
TOUGALOO COLLEGE

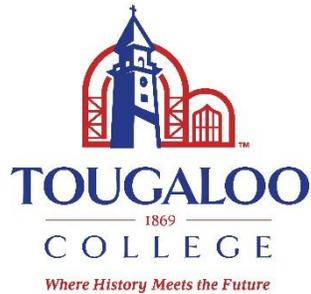


TOUGALOO
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COLLEGE
Where History Meets the Future

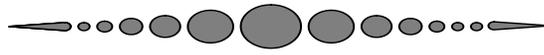
Division of Enrollment Management and Student Services

2021-2022

JUDICIAL TRAINING MANUAL



Division of Enrollment Management and Student Services
Initial Judicial Training Session
Wednesday, September 8, 2021 | 2:00 PM



AGENDA

Call to Order

Opening Remarks/Judicial Overview

- What is Campus Governance?
- Role and Responsibilities
- Philosophy of Discipline
- Due Process
- Confidentiality

The Adjudication Process

- The Offense Report
- The Investigation and Evidence
- The Administrative Sanctioning
- Judicial Hearing
- Notice to Students and Witnesses
- Questioning
- Preponderance of the Evidence
- Deliberation and the Decision

Violations and Sanctions

- The Appeal's Process

Hearing Docket Dates

Q&A

Adjournment

WHAT IS CAMPUS GOVERNANCE?

The campus governance structure allows for the inclusion and participation at various levels for all employees of the College. It is designed to provide a means for everyone to engage in some way in the conversations that define and develop our institution. Avenues for participation in decision-making include: communication and sharing information, consultation, voice, and vote. The governance structure is also designed to ensure that decisions on important College matters are carefully considered, promptly made, and widely understood. It allows for participation by various campus groups — College faculty, staff, students (represented by the Student Government Association), and administration. All of these groups function under the general supervision of the President as delegated by the Board of Trustees.

The primary purpose of the College’s judiciary system and code of conduct is to preserve and support an environment that encourages individual accountability, academic excellence, and interpersonal integrity for all persons who live, teach, study, work, and have social interactions in the College community.

ROLES AND RESPONSIBILITIES

The Judiciary Council (“The Council”) hears cases of violation by students of general college regulations, codes of conduct, or violations of specific policies set forth by the institution. These cases of student misconduct are referred to the Council by the Dean of Students. The Council resolves allegations of code of conduct violations and imposes sanctions where appropriate. While the parties involved will have certain procedural rights, the procedure described is not intended to constitute a legal proceeding. The Council shall hold hearings to determine facts and responsibility for the conduct charged. The Council acts only upon presentation of a written charge as outlined in the Disciplinary Violations Guidelines.

QUALITIES OF A JUDICIAL COUNCIL MEMBER

Communication Skills – shows an awareness of verbal and non-verbal skills and is able to express oneself clearly and defend expressed thoughts.

Assertiveness – expresses honestly without infringing on the rights of others.

Listening skills – hears ideas and opinions of others, attentive, does not interrupt, does not repeat ideas already expressed.

Leadership – can direct others without being over bearing, encourages participation, and earns respect.

Sensitivity – understands feelings, shows concerns for others, toleration of others, open to other’s ideas, concern for personal rights.

Decision Making – makes decisions objectively after thinking through most aspects of the issue.

Problem-solving – able to analyze and evaluate all aspects of a conflict situation and determine possible alternative solutions.

Flexibility – willing to reconsider viewpoints given new and significant information, willing to make a compromise, willing to work as a group member.

Maturity – exhibits sound judgment, can set goals and evaluate progress, purposeful, reliable, responsible, and the ability to be fair and honest.

Motivation/Enthusiasm – expresses sincere interest and enthusiasm for working with other students, staff, and faculty, general understanding of the position, and desires to learn more.

Personality – friendly, outgoing, honest, patient; ability to relate with a variety of individuals.

Confidence – composed, willing to take an unpopular stand; able to support own ideas; strong self-concept.

Punctual – takes the responsibility to arrive on time for meetings, hearings, or training.

DUE PROCESS

The basic philosophy of the policies and procedures in the Student Judicial Code is one of education and fair, prompt resolution of problems. The focus of the Code is to promote growth, development of the individual student by encouraging self-control, by publishing clear behavioral guidelines (rules and regulations) and by fostering the rights and privileges of others.

Regardless of how a case is processed, the goals are the same: to redirect the behavior of the student in acceptable patterns and to protect the rights of all students and the entire college community. There exists a fundamental difference between the nature of the Student Judicial Code and that of criminal law. The Code is not intended to resemble the policies or procedures of the criminal justice system. Rather, it involves a closed, informal hearing. The rules of criminal law are neither required nor necessary to achieve the educational goal of the Student Judicial Code.

PHILOSOPHY OF DISCIPLINE

The disciplinary process is an educational one by which Tougaloo College strives to instill in its students an understanding of personal responsibility for their actions. The purpose of the imposition of sanctions is to:

1. redirect behavior of a student or student organization toward a pattern more acceptable for members of the College community;
2. protect the College community from possible harm or injury by said persons; and if appropriate,
3. financial redress to an individual for loss, harm, or destruction of property resulting from the actions of the accused.

Sanctioning Process

Sanctioning intends to accomplish four goals:

1. To make sure everyone has learned from the experience
2. To make sure it does not happen again
3. To make good on the mistake
4. To make sure the College's expectations are clear

Questions the Council should attempt to answer when deciding on appropriate sanctions are as follow:

1. What significant aggravating or mitigating factors would warrant a lesser or more severe sanction?
2. What action by the Council would help the student learn from this experience?
3. What action would help the student take the process seriously and to think about his/her behavior?
4. What actions would serve to deter others from similar behavior and to maintain College standards?
5. Does this sanction fit the incident?

RESPONSIBILITY AND CONFIDENTIALITY OF JUDICIAL COUNCIL MEMBERS

Tougaloo College delegates the Judicial Council Members the authority and responsibility for conducting hearings for students and organizations accused of a violation of the Student Code of Conduct and for deciding upon or recommending an appropriate sanction(s). Therefore, it is imperative that Council members understand the following ethical standards and agree to their strict observance.

Confidentiality

1. The nature or status of any disciplinary situation is not to be discussed with anyone outside of the hearing session.
2. The disciplinary record of any student/organization is not to be shown or discussed outside the hearing session.
3. The vote of a council is confidential, and any part of the conversation or proceedings at a hearing shall not be discussed outside of the hearing.

Objectivity

1. Each council member must carefully and impartially review the information presented at the hearing and render a decision based on the weight and credibility of evidence and testimony given (**Preponderance of the Evidence**).
2. Any council member who is involved with one or more persons who are parties to a case, in a manner that may prejudice his or her objectivity, should remove him/herself from the hearing.
3. Council members should not discuss the case with each other or participate in the hearing during a recess outside the hearing room.

Standards

1. Council members agree to the enforcement of behavior standards that the College has set forth for the student community.
2. Council members must support the integrity of their position by upholding, through personal example, the behavior standards they expect from others.
3. Council members should direct concerns about the Student Code of Conduct policies and procedures to the Dean of Students or designee.

The Dean of Students or a designee will serve as sergeant-at-arms of the Judicial Council, and in that capacity during the hearing, he or she will enforce proper decorum and adherence to the procedures and rules.

Neither the federal rules of evidence, the Mississippi rules of evidence, common-law principles of evidence nor any other formal law of evidence apply in council proceedings. The acceptance of live testimony and any tangible proof will be at the discretion of The Council.

- Avoid jumping from one line of questioning to another; attempt to examine one area completely before moving on.
- Council members should learn to look to other council members before changing lines of questioning.
- Note passing or whispering should not occur in the hearing unless absolutely necessary.
- Take notes during the hearing if you feel it will help you to make a more informed and fair decision.
- Maintain your concentration throughout the hearing and remain attentive (good posture and eye contact should be demonstrated anytime the hearing is in session).
- Carefully prepare your questions in advance to avoid asking questions irrelevant to the case.

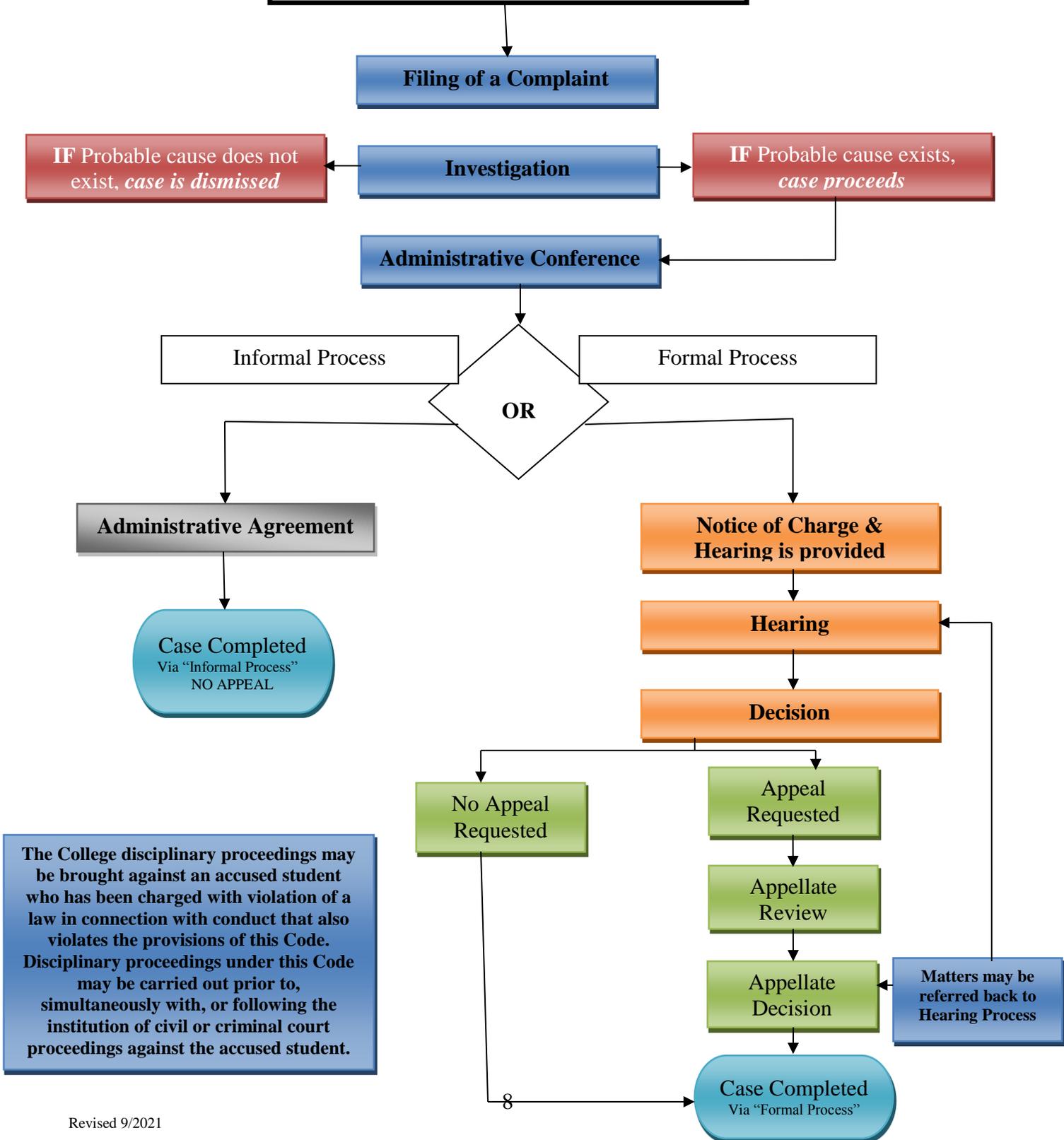
EFFECTIVE JUDICIAL COUNCIL MEMBER TIPS

- Carefully listen to everything that is said
- Watch for non-verbal behaviors, which may indicate attitudes, true feelings, or emotions.
- Be sure that you clarify any conflicting information before you enter deliberation.
- Continue to ask questions until you have the necessary facts regarding the incident (do not wait until you are in deliberation and begin guessing at reasons why the information presented was conflicting).
- Carefully examine the time/date sequence of the incident.
- Follow-up on contradictions when questioning

THE ADJUDICATION PROCESS

TOUGALOO COLLEGE

Student Conduct Process



The College disciplinary proceedings may be brought against an accused student who has been charged with violation of a law in connection with conduct that also violates the provisions of this Code. Disciplinary proceedings under this Code may be carried out prior to, simultaneously with, or following the institution of civil or criminal court proceedings against the accused student.

THE JUDICIAL PROCESS

The Dean of Student is responsible for the following:

The accused student must be notified in writing of the specific charges made against him/her at least within 72 hours prior to a scheduled hearing. The notice will include:

- a. Date, time, and place of hearing
- b. Statement of the specific charges and grounds which, if proven, would justify disciplinary action being taken
- c. The names of witness scheduled to appear
- d. The rights and responsibilities during the hearing

The summons will be hand delivered, e-mailed, or sent via certified mail to the student by a representative of the Division of Enrollment Management and Student Services.

The accused student's rights are as follows:

- The student is entitled to hear the specific charges brought by his/her accuser(s) in person or be presented with the charge in writing, signed by the accuser(s)
- The student must be allowed to speak in his/her defense and present witnesses
- The student must receive adequate time to prepare his/her defense
- The student may have an advisor of choice. Lawyers may be present if both parties have lawyers and the College also has a lawyer present. Advisors may be a friend, faculty, or administrator, either from within or outside campus
- The student must be notified regarding his/her right to appeal serious cases which involve a decision to suspend or expel the student

The Hearing Process

1. The Judicial Chairperson will distribute copies of all relevant materials to the parties and members of the hearing body before the hearing, inform students of their rights at the hearing, and at the beginning of the hearing explain the process that will be followed.
2. All members will act as interrogators. Any member of the Council should disqualify him/herself from sitting on a particular case in the event of involvement or close association.
3. The details of a case will not be disclosed to the members in advance.
4. The hearing should be an orderly proceeding. The tape should be started when the chairman calls the meeting to order. The chairman should identify the nature of the case and all parties present. In taking testimony, witnesses should be clearly identified and the chairman should call the name of each member of the Judiciary Council before they question the witness. For the sake of clarity, persons speaking should talk loud enough to be recorded on tape and enunciate clearly.

5. All witnesses on behalf of the College will be heard first then have the accused student make a concise and plain statement describing the alleged injury/harm or rule infraction. The hearing board should understand the nature of the charges and the resulting issues.
6. In a case in which the accused student(s) accepts responsibility for the charge, the Council may proceed directly into deliberation concerning appropriate sanctions rather than hear evidence of the charge. The parties will have the opportunity to make a final statement prior to deliberations.
7. Witnesses shall be limited to members of the College faculty, staff, or student body; unless the chair of the council rules that others may appear. The complainant and the accused student shall submit the names of witnesses in writing to the Dean of Students at least 48 hours prior to the hearing. The Dean of Students shall provide access to the names of all witnesses to both the complainant and the accused. The council may call additional witnesses or seek further evidence.
8. As the parties' present information for the Council's consideration, members of the judicial council, including the chair, the accused student, and the complainant when applicable, may ask questions of the parties and other witnesses concerning the information presented or other information pertinent to the charge.
9. Hearings shall neither be publicized nor open to the public. Council members and all others present during the hearing (respective advisor(s), complainant, accused student, witnesses) shall hold matters relating to the hearing in strict confidence. Witnesses are not permitted to attend hearings other than to testify.
10. Witnesses and evidence that is not disclosed in advance of the hearing may be excluded at the discretion of the Council/Judicial Officer.
11. At the conclusion of all evidence, the Judicial Council will deliberate in private. The Council, by majority decision, will determine whether or not the accused individual violated the policy as alleged in the formal complaint by finding either: "in violation" or "not in violation." The determination shall be based on a "Preponderance of the Evidence" standard which means "It is More Likely than Not" that a violation of the policy occurred. If the council renders a determination of "in violation," a sanction consistent with those specified in this Handbook shall be imposed and the complainant and the accused student shall be notified of the decision by the chairperson or Dean of Students.
12. A written notice will be sent to the Dean of Students by the council chair and the dean will send an official notification to the accused student within five (5) business days to ensure that imposed sanction(s) are followed.
13. Hearings involving several students or organizations may be consolidated if the Dean of Students or the Department of Public Safety finds that the issues involved arise from a common nucleus of facts and circumstances.

14. Either party may petition the Dean of Students in writing for a continuance of the hearing not less than 48 hours prior to the scheduled hearing. The continuance will be granted upon demonstration of a substantial need. In the event a continuance is granted, every effort will be made to hear the matter as expeditiously as possible. The failure of a witness or advisor to appear before the Council will not delay the hearing.
15. The total judicial process should not exceed 90 days unless extenuating circumstances exist regarding evidence or change in the student status (complainant and/or the accused).
16. If the complainant withdraws from the institution and cannot be contacted, the case will be closed unless the facts of the case dictate that the College bring charges against the accused student(s) for the violation.

Judicial Policies and Procedures

1. There should be a quorum of 2/3 of the membership of either the Disciplinary Review Committee, Judiciary Council, or Traffic Committee in order for these bodies to meet.
2. The Dean of Students will notify members of the Judiciary Council or Disciplinary Review Committee within a 72-hour time period before said meeting is to convene.
3. The student may have an advisor of his choice. Lawyers may be present if both parties have lawyers and the College has a lawyer present. Advisors and/or attorneys may speak only to the person they are advising.
4. During the hearing, the accused student will be afforded all rights required by due process including:
 - a. The right to question the complainant.
 - b. The right to present evidence in his/her behalf.
 - c. The right to call witness(es) in his/her behalf.
 - d. The right to cross examination.
 - e. The right to appeal the decision and to be so advised.
 - f. The right to have a written transcript made at his/her expense, if requested.
5. The accused student is also entitled to the right to attend all classes and required College functions until a hearing is held and a decision rendered. Exception is made when the student's presence would create a clear and present danger of interference with the normal operation and processes or requirements of appropriate discipline at the College. In such case, the Dean of Students may impose temporary protective measures, including suspension, pending a hearing, which may be reasonably necessary. It should be understood that such temporary protective measures, if applied, will be without avoidable prejudice to the student.
6. Students will not be subject to double jeopardy for any offense.

7. Faculty members and administrators are subject to the same judicial procedures as students in the event they are either the plaintiff, defendant, or witness in any cause of action.
8. The Division of Finance and Administration, the Registrar, and the Dean of Students will reinforce decisions of the judicial bodies by:
 - complying with College sanctions
 - disallowing registration for anyone who still owes a fine and/or has not met their sanction requirement.

General Guidelines for Effective Operation of the Judicial Process

Tougaloo College expects all of its students to comply with the effective operation of the judicial process and to refrain from interfering with College officials acting in performance of their duties. Noncompliance includes, but is not limited to, the following:

1. Failure to appear in response to a written notice requiring appearance issued by the Dean of Students or other judicial officer or judicial body. Such failure to appear will be deemed as a disregard from authority.
2. Falsification, disruption, or misrepresentation of information before a hearing body or any College official prior to or during any investigation, judicial proceeding, or appeal procedure.
3. Refusal to respond to questions posed during a hearing by the Judicial Council or other hearing bodies may lead to an adverse inference by the hearing body concerning the subject matter of the questions posed and this adverse inference, if applicable, may be one factored considered by the hearing body in making its decision.
4. Disruption or interference with the orderly conduct of a judicial or similar College proceeding (such as the use of profanity, threatening behavior, or derogatory remarks, comments, and/or gestures).
5. Harassment (verbal or physical) and/or intimidation of a member of a judicial board or hearing body, the charging party, a witness, or victim prior to, during the course of, or after the judicial or other similar College proceeding.
6. Failing to comply with or violating the terms of the disciplinary sanction(s) imposed.
7. Intentionally or recklessly submitting false accusations or charges through any College judicial, complaint, or grievance process.

Contempt of Hearing

Failure to comply with the above outlined guidelines will result in contempt charges which will result in further disciplinary actions including a fine being imposed, extension of a sanction and/or suspension from the residence hall or college. If a student fails to attend an administrative hearing or a hearing before a judicial body, the hearing may be held in the student's absence.

In order to avoid situations that jeopardize career and/or the academic success of students, no initial hearing will be held after Reading Day or during Exam Week. Any and all infractions that occur during this timeframe will be handled by the administrative proceeding.

Disciplinary Review Committee (Appeal Process)

In cases of suspension or expulsion from the College, students may petition for an appeal to the Disciplinary Review Committee. The appeal is not intended to rehear the case and is limited to the specific grounds below. All cases will be reviewed by the Dean of Students to determine if there has been no breach of the judiciary process. Appeals must be made on the basis of:

- Deprivation of due process.
- Technicalities regarding policies and/or procedures as outlined in the current edition of the *Student Handbook*.
- Substantial new evidence that was not available at the time of the investigation or hearing that may change the outcome of the decision.

Disciplinary Review Committee Composition

The Committee is comprised of three students (appointed by the Student Government Association advisor), two faculty members (appointed by the Provost/Vice President for Academic Affairs), and two administrative staff (appointed by the President) - five sitting members and two alternates. The Committee is chaired by one of the faculty/staff members. All members are appointed to serve for one academic year.

The Dean of Students serves as executive officer and is charged with following through with the decision of the Committee.

Policies and Procedures

Policies and procedures governing the actions of the Discipline Review Committee and how it functions should be reviewed and clearly understood by its members prior to each case.

- The Discipline Review Committee will limit its review of an appeal only to the specific grounds for an appeal as opposed to allowing a full rehearing of the case.
- The Committee will meet at least once each semester to discuss procedures and campus disciplinary problems.
- The Committee chairperson, Dean of Students, or the President of Tougaloo College may call a meeting of the Committee at any time either by verbal or written notice.
- The details of a case will not be disclosed to the members in advance.
- The proceedings of disciplinary review are held in strict confidence.
- Two student members and three faculty/staff members, including the chairperson, must be present in order for the Committee to hear a case and make a decision.
- Copies of the decision of the Committee will be kept in the Dean of Students' Office. If the Committee indicated that the decision (suspension or expulsion) is to be included on the transcript, it will also be sent to the Registrar's Office.
- The decision of the Committee is final, subject to the President of the College.
- Any member of the committee should disqualify himself/herself from sitting on a particular case in the event of involvement or "close association." Close association will be defined as "personal involvement in the case of such a nature as to be detrimental to the interest of

the accused or of the institution.”

None of the above guidelines will in any way detract from the traditional planning powers of the President of the College and notwithstanding anything to the contrary herein contained, the President of the College may on his/her initiative and at his/her discretion immediately and without any procedural requirements whatsoever suspend the student, or otherwise terminate his/her rights to be present on the campus, or to attend classes.

WHEN ARE COUNCIL MEMBERS READY TO HEAR A CASE?

The following are some general guidelines for determining when you are ready to hear a case:

1. Each member understands and can articulate the institution’s philosophy on student conduct.
2. Each member is thoroughly familiar with the procedure for handling a case.
3. You know other council members well enough to permit free expression of opinions.
4. You know what kind of information is needed to make a wise decision; the facts involved, the motivation, the level of maturity of those involved, the environment in which they live, and their purpose in attending the institution.
5. You understand the importance of the council’s position as a foundation of responsible student governance.
6. You recognize that the council serves two purposes: **determination of facts and recommendation of corrective action.**
7. You recognize the confidentiality of hearings.
8. You understand the appeal procedure and the rationale for it.
9. You understand the types of sanctions and their appropriate use.
10. You feel confident that you are prepared to handle a case.

ROLE OF THE ATTORNEY

A student or organization must notify the Dean of Students within 48 hours prior to a hearing if they will have legal representation. An attorney cannot actively participate in the hearing, including asking questions to witnesses or judicial council members. The attorney will only be allowed to speak to and advise the student during the hearing. If the student or organization attends the hearing with legal representation without prior notice, the hearing will be suspended at that time and rescheduled to a time in which the College’s legal representation can be present. If a student or organization has legal representation, at no time will the hearing proceed without the College’s legal representation in attendance.

ROLE OF THE ADVISOR

Students or organizations are allowed to have an advisor in the hearing. An advisor has a passive and limited role in the hearing proceedings. An advisor can only speak to and advise the student or organization. An advisor cannot actively participate in the hearing, including asking questions to witnesses or judicial council members. Examples of an advisor are: faculty, staff, parent/legal

guardian, adult relative, alumni, or advisor to an organization. **All advisors must be approved by the Dean of Students.**

QUESTIONING

Questioning is the most important aspect of the hearing process. As council members become more skillful at phrasing questions, more useful information will be obtained from all participants. In depth questioning helps council members ascertain the facts and clarify vague issues and responses.

TECHNIQUES

Open-ended Questions

Carefully phrase your questions as open-ended (who, what, how) rather than close-ended (did you, were you) to avoid yes/no responses.

Example:

Close-ended

Question: "Were you angry when you kicked the door in?"

Response: "No."

Open-ended

Question: "What were your feelings when you kicked the door in?"

Response: "I guess I was sort of angry....."

Multiple Choice

Multiple choice questions are not recommended. They provide the respondent with the answer the council member wishes to hear.

Example:

Question: "What were you feeling when you kicked the door in; were you angry, elated, frustrated, or just letting off steam? This was around mid-term exam time, right?"

Response: "Oh, I was letting off steam; exams weren't going well for me....."

Silence Is Golden

It is natural to think about a response before answering. Allow the person enough time to think without undue pressure to respond quickly. If the person needs clarification, let him or her ask for it; do not assume that he or she does not understand the questions.

QUESTIONING GUIDELINES

1. If no questions are asked, you are probably overlooking something. Ask yourself if everything has been considered.

2. If there are conflicts in the testimony, ask about these conflicts. It is not appropriate to accuse anyone of lying during the hearing. Therefore, it is important to allow all parties involved in a hearing to respond to any contradictions.
3. Ask the person to repeat or rephrase what was said if you do not understand the statement.
4. Ask questions designed to find out the person's thinking in violating a code of conduct and his/her attitude toward rules and regulations in general.
5. Ask questions that aim at the council's ability to make a decision. Avoid asking questions that will satisfy a curiosity.
6. Organize questions in a logical sequence and work together during questioning.
7. Do not overlook simple questions or questions that will give obvious answers, such as "did you do this....." or "did you give them permission to....."
8. Before the closing statements and deliberation, make sure you are confident that all of the journalist questions have been answered: who, what, when, where, how, why, and to what extent.
9. During deliberation, if it becomes necessary that further questioning should have been done, the student must be brought back. At this time, the council can decide if it is necessary to set another meeting to obtain further testimony.

ASK OPEN ENDED QUESTIONS – This allows individuals to express their view in detail about what happened. Only ask specific questions when needing a specific answer.

ASK IF STUDENT(S) HAVE BEEN IN A JUDICIAL HEARING(S) AND/OR RECEIVED DISCIPLINARY SANCTION(S) BEFORE – This puts the responsibility on the student to be accountable for their conduct.

THE JUDICIARY CHAIRPERSON HAS THE RIGHT TO NOT ALLOW A QUESTION – Questions not significant to the issue can be directed to not be answered.

WHO, WHAT, WHEN, WHERE, and WHY? – Answers to these questions are essential to gathering information to make a decision.

DO NOT BE CONCERNED WITH ACTIONS AN INDIVIDUAL SHOULD HAVE TAKEN – This can be stated during the reading of the Council's decision, but it is not necessary during questioning.

TREAT ALL STUDENTS WITH EQUAL CARE, CONCERN, RESPECT, AND DIGNITY

Sample Questions

Besides fact related questions, some sample questions to consider are as follows:

1. What effect did your actions or behavior have on others? On community? On yourself?
2. Explain what you hoped to accomplish through your actions.
3. Who is responsible for your behavior?
4. What other options were there for you in this situation?
5. What was the purpose of your behavior?

6. How would you feel if others were engaged in comparable behavior?
7. What would be the consequences to the community if everyone engaged in comparable behavior?
8. How is your relationship with your roommate? With other students in your unit? With staff members?
9. How does our responsibility for living with community standards apply to your actions in this situation?
10. How might you react if this same situation were to happen again?

SANCTIONING

GUIDELINES FOR SANCTIONS

Win-Win

The process of sanctioning is designed with the hope that all parties will gain something. The community feels it has gained a more peaceful environment. The Council may feel they have helped a student develop. The student may feel that he/she was understood and encouraged to develop more appropriate behavior. When sanctions are imposed with a win-win attitude, students are more likely to become more valuable to the campus.

Developmental

These sanctions are directly related to a developmental stage or skills that the student needs to learn. For example, if a student has exhibited very aggressive behavior when stressed, used abusive language, slammed doors, and perhaps, damaged property, some developmental options may be:

1. Restitution for damages, or volunteering to help around the building
2. Attending a communication, stress, or anger management workshop
3. Reading and responding to an article on the workshop areas mentioned above
4. Talking with a counselor about the effects of stress and stress relief

Appropriate to Circumstances and Violations

The sanctions must be in accordance with the seriousness of the violation and the circumstances surrounding the conduct. This will emphasize the goal of educating rather than punishing students. It is hoped that the student will also perceive the sanction as fair.

Timelessness

All sanctions must have a completion deadline that gives adequate time for the task. Consideration should be given to academic demands, employment, expectations, etc.

Explaining “Why”

For complete understanding of the sanction, an explanation of “why” the sanctioned was given is necessary. These explanations will be included in the hearing and in the disposition letter, if appropriate.

In addition to the community, the College views the disciplinary process as a learning experience that can result in growth, development, and understanding of one’s responsibilities and **privileges** with the College community. The disciplinary process is not meant to be a substitute for civil or criminal legal proceedings, but designed to provide a fair evaluation of whether or not a student has violated a Code of Conduct. Formal rules of evidence will not apply in this process. The College encourages the reporting of any criminal activity to the Dean of Students, Public Safety, and/or the local authorities, if necessary.

EDUCATIONAL SANCTIONS

Educational sanctions can be used to meet the needs of a particular student. Here are some ideas for possible sanctions:

1. Attend a substance abuse education program
2. Write a response paper on the area of the code violated
3. Write a paper on proper behavior for a particular situation
4. Attend a seminar relating to the code violated
5. View a video relating to the code violated
6. Shadow campus security, housing staff, etc.
7. Research criminal consequences of violation and write a paper on findings
8. Complete bulletin boards in campus buildings
9. Letters of apology
10. Develop an program on the violation to present to peers
11. Assign community service
12. Write a paper entitled “What It Means to be a responsible Tougaloo College Student”

DISCIPLINARY VIOLATIONS AND PENALATIES

VIOLATIONS AND PENALTIES

Tougaloo College does not establish regulations designed to cover in detail all matters of student conduct. Student conduct that is academic in nature is handled in the Division of Academic Affairs. The primary purpose of the College's policies and guidelines is to preserve and support an environment that encourages academic excellence, interpersonal growth, and development.

The following actions violates the principles and standards stated or implied herein violate the College's standards of conduct, as do attempts to commit any of the following actions. Jurisdiction over violations of the Code of Conduct includes actions on College premises, at College-sponsored events, or elsewhere when a substantial, identifiable interest of the College is concerned. These guidelines cannot specify every circumstance, but define the practices necessary for an orderly educational environment.

1. ABDUCTION AND/OR KIDNAPPING

Enticing, persuading, or forcible seizing and carrying of any student, faculty, staff, or college official from one place to another without that person's consent.

PENALTY: *Suspension; Expulsion; Civil Authority*

2. ACCESSORY

Assisting, helping, facilitating, or promoting others in violating College policies and guidelines including all assistance rendered by words (written, verbal, electronic), acts, encouragement, support, counseling, or inciting. Those found in violation of being an accessory will bear the same degree of responsibility as the person who committed the violation and may receive the same penalty as the primary perpetrator.

PENALTY: *Minimum Fine of \$100 + Probation; Suspension; Civil Authority*

3. AIDING, ABETTING, OR INCITING

Aiding, abetting, persuading, and/or procuring another person or persons to commit any act of misconduct in the college community or environment; the persuading or aiding of another person to breach the peace on college premises or at functions sponsored, approved by, or participated in by any member of the College. A gathering of groups of students on or off of the premises in such a manner which causes damage to public or private property, causes injury to persons, or interferes with the orderly functioning of the community.

PENALTY: *Minimum Fine of \$200 + Probation; Suspension; Civil Authority*

4. ALCOHOL (ALCOHOL BEVERAGES) OR INTOXICATION

The College must comply with state laws regarding the consumption, sale, purchase, and delivery of alcohol. The possession, consumption, purchase, sale, distribution, and/or appearing in public on college premises while intoxicated, or being under the influence of

alcohol or illicit drugs is strictly prohibited. This includes any disorderly conduct regardless of whether such conduct results in injury to person or property as a result of intoxication. The College will notify parent(s)/guardian(s) if the student is under the age of 21. A summary of applicable law is available.

PENALTY: *\$25-\$100 Fine + Probation; Counseling Intake Assessment; Suspension; Civil Authority*

*Student may be required to attend an alcohol education course as determined by the Dean of Students

5. **ARSON**

The willful or malicious burning or attempt to burn with or without intent to defraud a dwelling house, public building, motor vehicle, or personal property of another.

Categories of arson:

Structural: houses, townhouses, duplexes, apartments, hotels, inns, dormitories, barns, garages, warehouse stores, restaurants, offices, churches, jails, schools, monuments, or buildings under construction.

Mobile: cars, trucks, buses, motorcycles, trailers, planes, or boats.

Other: corps, timber, fences, signs, or merchandise stored outside a structure.

PENALTY: *Suspension; Expulsion; Civil Authority*

NOTE: Bonfires and cookouts must have proper authorization by the Offices of Student Activities, Public Safety, and/or Facilities and Real Property Management. Compliance with local and state fire codes will be verified by the Department of Public Safety.

6. **ASSAULT**

The attack with violence by physical means or an attack by use of verbal hostile words; an offer to do bodily harm or violence to another person; an unlawful act of violent injury to the person of another, accompanied by circumstances of aggravation, such as the use of a deadly weapon. Violation may also subject the individual to civil authority.

Categories of assault:

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Aggravated Assault: The unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury, usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Categories of aggravated assault:

Aggravate Assault with a Firearm: Firearm of any type is used or is threatened to be used, which includes revolvers, semi-automatic pistols, shotguns, zip guns, rifles, BB guns, and any other weapon that could be perceived as a firearm.

Aggravated Assault with a Knife or Cutting Instrument: Assaults wherein weapons such as knives, razors, hatchets, axes, cleavers, scissors, glass, broken bottle, and ice picks are used as a cutting or stabbing objects or when threatened to be used.

Aggravated Assault with other Dangerous Weapons: Used or threatened use of any object as a weapon in which serious injury does or could result. Weapons include mace, pepper spray, clubs, bricks, jack handles, tire irons, bottles, or other blunt objects to club or beat victims; includes explosives, acid, lye, poisoning, scalding, and burnings.

Aggravated Assault with Hands, Fists, Feet, and Teeth: Attack using personal weapons (hands, fists, feet, etc.) that result in serious or aggravated injury.

PENALTY: *Suspension; Expulsion; Civil Authority*

7. **BOMB THREAT**

Making bomb threats in any fashion is a violation of federal, state, and city statutes. Individuals found in violation of making a bomb threat will be subject to disciplinary action.

PENALTY: *Suspension; Expulsion; Civil Authority*

8. **BURGLARY**

The unlawful entry of a structure to commit a felony or a theft. Forcible entry, where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony, constitutes burglary. Entry through the use of tools; breaking or forcing windows, doors, transom or ventilators; cutting screens, walls, or roofs, and if known use of master keys, picks unauthorized keys, celluloid, a mechanical contrivance such as a pass or skeleton key, or any device that leaves no outward mark but forces a lock. Include concealment inside a building followed by exiting the structure. Also, entries by use of an unlocked door or window, which include thefts from open garages, open warehouses, open or unlocked dwellings, and open or unlocked common basement areas where entry is someone other than the lawful tenant constitutes burglary without forced entry.

PENALTY: *Suspension, Expulsion; Restitution (if applicable); Civil Authority*

9. **BULLYING/CYBER BULLYING**

Any on-going anti-social or unreasonable behavior that offends, degrades, intimidates, or humiliates a person, and has the potential to create a risk to health, safety, and wellbeing. Overt or covert bullying refers to activities that create an environment of fear through acts such as cruelty, belittlement, or degradation; public reprimand or behavior intended to punish, such as isolation and exclusion from activities; ridicule, insult, or sarcasm and trivialization of views and opinions.

Cyber-bullying is the use of cell phone or other electronic devices to send or post e-mails, text messages, or images intended to harass another person. Students and recognized organizations are cautioned that any material posted on the internet, including social networking sites and internet blogs will not be considered private or protected information. Students may be held accountable for inappropriate content posted in this manner and information obtained from such sources may be considered in cases of misconduct. This includes, but is not limited to, Instagram, Facebook, Twitter, Snapchat, LinkedIn, BlogSpot, YouTube, etc.

PENALTY: *Probation; Counseling Intake Assessment; Suspension (One Semester); Expulsion; Civil Authority*

10. CHEATING AND PLAGIARISM

Tougaloo College is devoted to the discovery and communication of knowledge. We maintain that intellectual integrity is of utmost importance and that its absence is taken very seriously.

Examinations and assignments are employed to encourage learning. Persons who are guilty of cheating or plagiarism, as defined below, will be subject to disciplinary action.

a. *Cheating*

Dishonesty of any kind with respect to examinations, course assignments, alterations of records, or illegal possession of examinations will be considered cheating.

It is the responsibility of the student not only to abstain from cheating but, in addition, to avoid the appearance of cheating and to guard against making it possible for others to cheat. Any student who helps another student to cheat is as guilty of cheating as the student he assists. The student also should do everything possible to induce respect for the assessment and examination process and for honesty in the performance of assigned tasks in or out of class.

b. *Plagiarism*

Honesty requires that any ideas or materials taken from another for either written or oral use must be fully acknowledged. Offering the work of someone else as one's own is plagiarism. The language or ideas thus taken from another may range from isolated formulas, sentences, or paragraphs, to entire articles copied from books, periodicals, speeches, or the writings of other students. The offering of materials assembled or collected by others in the form of projects or collections without acknowledgement is also considered plagiarism. Any student who fails to give credit for ideas or materials that he/she takes from another is guilty of plagiarism.

PENALTY: *Offenses that are academic in nature are handled in the Division of Academic Affairs and will be adjudicated by the Academic Integrity Committee. The*

Academic Integrity Committee follows the procedures and protocols of the College's Judiciary Council.

11. FAILURE TO COMPLY

It is important that students comply with requests from college officials. Failure to comply with any reasonable and lawful request (verbal, written, or other) of college officials acting in the performance of their official duties will result in judicial action. This includes failing to appear before any hearing board/officer as summoned without proper excuse or justification as deemed by the college judicial officer.

Disregard for Authority: Failure to comply with directions of any college official (whether the request is by mail, e-mail, telephone, or in person) when that official has identified themselves and is acting within the course and scope of their duties. Cooperation includes, but is not limited to, responding to requests for conferences on matters pertaining to the student at the college and/or presentation of college identification.

PENALTY: *Probation; Suspension of Residential Status; Suspension; Expulsion*

12. DISORDERLY CONDUCT

(Indecent, Obscene, Immoral Behavior, and/or Profanity)

Students are expected to respect themselves and others in the College community. Conduct that is disorderly, lewd, indecent, and/or portrayed on the premises of the College or at College sponsored or supervised activities will not be tolerated. An offense or annoying act that disrupts the peace and the rights of others including, but not limited to, excessive noise, noise after quiet hours, belligerent behavior towards others, argumentative, quarrelsome, confrontational, threatening remarks or gestures, horseplay, practical jokes, throwing objects, fighting/physical contact without the use of objects, or any act that may disrupt the academic or extracurricular process. Such acts include the use of profanity and foul/abusive language, obscene gestures, improper body exposures, stripping, or vulgar language to or in the vicinity of students, staff members, administrators, or faculty or visitors of the College.

Any behavior in class or out of class, which for any reason, disrupts the academic work of others, involves substantial disorder, invades the rights of others, or otherwise disrupts the regular and essential operation of the College.

PENALTY: *Minimum Fine of \$100 + Probation; Suspension (One Semester); Expulsion; Civil Authority*

13. DRESS CODE

The dress code is designed to provide appropriate guidelines so that all students may dress in a manner that is respectful of themselves and the community. Students who fail to

comply with the dress code, when advised by a College official, shall be considered in violation of the dress code and will be subject to disciplinary action.

PENALTY: *Warning; Probation; Fine*

14. DRUGS

The consumption, sale, distribution, manufacturing, purchase, passing of, or being in the presence of or the vicinity of illegal drugs, narcotics, the accessory to, or aiding and abetting of any controlled substances, are strictly prohibited from all locations of the College, and beyond the premises according to all local, state, and federal laws. Illegal drugs also include all prescription drugs without a valid medical prescription.

Improper behavior or conduct on campus that is a result of the use of illegal drugs is restricted. This means one who, having consumed or used drugs, experiences a loss of the normal use of his/ her mental and/or physical faculties.

Drug Paraphernalia

Paraphernalia is defined as all equipment, products, and materials of any kind used to facilitate planting, propagating, cultivating, growing, manufacturing, converting, processing, preparing, packaging, storing, concealing, playing with injecting, ingesting, inhaling, or otherwise introducing a controlled substance into the body. This includes being on the person or in the possession of a student on property owned or controlled by the College and/or events and activities sponsored by the College, and involves related incidents that are subject to prosecution under local, state, and federal laws.

The illegal possession of and/or use of drugs, or drug paraphernalia, includes, but is not limited to, roach clips, bongs, masks, scales, balances, sandwich bags or plastic bags and their corners, sifters, syringes, spoons, carburetor pipes, paint, pipes, using screens, water pipes, and any other equipment, products, and materials that can be directly linked to the usage of controlled substances.

Violations of manufacturing, intent to sell, or selling illicit drugs will carry a more weighted disciplinary action and will be subject to civil authorities.

Possession of Marijuana, Misdemeanor: less than 30 grams.

PENALTY: *1st Offense: Minimum Fine of \$300 + Probation (One Semester) and/or Counseling Intake Assessment; 2nd Offense: Suspension, Civil Authority; 3rd Offense: Expulsion, Civil Authority*

(Failure to comply with 1st Offense Sanction will result in further disciplinary action including probation extension, suspension from the residence hall and/or College)

Possession of Marijuana, Felony: more than 30 grams and Possession of Cocaine, Heroin, Methamphetamines, Schedule I or II is classified as a Felony

PENALTY: *1st Offense: Suspension (Academic Year); Civil Authority; 2nd Offense: Expulsion; Civil Authority*

Evidence of use of marijuana includes but is not limited to: smell, smoke, seeds, or residue. The presence of the odor of marijuana will be considered evidence that a drug violation has occurred.

Counseling Services are available to students who may have become involved in the misuse/abuse of drugs and have made a commitment to altering their pattern of chemical dependency. Education sanction may also be imposed.

15. FALSIFICATION OR FORGERY

Falsification, forgery, or misuse of College records is prohibited. Forgery of negotiable instruments (such as checks and money orders) is considered a criminal offense. Forgery of names, signatures, documents (personal, public, and/or private) will not be tolerated.

It is unacceptable and illegal for any person to:

- a. Misuse College records, forms, or documents by forgery, unauthorized alteration or reproduction, or any other means.
- b. Provide false information, either written or oral, to the College or to any administrator of the College. (Students who falsify housing and or admissions records are also subject to removal/or student conduct action.)
- c. Attempt to perpetrate a fraud against the College or the members of the community.
- d. Misrepresent information or lie.
- e. **Fraudulent Report:** Any false report which causes the commitment or summons of any emergency service or college resources.

PENALTY: *Suspension; Civil Authority*

16. FIREARMS AND DANGEROUS WEAPONS

Unauthorized or illegal possession of or use of firearms (including, but not limited to, BB guns and all other types of air or spring powered weapons, bullets), dangerous weapons (such as knives, swords, brass knuckles, and martial arts weapons) on college property is prohibited. This also includes a blank gun, or reasonable facsimile, as being a firearm and a dangerous weapon. Firecrackers or other explosives along with mace and pepper spray are also prohibited.

PENALTY: *Suspension (Academic Year); Expulsion; Civil Authority*

17. FIRE SAFETY EQUIPMENT

Fire safety equipment is provided for the safety and protection of lives and property at the College. Tampering with such equipment places lives and property in danger. The following items are considered fire safety equipment: fire alarms, fire extinguishers, smoke

detectors, fire hoses, fire hydrants, fire trucks, fire sprinklers, security vehicles, posted fire instructions, exit signs, and surveillance cameras.

Nonadherence to Safety Regulations

Infractions include, but are not limited to, the following examples:

- a. Failure to evacuate college facilities or willfully disregarding any emergency or fire alarm signal.
- b. Unauthorized or illegal possession of hazardous materials of any kind is forbidden.
- c. Unauthorized detonation of any object or substance including, but not limited to, those considered being and used as fireworks (i.e. firecrackers, sparklers, gunpowder, etc.).
- d. Unauthorized ignition of flammable materials in or surrounding college facilities.

PENALTY: Residential Student- *1st Offense – Minimum Fine of \$100 + Probation (One Semester); Suspension of Residential Status 2nd Offense – Suspension (One Semester); Subject to Civil Authority* **Commuter Student:-***1st Offense Minimum Fine of \$100 + Probation (One Semester); 2nd Offense-Suspension (One Semester) Subject to Civil Authority*

18. GAMBLING

The playing of cards or any other games of chance for money or other items of value is prohibited on college property. If the violation occurs in the residence halls, the individual(s) may be suspended from the residence halls.

PENALTY: *Minimum \$200 Fine to be paid within 30 days + Probation; Suspension (One Semester)*

19. GENDER-BASED MISCONDUCT

Any sexual act directed against another person, forcibly and/or against that person's will or not forcibly or against that person's will where the victim is incapable of giving consent.

Forcible Rape: The carnal knowledge of a person forcibly and/or against the person's will, or not forcibly or against the person's will where the victim is capable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her age).

Forcible Sodomy: The oral or anal sexual intercourse with another person, forcibly and/or against that person's will, or not forcibly or against that person's will where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault with an Object: The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcible and/or against that person's will, or not forcible or against that person's will where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will, or not forcibly or

against that person's will where the victim is incapable of giving consent because of his/her age or because of his/her mental incapacity.

Statutory Rape: The non-forcible sexual intercourse with a person who is under the age of consent.

PLEASE NOTE: *See *Gender Based Misconduct Policy for additional information*

II. Domestic Violence

A pattern of abusive behavior in any relationship that is used by one partner to gain or maintain control over another intimate partner. Many forms of abuse stated in the definition of domestic violence including:

Physical abuse can include hitting, biting, slapping, battering, shoving, punching, pulling hair, burning, cutting, pinching, etc. (any type of violent behavior inflicted on the victim). Physical abuse also includes denying someone medical treatment and forcing drug/alcohol use on someone.

Sexual abuse occurs when the abuser coerces or attempts to coerce the victim into having sexual contact or sexual behavior without the victim's consent. This often takes the form of marital rape, attacking sexual body parts, physical violence that is followed by forcing sex, sexually demeaning the victim, or even telling sexual jokes at the victim's expense.

Emotional abuse involves invalidating or deflating the victim's sense of self-worth and/or self-esteem. Emotional abuse often takes the form of constant criticism, name-calling, injuring the victim's relationship with his/her children, or interfering with the victim's abilities.

Economic abuse takes place when the abuser makes or tries to make the victim financially reliant. Economic abusers often seek to maintain total control over financial resources, withhold the victim's access to funds, or prohibit the victim from going to school or work.

Psychological abuse involves the abuser invoking fear through intimidation; threatening to physically hurt himself/herself, the victim, children, the victim's family or friends, or the pets; destruction of property; injuring the pets; isolating the victim from loved ones; and prohibiting the victim from going to school or work.

Threats to hit, injure, or use a weapon are forms of psychological abuse.

Stalking can include following the victim, spying, watching, harassing, showing up at the victim's home or work, sending gifts, collecting information, making phone calls, leaving written messages, or appearing at a person's home or workplace. These acts individually are typically legal, but any of these behaviors done continuously results in stalking a crime.

Cyberstalking refers to online action or repeated emailing that inflicts substantial emotional distress in the recipient

Dating Violence is another form of domestic violence. The Violence Against Women Act defines dating violence according to the relationship between the abuser and victim. Dating violence is committed by a person in a social, romantic, or intimate relationship with the victim. The existence of such relationship is determined using the following factors:

- The length of the relationship

- The type of relationship
- The partners frequency of interaction

PLEASE NOTE: *See Gender Based Misconduct Policy for additional information*

20. HARASSMENT

Harassment: (physical, verbal, graphic, written, or electronic) that is (1) unwelcome; (2) discriminatory on the basis of race, color, religion, sex, national origin, age disability, genetic information, sexual orientation, or veteran status; (3) directed at an individual; and (4) so severe, pervasive, and objectively offensive that a reasonable person with the same characteristics of the victim would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, opportunity, or resource. Any conduct or behavior, which threatens or endangers the health or safety of any person in the College environment also include horse playing or practical jokes.

PENALTY: *Probation; Suspension (One Semester)*

21. HAZING

Hazing is any action taken or situation created, directly or indirectly, however communicated, involving or resulting in abusive physical contact or mental harassment to a prospective member, whether on or off the College campus, designed to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such activities and situations include, but are not limited to:

- hitting, paddling, punching, pinching, or slapping;
- continuous tapping on the person, etc.;
- running laps or performing calisthenics for extended periods of time;
- eating or swallowing unpleasant substances, designed to produce nausea or a similar effect;
- alcoholic beverage consumption designed to create drunkenness, etc.;
- drug use of any kind;
- physical or psychological shock;
- engaging in public stunts;
- degrading or humiliating games and activities; and
- late work sessions whether suggested, demanded or coerced, which interfere with scholastic activities.

Any form of hazing is strictly forbidden. Hazing violations will result in the suspension of all intake activities pending an investigation by the Division of Enrollment Management and Student Services. For more detailed information, see the Student Engagement Section of the Student Handbook.

PENALTY: *Suspension (Academic Year); Expulsion*

22. LIBEL/ SLANDER

The dissemination of false statements/assertions/charges that call into question the character and reputation of another individual. Individuals have the right to file civil charges (criminal offense).

PENALTY: *Minimum Fine of \$100; Probation; Suspension*

23. LITTERING

Littering is strictly prohibited and a violation of the College policy. Littering shall include, among other things, the throwing of debris such as food wrappers, paper, cans, bottles, or other trash on the ground. No student shall intentionally dispose of refuse of any kind in or near any building except in receptacles provided for that purpose. Intentionally discarding such will be adjudicated as a violation of the College Littering Policy. Faculty, staff, or administration who witness such act should complete an Incident Report Form.

PENALTY: *10 hours of Community Service (litter pickup) + Probation; Minimum Fine of \$25.00 + Probation. Repeat offenders may be subject to additional sanctions as determined by the Dean of Students and/or designee or other relevant college department/office.*

24. OBSCENE ELECTRONIC COMMUNICATIONS

It shall be unlawful for any person to make any comment, request, suggestion or proposal by means of telecommunication or electronic communication which is obscene, lewd or lascivious with intent to abuse, threaten or harass any party to a telephone conversation, telecommunication or electronic communication; to make a telecommunication or electronic communication with intent to terrify, intimidate or harass, and threaten to inflict injury or physical harm to any person or to his property; to make a telephone call, whether or not conversation ensues, without disclosing the identity and with intent to annoy, abuse, threaten or harass any person at the called number; to make or cause the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; to make repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or knowingly to permit a computer or a telephone of any type under his control to be used for any purpose prohibited by this section.

PENALTY: *Probation; Suspension (One Semester); Civil Authority*

25. OPPOSITE SEX VISITATION VIOLATION

Students are expected to abide by the College “visitation” policy. Unauthorized presence in the residence halls or within any rooms after visitation hours is prohibited. Residential Hall lobbies are open in all residence halls for opposite sex visitation from 6:00 p.m. to 11:00 p.m. for **upper-class** students. Freshpersons may visit in lobby areas only. (See Residential Life section of the Student Handbook).

PENALTY: *1st Offense - Probation for one semester + Loss of visitation privilege of the opposite sex, 2nd Offense - Suspension of Residential Status, 3rd Offense – Suspension from the College*

26. PETS

Pets or other animals are prohibited on campus including buildings and grounds. Service animals accompanied by disabled persons are permitted on campus and in buildings. Students who, because of a disability, seek approval for an assistance animal must request a reasonable accommodation through Counseling Services. This is a formal process that requires appropriate supporting documentation. A determination is then made regarding whether it is reasonable for the animal to be on campus.

PENALTY: *1st Offense- Warning + Removal of animal(s); 2nd Offense- Probation; Suspension from Residence Hall (One Semester)*

27. ROBBERY

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Categories of robbery:

- **Robbery with a Firearm:** The use of any firearm as a weapon or employed as a means of force to threaten the victim or put the victim in fear.
- **Robbery with Knife or Cutting Instrument:** The use of a knife, broken bottle, razor, ice pick, or other cutting or stabbing instrument as a weapon or as a means of force to threatened to deprive victim of possessions.
- **Robbery with other Dangerous Weapon:** The use of a club, acid, explosive, brass knuckles, mace, pepper spray, or other dangerous weapon used or use is threatened.
- **Strong Arm:** The use of hands, fists, feet, etc. Includes muggings and similar offenses where personal weapons such as hands, arms, feet, fists, and teeth are used or use is threatened to deprive victim of possessions.

PENALTY: *Suspension, Expulsion; Restitution (if applicable); Civil Authority*

28. SEXUAL HARASSMENT

Regardless of sexual gender, personal affiliation, and/or affiliation with the college sexual harassment is defined as unwelcome and unsolicited sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct or communication with sexual overtones that the victim deems offensive. Sexual harassment includes, but is not limited to, unsolicited, deliberate, or repeated sexual flirtation, advances or propositions; verbal abuse of a sexual nature; display of sexually suggestive pictures or objects; and/or offensive or abusive physical contact of a sexual nature. Violators of this section who are found responsible as defined under the College's Title IX and Sexual Misconduct Policy are

subject to sanctions as prescribed in the Student Handbook and will also be subject to criminal prosecution.

PENALTY: *Suspension; Expulsion; Subject to Civil Authority*
(*See *Gender Based Misconduct Policy for additional information*)

29. SMOKING VIOLATION

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an “electronic smoking device”, which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

PENALTY: *1st time – Written Warning; 2nd time - Cessation Plan + \$50.00 fine; 3rd time - \$75.00 fine; 4th time - \$100.00 fine; 5th time - Referral to Cessation Counseling Program*
Any violations of this policy will be handled through the standard campus disciplinary procedures, which includes the imposition of a fine not to exceed one hundred dollars (\$100). Fines can be placed on students’ accounts and faculty and staff fines may be placed on payroll deduction at the earliest check issuance to be paid. Individuals who fail to complete the cessation plan within the timeframe.

30. STALKING

Any person who willfully, maliciously, and repeatedly follows or harasses another person, or who makes a credible threat, with the intent to place that person in reasonable fear of death or great bodily injury is guilty of the crime of stalking.

PENALTY: *Suspension; Expulsion; Subject to Civil Authority*

31. THEFT/POSSESSION OF STOLEN PROPERTY

The taking, possession, or keeping of property that belongs to the College, another student, faculty, staff, administrators, student groups, or visitors without proper authorization is prohibited. Removal of cafeteria utensils falls under this policy. Knowingly possessing property that may be identified as being stolen from the College or from any other person is a violation.

PENALTY: *Suspension + Restitution (if applicable); Expulsion + Restitution (if applicable)*

32. VANDALISM

Individuals found guilty of destroying, damaging, or defacing College property, personal property of students, administrators, faculty, staff, or property of vendors will be subject to disciplinary action.

PENALTY: *Minimum Fine of \$100, Restitution (if applicable) + Probation (One Semester); Suspension*

Note: (+) means in addition to.

Commuter students who violate policies will be subjected to fines on a case by case basis depending on the violation.

Students are expected to use their assigned Tougaloo College student e-mail account in order to receive all College correspondence, including information pertaining to student conduct violations.

Violations that are residential in nature will be sanctioned by the Department of Residential Life and forwarded to the Dean of Students. (Refer to the Residential Life section of the Student Handbook.) Repeated violations of policy by residential students will warrant suspension from the residence hall.

RANGE OF SANCTIONS AND PENALTIES

Disciplinary sanctions are intended to serve as educational reprimands rather than to unduly punish students or student organization offenders. The judicial body imposing sanctions will give due consideration to precedent and seek to ensure equitable treatment of similar offenses. However, sanctions will be determined based upon the preponderance of the evidence; therefore, students may or may not receive similar sanctions for offenses of the same or similar nature.

Sanctions imposed by the judicial body will be in full force and effect from the time of the disposition unless the student appeals the case. In such case, the sanction(s) may be held in abeyance until the appeal is resolved. A wide range of sanctions exists in order to preserve flexibility so that each student is afforded the most appropriate and just treatment by the judicial body.

The following sanctions can be imposed:

1. ***Admonishment***

An oral statement of warning to the student who has violated a College policy to refrain from any and all conduct that may result in disciplinary action.

2. ***Civil Prosecution***

Authorities are notified when a student's action violates a federal or state statute. In this instance, the violation is no longer under the jurisdiction of Tougaloo College's judicial system.

3. ***Community Service***

Student may be required to perform work assignments for the College or larger community. Service is provided by the student to a specific department for a specific amount of hours as imposed by the Dean of Students and/or the Judicial Council. The student will not receive any monetary compensation. The number of hours will range between ten (10) and forty (40) to be completed within one semester. Depending on the circumstances, the hours may be completed through the following semester. Failure to complete required community services will result in the student being placed on disciplinary hold, fined and/or suspension from the College.

4. ***Educational Sanction***

This sanction is designed to increase the student's understanding of how his/her behavior affects the community. Projects may include research assignments on a topic related to the offense, presentations, seminars, review of videos, or involvement in college programs, *book reviews, modules (online), reflective journals, etc.* Documentation of participation must be provided to the Dean of Students by the date specified. **NOTE:** Failure to comply may result in further disciplinary sanctions.

• **Seminar Workshop Participation**

Depending upon the circumstance of the violation, some students may be required to assist in developing, coordinating, and evaluating workshops related to the nature of the offense the student committed. The student may also be required to attend and participate in seminars or

workshops to enhance their knowledge and understanding of a particular topic related to the committed offense. Students are required to be prompt, attentive, and to present a well-developed essay of the activity according to the guidelines set by the Dean of Students and/or Council. **NOTE:** Failure to comply with this sanction may result in further disciplinary sanctions.

5. *Expulsion*

Expulsion is permanent dismissal from the College. It is the most severe sanction that can be imposed upon a student for a violation. The student who receives a sanction of expulsion is not eligible to apply for readmission to the College. When a student is expelled from the College, the student's relationship with the College is permanently severed. This action is recorded on the student's official college transcript. In cases where the action of a student or group of students poses a threat to the well-being of the College or if there is substantial evidence that the continued presence of the student(s) on the campus will disrupt the College, the President or his/her designee, may expel the student. The student has the right to appeal the decision to the next highest authority.

6. *Loss of Privileges/Restrictions of Privileges*

A student who receives this judicial sanction may lose campus privileges including, but not limited to visitation, vehicle use, building use, attendance at campus activities, eligibility for campus honors or awards, eligibility for holding office in registered student organizations and campus housing. A written notice will specify restrictions and time frame.

7. *Probation*

Students will receive written notice specifying the conduct violation. The probation is a specified amount of time, involving restrictions (excluded from participation in campus privileges such as student organizations, athletics or other extracurricular activities), after which College authorities will determine if the student's behavior has improved. This sanction includes the possibility of more severe disciplinary actions in the event an individual further violates college regulations within the stated probationary period. This disciplinary sanction may or may not be recorded on the permanent record of a student.

Those on probation are not allowed to represent the College in any official capacity which includes practice, wearing any type of uniform, or holding office or position in an organization or team. Essentially, there should be no question that the student is under disciplinary probation and not actively involved in the organization or team. Thus, the student should not be performing any functions that place them in a non-credit bearing leadership role or other similar role, task, function, or activity representing the organization, team, program, or Tougaloo College.

NOTE: Probationary statuses can range from one semester through one year.

8. *Prohibited Contact*

It may be necessary to prohibit any form of direct or indirect contact with a specified member of the College community. This includes phone, email, voice mail, and social media, written, through friends or any other means of communication.

9. ***Recommendation for Counseling***

In some instances, a recommendation that student(s) participate in counseling sessions may be issued by the Judicial Council or Dean of Students. The sessions will be provided by the Director of Counseling Services. The number of sessions will be determined by the counselor. Proof of session attendance must be provided. Failure to comply with this request could result in further disciplinary action.

10. ***Restitution or Fine***

Fine is a monetary payment imposed as penalty for a violation of college policy or damages of college property. Reimbursement may take the form of appropriate services, repairs or compensation for damages. All fines should be paid to the Bursar's Office. **NOTE:** Failure to pay fines by the specified date may result in an increase in the amount of the fine and/or additional sanctions. Proof of fine payment must be submitted to the Dean of Students verifying that the sanction has been satisfied. Fines can range from a minimum of \$25.00 to \$500.00 depending on the offense whereas restitution is based on actual cost.

11. ***Suspension***

Suspension means dismissal from the College for a specific time period following severe acts of violation of the student code of conduct policy or violation of a present probationary status. Student will be excluded from classes and all other privileges or activities for a period not less than one semester. The action may be recorded on the student's transcript. A student may apply for readmission. In cases where the action of a student or group of students poses a threat to the well-being of the College or if there is substantial evidence that the continued presence of the student(s) on the campus will disrupt the College, the President or his/her designee, may suspend the student(s). The student has the right to appeal the decision to the next highest authority.

A. Interim Suspension

Interim suspension is the suspension of a student, by the Dean of Students, from the College pending a scheduled disciplinary hearing depending upon the severity of the infraction. Suspensions of this type are usually temporary; however, if the student is found in violation, or fails to satisfy the requirements of the sanction imposed, the interim suspension may be changed to another sanction, including suspension from the College or expulsion.

B. Suspension of Residential Status and Forfeiture

A student suspended from the Residence Hall may not reside, visit, or make any use whatsoever of a residence hall facility or participate in any residence hall activity during the period for which a sanction is in effect. The suspended resident will forfeit his/her fees including any unused portion thereof. Prior to suspension, the resident will receive verbal and written warning(s) for infractions not rising to the level of immediacy. The Office of Residential Life has the authority to deny a student's request to live on campus due to disciplinary reasons. The action will be recorded with the Director of Residential Life. A student may apply for readmission into the residence hall after a suspension has been satisfied. The student has the right to appeal the decision to the next highest authority.

During the period of suspension, the student is not eligible or entitled to receive any College services. Students suspended from the College are required to return their Identification Card and room key, if residential. The student will not get credit for courses during the period of suspension and may not return to campus for the duration of his/her suspension, except to conduct official business with an administrative officer or faculty member, and then only with prior permission from the Provost/Vice President for Academic Affairs, Dean of Students, and/or Chief of Public Safety.

If a student returns to the campus without permission during the period of suspension, his or her eligibility to return to the College will be threatened and he/she will be subject to arrest. An administrative withdrawal will be initiated by the Division of Enrollment Management and Student Services.

When a student has been suspended, he/she has to remove his/her personal belongings from the Residence Hall as stated in the *Notice of Suspension*, the College will not be held liable for loss or damage during the packaging, transporting, or temporary storage of the student's property.

Upon completion of a fully served suspension period, a student who desires to return to the College must complete a Re-Admit Application. The Dean of Students will review the student's eligibility to return to the College.

Sanctions of suspension or expulsion carry with them a forfeiture of tuition, fees and room and board.

Suspension will be assessed for one academic year for serious offenses (felony drug amount, kidnapping, bomb threats, etc.).

APPENDIXES

JUDICIAL HEARING OPENING STATEMENT

The Tougaloo College Judicial Council has convened on this _____ day of _____ 20_____. The purpose of this Judicial Council hearing is to hear cases of violation by students of general College regulations, codes of conduct and/or violation of specific policies set by the institution.

Today, on the Tougaloo College Judicial Docket, we will hear the case of _____ vs. _____. Other Council Members who are here today will introduce themselves at this time.

PAUSE

I am _____ and I serve as the Judiciary Chairperson. At this time, I would like to remind you to speak loud and clear enough for the recording. Please state your name and student ID number for the record and we will begin the proceeding.

Would you please inform the council of your knowledge concerning the allegation of _____ on _____? Please be as truthful and accurate in your testimony as possible.

JUDICIAL HEARING CLOSING STATEMENT

As a result of the judicial hearing held on this day of _____ and based on the information and testimony presented, Name _____, the Council has found you In Violation or Not in Violation of _____ and, therefore, you have been sanctioned Sanction _____.

You will receive an official disposition from the Dean of Students of the Council's decision. Do you have any questions regarding the decision of the Council?

In the case of Suspension from the Institution

Upon receipt of the official disposition from the Dean of Students, you will have 24 hours to appeal the decision in writing to the Dean of Students based on the criteria stated in the Student Handbook.

If found not in violation

You will receive an official disposition from the Dean of Students of the Council's decision. Do you have any questions regarding the decision of the Council?

HEARING ADJOURNED.

CONFIDENTIALITY ACKNOWLEDGEMENT

As a member of the Judicial Council, I understand the purpose of the Council is to be educative by redirecting behavior and increasing student awareness of the behavioral expectations of the College community. I further understand that I may be exposed to information, documents, statements, and testimony that are considered to be **Personal** and **Confidential** and that this information cannot be falsified, copied, distributed, or communicated outside the hearing. This includes my responsibility to observe the following ethical standards:

- 1. I will not discuss the nature, status, or conduct record of any student conduct situation outside the judicial hearing.**
- 2. I will keep the vote of each member confidential.**
- 3. I know all decisions are expected to be supported by Council members, even dissenting members.**
- 4. I will not make accusations that cannot be supported.**
- 5. I will dismiss myself from a hearing if it is believed that I cannot be partial in a case.**
- 6. I will be conscious of my status as a representative of the College and avoid situations that may lessen the credibility and objectivity of the conduct system.**
- 7. I understand that should I reveal the identity or circumstances of a case before the Council, I can be held in violation of College rules and immediately be removed from the Council.**
- 8. I understand that roommates, fellow students, parents, and friends are not exempt.**
- 9. I understand that should a media representative contact me regarding Council business, I may not answer any questions or say anything other than “No Comment.”**
- 10. I understand that I must remain in good standing with the College and the Judiciary Council to maintain my position on the Council.**
- 11. I understand that failure to fulfill my responsibilities as outlined above may result in dismissal.**
- 12. I understand that this oath of confidentiality is a continuing affirmation and will remain effective for any information learned during my association with the Tougaloo College Council.**

I hereby acknowledge that I have read and understand all rules and regulations regarding the Council membership. By signing this statement, I understand the nature of the assignment, and I am aware that if found in violation of this oath, I will be removed from the Council.

Signature

Date

Dean of Students

Date

JUDICIAL COUNCIL DECISION

This form will be used for the purpose of **anonymous** voting by Judicial Council.

Student's Name:

Case #:

ID #:

Date:

This is official notification that as a result of an () Administrative Interview or a () Judiciary Council Hearing conducted, the following decision(s) has been rendered on the following charges:

1.	<input type="checkbox"/>	In Violation	<input type="checkbox"/>	Not In Violation
2.	<input type="checkbox"/>	In Violation	<input type="checkbox"/>	Not In Violation
3.	<input type="checkbox"/>	In Violation	<input type="checkbox"/>	Not In Violation