

# CONDUCT PROCESSES

The Student Conduct standards and procedures contained in the Student Handbook are applicable to all PLNU traditional undergraduate students enrolled at the main campus. Student-Athletes are advised to also consult the Student-Athlete Handbook for additional university guidelines. Standards and procedures have been established by PLNU to protect its educational purpose, to provide for the orderly conduct of its activities, to protect the victims of crime or inappropriate conduct, and to safeguard the interests of the university community. These student conduct procedures are considered part of the University's educational process and reflect its philosophy of education and evaluation. The Student Handbook is maintained by the Office of Student Life and Formation. Questions or comments regarding the Student Handbook may be directed to the Vice President for Student Life and Formation, Mary Paul, [marypaul@pointloma.edu](mailto:marypaul@pointloma.edu).

Any meetings or appeals that are conducted as part of this process are not subject to the rules of evidence or any other rules that may apply in a court of law. However, because conduct that is the subject of PLNU's student conduct process may also be a violation of law, students may be held accountable in both forums. Accordingly, student conduct under PLNU's process will generally proceed regardless of the existence of any civil or criminal proceeding.

Where student conduct incidents involve issues that may have academic consequences, PLNU's response involves coordination between the Office of Student Life and Formation and the Office of the Vice Provost for Academic Administration/relevant college or school dean to jointly develop any responses, sanctions and expectations that have direct academic implications. This partnership means that information related to the student is shared between the Office of Student Life and Formation and the designated academic administrator.

When a student's behavior violates or is inconsistent with the student conduct standards or expectations referenced in this Handbook, the university may proceed with either

1. the student conduct process listed here, and/or
2. the risk assessment process outlined in the Safety Intervention Policy if the student's behavior meets the threshold in that Policy.

While the university does not tolerate or excuse misconduct that is related to a physical or mental health condition, a student participating in the student conduct process may wish to present evidence of such a condition to explain why the conduct occurred or argue that mitigating factors exist with respect to potential sanctions. In those circumstances where medical conditions exist with behavior that violates these student conduct standards but does not meet the Safety Intervention Policy's threshold, the student may still choose to voluntarily participate in the assessment process outlined in the Safety Intervention Policy where it might be to their benefit to do so. In that case, the Student Care Group will provide a confidential summary of its assessment to the Office of Student Life and Formation at the conclusion of the risk assessment process under the Safety Intervention Policy. If the student in those cases does not voluntarily elect to participate in the risk assessment process under the Safety Intervention Policy, the university will proceed with the student conduct process.

It is desired that every PLNU student develop holistically. Point Loma Nazarene University expects all persons to be treated with respect and dignity. Students are expected to conduct themselves at all times, on- and

off-campus, in a responsible manner that reflects credit on themselves and the University in terms of morality, honor, and good citizenship, and in a manner that is consistent with PLNU's rules and regulations.

When situations arise which potentially call for student conduct actions, the University will follow its procedures to ensure a prompt, fair, and impartial investigation and resolution, which include:

- Informing students of the alleged violations of University policy;
- Offering students a fair and reasonable opportunity for explanation;
- Informing students of the outcome of the investigation;
- Providing an avenue of appeal, when appropriate.

In cases of alleged sexual discrimination including sexual harassment, sexual violence, sexual exploitation, dating violence, domestic violence or stalking, the Title IX coordinator will determine if the alleged conduct meets the threshold of Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., as updated in May 2020, the protocols outlined in the Title IX Policy will be used and can be found at [www.pointloma.edu/title-ix](http://www.pointloma.edu/title-ix) (<http://www.pointloma.edu/title-ix/>). If the Title IX Coordinator determines that it does not meet the Title IX threshold, the Student Conduct process will be used. In addition:

- The investigation and adjudication of the alleged misconduct is not an adversarial process between the complainant and the respondent and the witnesses, but rather a process for the university to comply with obligations under existing law. The complainant does not have the burden to prove, nor does the respondent have the burden to disprove, the underlying allegation or allegations of the misconduct.
- Persons responsible for conducting investigations, finding facts, and making disciplinary decisions receive annual training on issues specifically related to the above violations which includes impact of trauma, how to remain neutral and impractical and on how to conduct proceedings that protect victim safety and promote accountability.
- Student parties will be given an opportunity to identify witnesses and other evidence to assist the University in determining if a policy violation has occurred, and shall be informed that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing.
- The investigator or decision maker shall not consider the past sexual or dating history of the complainant or respondent except in limited circumstances as outlined in SB493. Before allowing the consideration of these items, the investigator or decision maker shall provide a written explanation to the parties as to why consideration is being given.
- The University will decide whether or not a hearing is necessary to determine whether any sexual violence more likely than not occurred. In making this decision, the University may consider whether the parties selected to participate in the investigation and whether each party had the opportunity to suggest questions to be asked of the other party or witnesses, or both, during the investigation.
- Both the reporting party and responding party are entitled to the same opportunities to have others present during proceedings, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.
- The University will decide whether or not a hearing is necessary to determine whether any sexual violence more likely than not occurred.
- Hearings will be conducted in accordance with the rules and procedures provided under SB493.
- Findings will be based upon a preponderance of evidence, a finding that something is "more likely than not."

- Both the reporting party and responding party will be simultaneously informed in writing of the outcome of the proceedings, the procedures to appeal the results, any subsequent change to the results before they become final, and when such results become final.

At any time, the University may impose such penalties as it concludes are appropriate, ranging from warning to expulsion. Additionally, the University reserves the right to deny re-enrollment to any student if such action is deemed to be in the best interests of the University or the student.

## Victim Disclosure Policy

The University will disclose in writing to the reporting party of sexual discrimination including sexual harassment, sexual violence, sexual exploitation, dating violence, domestic violence, or stalking the outcome of any proceedings conducted by the University against the student who is the reporting party of the crime or offense, as well as the procedures to appeal the results, any subsequent change to the results before they become final, and when such results become final. In cases of an alleged violent crime other than sexual assault, dating violence, domestic violence or stalking, the University will disclose the outcome to the reporting party upon written request. If the reporting party is deceased as a result of the crime or offense, the University will provide the results to the victim's next of kin, if so requested.

## Student Conduct Appeals

The following appeal processes are available to students who wish to appeal a decision of PLNU's conduct process and may initiate such an appeal through the Student Conduct Appeal Process. In order to be considered, appeals must be written by the student, submitted in a timely manner (see timeline for appeals below), and must include all information, documentation and supporting statements. (For Academic Honesty issues reference Academic Appeals ([https://catalog.pointloma.edu/content.php?catoid=41&navoid=2435#Academic\\_Honesty](https://catalog.pointloma.edu/content.php?catoid=41&navoid=2435#Academic_Honesty))).

### Process for Appeals

Students may appeal once, to one level higher than the body responsible for the challenged decision. Any such decision on appeal is binding.

#### Appeal of Student Conduct Decisions

Appeals of decisions initially made by the Residential Hall Director are with the Dean of Students or designee. Appeals of decisions initially made by the Dean of Students are with the Vice President for Student Life and Formation or designee. The final appeal for students suspended or expelled from the university is with the Vice President for Student Life and Formation or designee.

In order to appeal a discipline-related decision, a student must file the appeal in writing with the appropriate person/committee within the timeline designated below.

Appeals must be based on at least one of the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the student conduct process (e.g., substantiated bias, material deviation from established policy or procedures).
- The discovery of new evidence which is demonstrated to have been unknown or unavailable after reasonable diligence during the underlying student conduct process, that could substantially impact the original finding or consequence. A summary of this new evidence,

explanation of how and why it was unknown or unavailable before, and its potential impact must be included in the appeal.

The written letter of appeal must specifically address at least one of the grounds for appeal noted above.

The written letter of appeal must be submitted to the Dean of Students or Vice President for Student Life and Formation or designee no later than two (2) school days after notice of the decision.

An appeal must include a letter of appeal and an in-person meeting or electronic (e.g. phone, Facetime, Skype, Zoom) meeting. The letter of appeal must be submitted to the Dean of Students within two (2) school days after notice of decision and at least 24 hours prior to the appeal meeting. All appeals must be written and include copies of all documentation, information, and written support statements to be considered in the appeal.

Failure to appear at the appeal meeting will result in immediate dismissal of the appeal. In these cases, the student must show good cause to have the appeal reinstated.

### Ombudsman - Student Advocacy

A student may request the assistance of a University ombudsperson to assist and advise them while they are involved in the discipline or appeals process. The role of a University ombudsperson is to listen to a student's concerns and serve as a student resource throughout the discipline or appeal process. An ombudsperson provides a safe place for students to discuss issues. They can explain campus policies, procedures, rules, and processes. They are able to review drafts of letters and/or appeal documents for clarification and effectiveness. They are not able to give legal advice. Such a request may be directed to the Vice President of Student Life and Formation, Dr. Mary Paul.

### Traffic Review Board

Traffic Review Board: Composed of students, faculty and staff, including a representative from Department of Public Safety, this committee reviews appeals of university traffic and parking citations issued by the Department of Public Safety, and responds to significant violations of the University Vehicle Code, including violations of the Freshman Vehicle Policy and Maximum Citation Policy.

### Academic and Other Appeals (include but not limited to the following)

- Academic Honesty Appeal ([https://catalog.pointloma.edu/content.php?catoid=41&navoid=2435#Academic\\_Honesty](https://catalog.pointloma.edu/content.php?catoid=41&navoid=2435#Academic_Honesty))
- Attendance Appeal ([https://catalog.pointloma.edu/content.php?catoid=41&navoid=2435#Class\\_Attendance](https://catalog.pointloma.edu/content.php?catoid=41&navoid=2435#Class_Attendance))
- Course Grade Appeal ([https://catalog.pointloma.edu/content.php?catoid=41&navoid=2435#Course\\_Grade\\_Appeal](https://catalog.pointloma.edu/content.php?catoid=41&navoid=2435#Course_Grade_Appeal))
- Curricular Exceptions ([https://catalog.pointloma.edu/content.php?catoid=41&navoid=2435#Registration\\_Limitations](https://catalog.pointloma.edu/content.php?catoid=41&navoid=2435#Registration_Limitations))
- Federal Non-Discrimination Appeal ([https://catalog.pointloma.edu/content.php?catoid=28&navoid=1761#Notice\\_of\\_Non-Discrimination](https://catalog.pointloma.edu/content.php?catoid=28&navoid=1761#Notice_of_Non-Discrimination))
- Financial Aid Appeals ([https://catalog.pointloma.edu/content.php?catoid=41&navoid=2432#Financial\\_Aid](https://catalog.pointloma.edu/content.php?catoid=41&navoid=2432#Financial_Aid))
- Traffic Appeals (<https://www.pointloma.edu/offices/public-safety/parking-driving/>)

The University reserves the right to refer any violation to appropriate law enforcement.