriate, the student shall pay damages or effect necessary repairs.
3. **Verbal or Written Warning:** A caution given by the Hearing Officer to the student according to circumstances in the particular case.
4. **Referral:** The Hearing Officer may refer the student(s) to another person or department in the College for counseling, assistance, or a work penalty. In certain cases, the student may be referred to a local or student-selected physician, AODA program, or a mental health professional or other program or professional as part of the disciplinary sanction and/or as a condition of remaining on or returning to campus.
5. **Work Penalty:** The student is required to report to the physical plant office to perform satisfactory work under supervision for the number of hours assigned.
6. **Fines:** Where appropriate, a monetary fine will be imposed.
7. **Required Compliance:** The student must carry out a college rule as a condition for being admitted or continued as a member of the college community. This can also include such actions as restriction of privileges, restitution, required room change, cancellation of housing contract, withholding of diploma, or cancellation of registration for a specified period of time.

8. **Confiscation:** Where appropriate, goods used or possessed in violation of regulations will be confiscated.

9. **Community Action:** This action requires that the student demonstrate for a specific period of time that they are willing and able to contribute to their community living environment.

10. **Disciplinary Probation:** Official notice may be placed in a student’s permanent file that the student has been found to have violated college rules and regulations, and a warning that further violation of rules and regulations will result in possible suspension or expulsion. Probation may include restriction from participation in college activities for a specified period of time.

11. **Immediate or deferred exclusion from residential living areas and non-academic activity.**

12. **Deferred Suspension:** The Hearing Officer may offer a student the option of deferring a suspension sanction. Deferred suspension may allow the student to remain on campus and continue attending classes. Accepting a deferred suspension requires the student to waive their right to a Judicial Board hearing and further incidents will result in immediate suspension without right of appeal or possible expulsion from the college.

13. **Suspension:** Exclusion from the college for a specified period. It can be imposed for the balance of the term or for time units of term length. A student who is suspended shall be denied all academic and social privileges and is expected to be absent from college events, grounds and buildings during the period of suspension.

14. **Expulsion:** Permanent exclusion from the college. A student who is expelled is no longer a member of the Beloit College community and is expected to be absent from college events, grounds and buildings.

15. **Other sanctions may be imposed if they are appropriate and in the best interest of the College or student, as determined by the Hearing Officer.**

Execution of a suspension or expulsion will be postponed pending appeal, unless the Hearing Officer determines that the student’s presence on campus is not appropriate, in which cases the Hearing Officer may order the student to leave the campus or remain outside a specific portion of the campus, immediately. If the student does not vacate college premises immediately, the Hearing Officer or other senior administrative officer may ask security personnel to remove the student. If the student refuses to leave campus the Beloit Police Department may be called to assist. In cases where suspension or expulsion are involved, fees will not be refunded or remitted, in whole or in part, and neither the college nor any of its officers shall be under any liability whatsoever.
APPEALING JUDICIAL DECISIONS
A student who has been found responsible for violating college policy(s) or regulations and received disciplinary sanctions by the Hearing Officer may appeal this decision to the Judicial Board in the following circumstances:

1. A procedural error occurred that significantly impacted the outcome of the investigation and/or determination by the Hearing Officer (e.g. substantiated bias, material deviation from established procedures, etc.);
2. New information or evidence exists, which was unavailable during the original hearing or investigation that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
3. An argument can be made that the sanctions imposed are substantially disproportionate to the severity of the violation.

Students must notify the Senior Associate Dean for Student Life, in writing, of their desire to appeal within three (3) working days of being notified of the decision. The notification should contain an explanation of the rationale for appeal and this rationale should be based on the above circumstances. In cases of sexual assault or misconduct, the college permits the complainant to appeal as well according to the same criteria and timeline.

JUDICIAL APPEALS BOARD
Purpose
- To represent the campus community—students, faculty and staff—by hearing cases of student misconduct brought to the committee on appeal from a Hearing Officer decision or directly from College’s designated disciplinary staff member, typically the Associate Dean of Students and Director of Residential Life or his/her designee.
- To espouse the educational purpose of our judicial system as it deliberates and makes decision.
- To give students accused of violating College policies a fair appeal review.
- The standard to be applied by the Board is whether it is more likely than not that a violation has occurred. The decision of the Judicial Appeals Board is final and may not be appealed.

Membership and Training
Judicial Appeals Board membership will be comprised of five members. The Senior Associate Dean for Student Life serves a Chairperson, two faculty members from the Academic Performance Committee serve to represent faculty, two students from Student Academic Senate and/or Beloit Student Congress serve to represent students. Judicial Board members receive, at a minimum, annual training on judicial procedures including but not limited to the preponderance standard of evidence, college response and sanctions, multi-partiality, inclusion, and case-studies on possible appeals.

Sexual Misconduct and Relationship Violence appeal cases will be heard by the college’s Personal Harassment Committee. Membership will be comprised of five members. The Senior Associate Dean for Student Life serves as chairperson and the Personal Harassment Committee is comprised of two elected faculty members, one administrative staff member appointed by the president, and one support staff members appointed by the president; both based on recommendations by the dean of students, vice president for human resources and operations, and provost. Sexual
Misconduct and Relationship Violence appeal board members receive additional training. Specifically, a minimum of a half day training will be held twice a year that will focus on but will not be limited to: disciplinary procedure, college response and sanctions, college title IX protocol, victim trauma, substantiated bias, sexual assault statistics and experiences within higher education, as well as case-studies.

**Judicial Appeals Board Procedures**
An appeal must be submitted in writing to the Senior Associate Dean for Student Life within three (3) business days of receiving the decision letter and will be reviewed within 30 business days. Depending on board member schedules and time of year, the judicial board may need to extend the timeline. In sexual misconduct and relationship violence cases, either the complainant or accused may appeal. Judicial Appeal Board members will convene to review written appeal(s), go over the full investigation and decision, and provide all parties involved the option to present their written appeal in-person. If a party chooses to present their written appeal, board members have the opportunity to ask questions to the applicable party, as well as ask for clarifying material from investigators and/or witnesses. An appeal decision is reached by a majority of those adjudicating the appeal. The appeals committee will render one of three decisions: uphold the original decision, modify the original decision, or overturn the original decision. The latter two options could result in a new finding such as responsible or not responsible, sanction(s) being removed, or sanction(s) being added or increased. Under all circumstances, the appeals committee decision is final.
RIGHTS OF STUDENTS DURING A JUDICIAL APPEALS BOARD REVIEW

Rights of the **complainant** (if relevant to case) in a Judicial Appeals Board Review

1. To be informed, in writing, of the policy violations and original judicial decision to be reviewed by the Judicial Appeals Board.
2. To be informed, in writing, of the time and date of the Judicial Appeals Board Review, at least five (5) working days before the hearing.
3. To be notified that at any point during the Judicial Appeals Board process, the complainant has the right to have the support of any willing member of the Beloit College community, friend, faculty or staff of their choice. The support person has the right to attend any function at which the complainant’s presence is required. The support person may be a licensed attorney who offers counsel, but may not participate verbally in any of the hearings.
4. If appearing before the Judicial Appeals Board, the complainant has the right to make statements to the Judicial Appeals Board.
5. To be notified in writing of the final outcome of the case.

Rights of the **accused** in a Judicial Appeals Board hearing

1. To be informed, in writing, of the policy violations and original judicial decision to be reviewed by the Judicial Appeals Board.
2. To be informed, in writing, of the time and date of the Judicial Appeals Board Review, at least five (5) working days before the hearing.
3. To be notified that at any point during the Judicial Appeals Board process, the accused has the right to have the support of any willing member of the Beloit College community, friend, faculty or staff of their choice. The support person has the right to attend any function at which the accused’s presence is required. The support person may be a licensed attorney who offers counsel, but may not participate verbally in any of the hearings.
4. If appearing before the Judicial Appeals Board, the accused has the right to make statements to the Judicial Appeals Board.
5. To be notified in writing of the final outcome of the case.
JUDICIAL PROCESS AND APPEALS WHEN STUDENTS ARE STUDYING OFF CAMPUS
When the college receives a complaint about a Beloit College student who is participating in a domestic or international off campus program the associate dean of students or their designee will investigate the complaint. This will proceed in a manner as close to our usual practice as possible, taking into account available communication methods. Similarly, if a student studying off campus wishes to appeal a Hearing Officer’s decision, the appeal process will proceed in a manner as close to usual practice as possible. Students who wish to participate in their hearing or Judicial Board cases in person, should return to campus to do so within a 2 week timeframe. If it is determined that a violation of college policies and regulations occurred, sanctions can be applied immediately or upon a student’s return to the Beloit College campus. Minor adaptations of the judicial process which result from communicating at a distance will not be viewed as biased against the student.

APPEAL PROCESS FOR SUMMER AND VACATION PERIODS
During the summer and vacation periods, including New Student Orientation, the first week or last week of classes, and finals week each term, the Judicial Appeals Board will not be convened. A student may appeal a Hearing Officer’s decision to the Senior Associate Dean for Student Life. All appeals must be in writing and submitted within three (3) working days of being notified of a decision by the Hearing Officer. The appeal will be considered solely by the dean of students; or Senior Associate Dean for Student Life; the Dean of Students or Senior Associate Dean of Student Life’s decision is final. All disciplinary sanctions will apply, as they do when classes are in session.

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