



Dean of Students Office

Student Code of Conduct

2018-2019

STUDENT CODE OF CONDUCT

The Wesley College community strives to realize a holistic campus environment of common purpose, caring, tolerance, inclusiveness, responsibility, and service that is the heart of the community. The Student Code of Conduct outlined in this Handbook provides a framework for student behavior and responsibility. Once a student is accepted to Wesley College through the Admissions process, they are considered a “student,” and are subject to the Student Code of Conduct and all Wesley Policies and Procedures. This includes all students on the main campus, as well as students enrolled at Dover Air Force Base (DAFB).

All of the policies in this handbook are subject to change and students should consult the website for the latest policies. These regulations are designed to give students general notice of prohibited conduct and should be read and interpreted broadly, as they are not designed to define the misconduct in exhaustive terms. Each student is expected to be fully aware of the Student Code of Conduct and all published policies, rules, and regulations.

All students are expected and required to obey the law, to comply with the policies of Wesley College and with directives issued by an administrative official in the course of his or her authorized duties. Students are responsible for complying with the Student Code of Conduct and for representing the College in a positive manner. This expectation includes off campus conduct that is likely to have an adverse effect on the College or on the educational process. The Student Code of Conduct shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending. The Wesley College campus is located within the jurisdiction of the Dover Police Department and the Delaware State Police. Students are encouraged to utilize police services when necessary. The College will cooperate with law enforcement agencies in the conduct of their jobs and will not in any way interfere or impede their efforts. **It is a violation of the Student Code of Conduct if a student fails to report immediately any serious health or safety risk to the Dover Police, Wesley Security, the Dean of Students Office, or other appropriate college personnel.**

Students may be held accountable to local, state, or federal authorities and to the College for acts that constitute violations of federal, state, and/or local laws and College policy. If a student is charged by federal, state or local authorities with a violation of law, the College will not request or agree to special consideration for the individual because of his or her status as a student. Disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Student Code of Conduct without regard to pending civil or criminal litigation in court or criminal arrest and prosecution.

Students, as individuals, and collectively, as members of student groups or organizations, are responsible for complying with the established Student Code of Conduct. The officers or leaders of a student group or organization may be directed to take appropriate action designed to prevent or end violations by the group or organization, or by any persons associated with the group or organization, who can reasonably be said to be acting on behalf of the group or organization. Failure to make reasonable efforts to comply with such a directive will be considered a violation in itself, both by the officers, leaders or organization, and by the group or organization itself.

Purpose

While members of this community contribute a diverse mix of ideas and backgrounds, we hold in

common those Codes of Conduct that exemplify personal integrity and ethical behavior and which advance the mission of the College, its traditions and values. The Student Code of Conduct represents both the rights and responsibilities of individual members of the Wesley community and the good of the community, and make it possible for a diverse student body to live, interact and learn together.

Purpose of Wesley's Student Code of Conduct:

1. The Student Code of Conduct helps to motivate good behavior, enhance respect for individual differences and emphasize a commitment to the overall positive welfare of the community.
2. The Student Code of Conduct represents limits and describes examples of behaviors that are unacceptable conduct of students at Wesley College and their guests.
3. The Student Code of Conduct assists students in learning how to assume public responsibilities beyond the campus and in society.

Students may be charged with violations of the Student Code of Conduct by any faculty or staff member, including Resident Assistants, Area Coordinators or Public Safety. Specific examples of misconduct for which students may be subject to disciplinary action include, but are not limited to, the following:

1.0 – ACADEMIC HONESTY

Wesley students observe the highest principles of academic integrity and support a campus environment conducive to scholarship. Wesley College expects that all students will act in a manner that reflects personal and intellectual honesty. See the Undergraduate Catalog for specific policies and procedures.

2.0 – ALCOHOL VIOLATIONS

Possession or consumption of any alcoholic beverage by persons under the age of 21 is prohibited. Students and student organizations must comply with the published regulations, and any and all applicable laws, concerning the transport, display, provision, possession, and consumption of beer, wine, and other alcoholic beverages. Other examples of violations of this policy include but are not limited to:

- Possessing and/or using, without authorization according to College policy, alcoholic beverages
- Possessing or use of alcoholic beverages in prohibited areas of the College except in a residence hall room occupied by residents and guests legally permitted to consume such beverages, with the door closed. Every individual in the room or apartment must be of legal age
 - Underage students found in the presence of alcohol may request a Breathalyzer test, issued by Public Safety, if they were not participating in consumption of alcohol. Students whose Breathalyzer tests confirm there was no consumption (a reading of 0.00) may face the lesser charge of Failure to Comply (#10.0), for being in the presence of alcohol underage
- UNDERAGE use, possession, or consumption of alcoholic beverages
- Providing or serving alcohol to minors (less than 21) is prohibited including being in the same room as a minor with alcohol present
- The use of alcohol by any person residing in the room if a resident is under the age of 21
- A student who is legally permitted to consume alcoholic beverages, having more than six

(6) individuals, also of legal age, present in their room or apartment when alcohol is being consumed

- Possessing kegs of beer, or other large volume containers, that enable consumption of excessive amounts of alcohol, and related paraphernalia, that are prohibited
- Possessing or using any apparatus, including but not limited to beer pong tables and beer funnels, used to facilitate 1) the rapid consumption of alcohol or 2) drinking games
- Students of legal age are permitted to bring alcohol into the residence halls in reasonable quantities for their own use. “Reasonable quantities” is defined as not to exceed one 750 ml(a fifth) bottle of liquor, one 1.5 liter bottle of wine per person, six cans/bottles of beer, or wine coolers per person of legal age, although not to exceed 24 cans/bottles of beer or wine coolers total, two bottles(combination) of liquor, and/or wine in the room. For example, you could have one of these combinations:
 - 2 bottles of Liquor
 - 2 bottles of wine
 - 1 bottle of liquor and 1 bottle of wine.
- Presence in an area where alcoholic beverages are present
- Possession or consumption of alcohol at any College function or activity
- Misconduct of any form as a result of intoxication on campus or at College sponsored activities while under the influence of any amount of alcohol or illegal drug
- Public Intoxication
- Possession of open containers of alcohol
- Driving Under the Influence of Alcohol/Driving While Intoxicated

The amnesty provision set forth in the College’s Title IX Sexual Misconduct Policy may be invoked where the terms of that provision are satisfied.

3.0 – DRUGS AND/OR DRUG PARAPHERNALIA

Illegal possession, use, sale, or distribution of any quantity, whether usable or not, of any drug, narcotic, or controlled substance and/or paraphernalia, is prohibited. Students found present where drugs are being used illegally, whether participating or not, may also be in violation of this policy. The amnesty provision set forth in the College’s Title IX Sexual Misconduct Policy may be invoked where the terms of that provision are satisfied.

4.0 – HAZING POLICY

Engaging in hazing or voluntarily submitting to hazing, including an initiation by an organization that involves any dangerous, harmful, or degrading act to a student is prohibited. Violation of this policy renders the student(s) involved and the organization subject to discipline. The Wesley College Anti-Hazing Policy is in direct compliance with the State of Delaware Anti-hazing Law, and forbids individual students or student organizations from participating in acts of hazing. “Hazing” is defined as: any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student, or which willfully destroys or removes public or private property for the purpose of initiation or admission into an affiliation with, or as a condition for continued membership in, any organization operating under the sanction of, or recognized as an organization by an institution of higher learning (For more information about the Anti-Hazing Policy, please see the Student Organization Manual).

5.0 – HARASSMENT/COMMITMENT TO CIVILITY

Wesley students respect the health, safety, welfare and rights of all persons. Wesley College expects that all students will act in a civil manner that reflects maturity, social responsibility, and respect towards others and the Wesley Community. Violations include but are not limited to:

- Acts of Intolerance/Intimidation – verbal, physical, written, or electronic acts of intimidation and/or harassment aimed towards any person or group on the basis of race, sexual orientation, religion, disability, national origin, or gender is prohibited
- Threats made – in person, by telephone, electronically, in writing or by other means, against any person
- Making racial or ethnic slurs; making slurs against another’s sexual orientation or religion
- The use of social networking websites to harass, stalk, threaten, or in any way intimidate another student
- Violating the College’s Title IX Sexual Misconduct Policy, including that Policy’s prohibition against harassment.

6.0 – HARM TO PERSONS

Actions which result in physical harm, have the potential for physically harming another person, which create conditions that pose a risk of physical harm to another, or which cause reasonable apprehension of physical harm are prohibited. Conduct which threatens to cause harm to persons, or creates hazardous conditions for persons, such as dropping, throwing, or causing objects or substances to fall from windows, doors, ledges, balconies or roofs is also prohibited. Violations include but are not limited to:

- Fighting
- Inciting fights, assaults, acts of sexual violence, abuse, or threats
- Language that is designed, or has the impact of inciting others to violate this policy
- Endangering the health or safety of other persons, including, by way of example, unauthorized throwing of any objects in or from College facilities
- Violations of the College’s Title IX Sexual Misconduct Policy

7.0 – DISRUPTIVE ACTIVITY

Disruptive activities or disorderly conduct at a campus activity or on College-owned or controlled property or at a College-sponsored or supervised function which inhibits or interferes with the educational responsibility of the College community or the College’s social/educational activities are prohibited. Violations include but are not limited to:

- Using abusive, indecent, profane, or vulgar language
- Disorderly classroom conduct that obstructs, interferes with, inhibits and/or disrupts teaching and/or classroom activities
- Participating in an on-campus or off-campus demonstration or activity that disrupts the normal operation of the College or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area

- Obstructing the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised events

8.0 – VANDALISM AND/OR ABUSE/MISUSE OF PROPERTY

Wesley students respect the property of others, and the property, facilities, and resources of the College. Wesley College expects that its students will treat the property of Wesley College and the property of others with the same respect that they would ask others to show to them. Violations include but are not limited to:

- Destroying, defacing, damaging, or misusing of private or College property (including misuse of fire or life-safety equipment or property) or property belonging to another
- Making false alarms or reports where the person knowingly initiates, communicates, or circulates a report of present, past, or future bombing, fire, offense, or other emergency that s/he knows is false or baseless and that would ordinarily cause action by an official or volunteer agency organized to deal with emergencies; or prevent or interrupt the occupation of a building, room or aircraft, automobile, or other mode of conveyance

9.0 – THEFT

Stealing property from Wesley College, another student(s), or any member or guest of the Wesley College community is strictly prohibited. Violations include, but are not limited to:

- Stealing, or unlawfully taking possession of someone else's personal property without prior permission or consent
- Attempted theft of another individual's personal belongings or property, or that of the college
- Unlawfully entering another student's residence hall room, with the intent to burglarize the room
- Entering a college facility or area, and removing property that belongs to the college or an individual without their prior knowledge or consent
- Unlawfully removing items from the college dining facilities, convenience stores, bookstore, kiosk, or vending operation
- Assisting or being an accessory to a theft or attempted theft
- Having knowledge of, or observing a theft occur and not reporting it; or withholding information relevant to an investigation
- Attempting to sell back textbooks to the bookstore that do not belong to the seller

10.0 – FAILURE TO COMPLY/WILLFUL OBSTRUCTION

Failure to comply with the direction of a College official (Residence Life staff included) or Law Enforcement Officer; harassing the aforementioned persons acting in the performance of his/her duties; failure to identify oneself to College staff; or failure to heed an official summons to the office of a College official within the designated time. Violations include but are not limited to:

- Failure to provide a valid Wesley ID card, or other valid identification upon the request of any Wesley College official, employee, or student affairs student staff member
- Failure to report immediately any serious health or safety risk to the Dover Police, Wesley Security, the Dean of Students Office, or other appropriate college personnel
- Failure to make a reasonable, positive effort to remove themselves from the environment where

these standards are being violated

- Giving false testimony or other evidence at a campus disciplinary or other administrative proceeding
- Failure to appear for a scheduled judicial conference, administrative Hearing or Conduct Board Hearing

11.0 – COMPUTER AND NETWORK USE POLICY

Violating College's policies governing computing resources as outlined in the College's *Computer and Network Use Policy* and its *Electronic Information Publication Policy*, available from Information Technology. Violations of these policies may be grounds for disciplinary action and/or prosecution as permitted under local, state and federal laws. Misuse of College information systems is prohibited. Violations include but are not limited to:

- Using a computer account that belongs to another individual
- Modifying, copying, or deleting programs or data without proper authorization
- Using College resources for commercial purposes and/or for personal profit
- Circumventing logon or other security measures
- Modifying system facilities or attempting to disrupt Wesley College computing systems
- Using information systems for any illegal or unauthorized purpose
- Using network resources to send or publish abusive, obscene, or harassing communications
- Making, acquiring, or using unauthorized copies of computer software
- Denying or interfering with computing service to other users in any way, which may include propagating chain letters, spamming (spreading e-mail or postings widely and without good reasons), or bombing (flooding an individual, group, or system with numerous or large e-mail messages)
- Using the College computer system in a way that suggests Wesley's endorsement of any political candidate or ballot initiative
- Playing sounds or messages which could create an atmosphere of discomfort or harassment of others
- Sending forged e-mail, using re-mailers or any shielded identity programs
- Using electronic communications to fabricate research data
- Creating, launching, distributing, or maintaining computer viruses, worms, destructive or other rogue programs, including the unintended participation in such activity by not providing an Antivirus program which can be updated daily (a requirement for network access).
- Reading other users' information or files without permission
- Using electronic communications to steal another person's works, or otherwise misrepresent one's own work
- Engaging in academic dishonesty as defined in the College's Academic Plagiarism and Dishonesty Policy
- Cracking or guessing and applying the ID or password of another user
- Downloading or posting illegal, proprietary, or damaging material to a College computer
- Removing or modifying any College-owned or administered computer equipment or data
- Using systems in violation of criminal or civil law at the federal, state, or local levels

(examples include receiving, transmitting, possessing child pornography; making bomb threats; promoting a pyramid scheme; distributing illegal obscenity; infringing copyrights, and so on)

- P2P downloading or sharing programs are not permitted on campus. This includes the use of Limewire, Ares, Torrents, etc. Use of any P2P programs in any manner, may result in network access being revoked which will require the equipment be brought to the Information Systems Department. The use of iTunes and other legal websites is permitted.
- Creating a network disruption, which provides or takes an unfair portion of network resources to or from others, may also result in network access being revoked.
- Using electronic or other devices to make an audio or video record of any person while on College premises without his/her knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom
- Violating the College's Title IX Sexual Misconduct Policy

12.0 – POSSESSION OF WEAPONS

Using or possessing ammunition, firearms or items that resemble Firearms (Including paintball guns), illegal knives (knives with blades longer than five and one-half inches, hand instruments designed to cut or stab another by being thrown, stilettos, poniards, Bowie knives, swords, and/or spears), or other illegal weapons on College property. Violations include but are not limited to:

- Guns
- Paintball Guns
- BB Guns
- Pellet Guns
- Potato Guns
- Pocket Knives (blades no longer than 5 and one half inch)
- Medieval/Collector Swords/Knives

13.0 – GENERAL LAWS

Students or student organizations involved in violations of any federal, state, or local laws may be subject to disciplinary action. Disciplinary action imposed by the College may precede and/or be in addition to any penalty imposed by an off-campus authority.

14.0 – POSTING AND ADVERTISING POLICY

Wesley College prohibits posting and advertisements that are not sponsored by an office, organization, or employee of the College community. All postings and advertisements not sponsored by the College, or not identifying the sponsoring party, will be removed and discarded. Posted materials may not violate the Mission of the College. Wesley College prohibits the distribution, publication, posting, or announcement of advertisements on its campus which promote the sale or consumption of beverage alcohol or which promote businesses whose principle enterprise is the sale of beverage alcohol (i.e., liquor stores, cocktail lounges, bars, nightclubs, and taverns).

Some student organizations will be given the privilege of having and using an organizational bulletin board depending on available space. Violations include but are not limited to:

- Any materials posted on campus that violate the posting policy or are out of assigned posting areas will be removed
- Only registered Wesley College organizations and students selling individual goods (i.e. books, furniture, etc.) may post on campus
- Due to limited space, posting is not permitted for any organization not affiliated with Wesley College unless approved by the President's Office
- Posted material presented may not be of an offensive nature (sexist, racist, obscene, libelous, slanderous, etc.)
- Posted material must have Wesley College, the name of the sponsoring person, organization, or department, and the date on the poster
- Materials may NOT be placed on painted surfaces or any glass windows/doors (including wood and/or plaster finishes)
- No duct tape, masking tape, or strapping tape may be used to adhere posting materials in any area on campus
- Flyers, posters, banners, etc. may be posted for no more than two weeks and must be removed the day after the event
- Posting is not permitted on trees, benches, trash cans, rocks, telephones, banisters, or campus exteriors
- Thumb tacks and staples are to be used only where appropriate
- A drawing of sidewalk chalking must be approved by the Director of Campus Life prior to chalking
- Chalking must be 10 feet from the entrance to a building and may not be done on steps
- Chalking may only be posted for a maximum of five days
- Chalking must be removed by the day after the event date posted
- Banners, sheets, etc. must also be approved for positioning by the Director of Campus Life and will be approved only for campus-wide events and in specific areas
- Failure to follow these standards will result in the following sanctions: 1st Offense – Written warning from Student Activities Office; 2nd Offense – posting probationary period; 3rd Offense – Revocation of posting privileges for the semester.

15.0 – SEXUAL MISCONDUCT

Sexual misconduct in any form is never acceptable. Students are responsible to know and adhere to the College's Title IX Sexual Misconduct Policy, which is available at <http://wesley.edu/about/title-ix-information>.

ADDITIONAL EXAMPLES OF PROHIBITED CONDUCT:

16. Unauthorized possession, ignition, or detonation of any explosive device, fireworks, liquid, or object that is flammable or which could cause damage by fire or explosion to persons or property on College property.
17. Forging, altering, or misusing College documents, forms, records, or identification cards, or issuance of a check to the College or its contractors without sufficient funds.
18. Gambling or playing cards for money stakes.
19. Littering.
20. Residence Hall Violations include, but are not limited to, quiet hours violations, guest policy violations, prohibited items, failure to exit during a fire alarm, and exiting through emergency

exits when no evacuation emergency exists.

21. Smoking/Vaping and/or the use of any tobacco products, including e-cigarettes, are not allowed in any campus building. Smoking is allowed only outside of the facilities where concrete smoking receptacles are available.
22. Violating the off campus travel policy for groups traveling away from the campus, on a College sponsored trip. The policy and guidelines are provided in the Student Organizational Manual. Forms for off campus sponsored travel are available in the Student Activities Office, Student Life Office, and the Safety and Security Office.
23. Public Urination or lewd or indecent conduct.
24. Entering or using College buildings, facilities, equipment, or resources, or possession or use of College keys for unauthorized purposes.
25. Loitering: Due to fire safety concerns and for the personal safety of students, loitering is not permitted in front of any residence hall. Any student who stands, and/or sits idle in a group on the steps, sidewalk, or stands or congregates with others in front of a residence hall will be considered loitering. Any student who violates this policy and/or refuses to move when requested by Wesley College Security or Residence Life staff (ACs; RAs) will be assessed financially for #10.0 – Failure to Comply.

GOOD SAMARITAN POLICY

The health and safety of our students is of the highest priority. At times students may need immediate medical or other professional assistance. However, students may be reluctant to get help because of concerns that their own behavior may be a violation of the Student Code of Conduct. To minimize any hesitation students or student organizations may have in obtaining help due to these concerns Wesley College has enacted the following “Good Samaritan” provision.

Although policy violations cannot be overlooked, Wesley College will consider the positive impact of reporting an incident when determining the appropriate response for policy violations. In such cases, any possible negative consequences for the reporter(s) of the problem should be evaluated against the possible negative consequences for the student(s) who needed assistance. At a minimum, students or student organizations should make an anonymous report that would put the student in need in touch with emergency care providers (Police, EMS, etc.). For example, this policy would apply in a situation where a student is reluctant to call an ambulance when a friend becomes unconscious following excessive consumption of alcohol because the reporting student is under the age of 21 and was also consuming alcohol.

The amnesty provision in the College’s Title IX Sexual Misconduct Policy will apply where the terms of that provision are satisfied.

PROCEDURES FOR STUDENT CONDUCT ADMINISTRATION

Conduct that is alleged to violate the College’s Title IX Sexual Misconduct Policy will be handled in accordance with that Policy. For all other violations, the Dean of Students or designee shall have primary authority and responsibility for the administration of student discipline at Wesley College and for investigating allegations that a student has violated College rules and regulations, or specific orders and instructions issued by an administrative official of the College.

Any member of the College community may file a complaint against a student for violations of the Student Code of Conduct. The report shall be prepared in writing and submitted to the Director of Public Safety or to the Student Affairs office. Any complaint should be submitted as soon as possible after the incident takes place, preferably within two business days. If a conduct complaint has been filed against a student, it is that student's responsibility to report to security to complete a witness statement for the record.

Process Overview

Any violations of the Wesley College Student Code of Conduct must be reported through an incident report. The report may come from a campus Public Safety Officer, a Residence Life staff member, Law Enforcement Officer, Wesley College student, or any other member of the Wesley College or local community. For instances of sexual misconduct, the incident should be reported in accordance with the College's Title IX Sexual Misconduct Policy.

Standard of Proof

The Conduct process at Wesley College, like many colleges and universities, operates based on a "preponderance of evidence" as the "standard of proof." A preponderance of evidence is described as enough evidence to make it more likely than not that the accused student has violated the Student Code of Conduct.

Educational Conference

Once an incident or violation of the Student Code of Conduct has been reported, the first step will be an Educational Conference. Educational Conferences are held by trained Conduct Hearing Officers, which may be an Area Coordinator, Student Life staff member, administrator, or faculty member. The Assistant Dean of Students/Director of Residence Life, or a designee, will assign each accused student a Conduct Officer for their Educational Conference. Parents are not permitted to attend Educational Conferences with students.

During the Educational Conference, the accused student(s) and the conduct officer will meet to informally discuss the incident, and the student(s) will be given the opportunity to explain his/her version of events. In the event that the conduct officer determines that a policy has NOT been violated, then the case and any related conduct charges may be dismissed. If the conduct officer maintains that a policy has been violated, the accused student(s) will be given two options: The first option is to accept responsibility for violating the policy; thus, waiving the right to a formal Conduct Board Hearing, and having the conduct officer issue the student(s) his/her sanctions (outcome). When this occurs, the case is considered RESOLVED at the conclusion of the Educational Conference.

Students may NOT appeal the outcome of an Educational Conference, since the student is essentially taking responsibility for violating the Code of Conduct, and they are waiving their right to a formal conduct hearing. Additionally, at an Educational Conference, the student is either informed of the exact disciplinary sanctions being imposed, or at a minimum, they will be given a range of possible sanctions being considered, before the student is required to accept responsibility or request a formal conduct hearing.

Students are responsible for checking their Wesley email accounts for information about their Educational Conference. If a student does not attend the scheduled Educational Conference and does not contact the Hearing Officer, the case will be heard in absentia, without the student's input. Students who do not feel as though they have violated the Student Code of Conduct, have a second option, which is to request a formal Conduct Board Hearing. All students have a right

to a fair and objective Conduct Board Hearing.

Conduct Board Hearings

A Conduct Board Hearing will occur when the accused student(s) does not feel he/she is responsible for violating the Student Code of Conduct.

Conduct Boards

Conduct Board Hearing Officers are thoroughly trained faculty members, staff members, and students. Students who wish to serve on the conduct board, may apply through the *Student Affairs Office*. In order for a student to be selected, they must have a clean student conduct record, and may not be on any disciplinary probation status. Students must also be in good academic standing, with a minimum 2.50 cumulative Grade Point Average. Eligible students will be interviewed by the Assistant Dean of Students/Director of Residence Life, or a designee, and members of the Student Affairs staff. There will be a pool of trained faculty, staff, and student conduct board members. Student Board Members may not serve on Title IX Sexual Misconduct cases; such cases will be handled in accordance with the College's Title IX Sexual Misconduct Policy.

Each Conduct Board for individual incidents or cases will consist of three (3) Conduct Board Hearing Officers. A Conduct Board may consist of the following compositions:

- Two Faculty or Staff members and one Student member
- Three Faculty or Staff members

The student may indicate if they wish to have a "Full Conduct Board Hearing," or a "Sanction Only" Conduct Board Hearing. In the case of full Conduct Board Hearings, the board will determine if the accused student has violated any policy or policies. If the board finds the accused student responsible for violating one or more policy, they will also determine the appropriate disciplinary sanctioning (outcome). A student may opt for a "Sanction Only" Conduct Board Hearing, when their responsibility for the violation has already been acknowledged (for example, they have already accepted responsibility for the violation); however, they do not wish to accept the sanctions being offered at the Educational Conference. In these cases, it is the Conduct Board's task to determine the appropriate disciplinary sanctioning.

Every effort will be made to ensure that each accused student is given a fair and objective Conduct Hearing. Part of this will be making sure that there are no conflicts of interest between a board member and an accused student (i.e. the accused student's academic advisor being on the board, accused student having a personal friendship with any board member, including the student member, etc.). Board members are trained to excuse themselves if there is a significant conflict of interest. Should the accused student feel a conflict of interest may exist, they should immediately bring this to the attention of the Assistant Dean of Students/Director of Residence Life or Dean of Students, upon receipt of the hearing notice.

PROCEDURES

The following procedures will be followed in any case other than alleged violations of the College's Title IX Sexual Misconduct Policy, where the case results in a hearing before the Conduct Hearing Board ("Board"). Alleged violations of the College's Title IX Sexual Misconduct Policy will be handled in accordance with the procedures set forth in that Policy. College Disciplinary Hearings are not legal proceedings.

1. Participants will include the non-voting hearing officiate, three members of the panel, the investigator(s) or designee who conducted the investigation on the grievance, the party bringing an investigation and responding party (ies) (or three organizational representatives in a case where an organization is charged), advisors to the parties and any called witnesses. The hearing official will exchange the names of witnesses the College intends to call, all pertinent documentary evidence and any written findings from the investigators between the parties at least 24 hours prior to the hearing. In addition, the parties will be given a list of the names of each of the hearing panel members at least 24 hours in advance of the hearing. Should either (any) party object to any panelist, he/she must raise all objections, in writing, to the hearing official immediately. Panel members will only be unseated if the hearing official concludes that their bias precludes an impartial hearing of the grievance. Additionally, any panelist or hearing official who feels he/she cannot make an objective determination must recuse himself or herself from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.
2. The hearing official, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) during the hearing. All testimonies summarized by the investigator if the witness is not present must be documented and signed by the said witness. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. If alternative questioning mechanisms are desired (screens, Skype, questions directed through the hearing official, etc.), the parties should request them from the hearing official at least 24 hours prior to the hearing. If an accused student elects not to appear, the Board will reach its decision on the basis of information available at the Hearing.
3. Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first, and be subject to questioning by the parties and the hearing panel. The investigator(s) will be present during the entire hearing process, but will only be present during deliberations at the request of the hearing official. The findings of the investigation are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to determine sanctions/responsive actions. Once the investigator(s) is/are questioned, the hearing panel will permit questioning of and by the parties. Questions may be directed through the panel at the discretion of the hearing official.
4. Formal rules of evidence will not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern evidence. The hearing official will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility. The hearing official will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to

questions on his/her own behalf. Unless the hearing official determines it is relevant and appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they show a pattern, or (2) the sexual history of or the character of the victim/party bringing a grievance.

5. There will be no observers in the hearing. The hearing official may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the panel or the parties involved. The panel does not hear from character witnesses, but will accept up to two letters supporting the character of the individuals involved. Both the responding party and the party bringing the investigation are permitted one advisor or support person of their choosing. This person's name must be provided to the hearing officiate at least 24 hours in advance. The advisor's role in the hearing is limited. He or she may write notes or communicate quietly with the student they are advising. The advisor is not permitted to directly address the members of the hearing board or any witnesses. The advisor may not offer any testimony to the board. If an advisor does not follow these expectations, he or she may be asked to leave.
6. In hearings involving more than one accused individual or in which two parties bringing an investigation have accused the same individual of substantially similar conduct, the standard procedure will be to hear the investigations jointly; however, the Dean of Students or designee may permit the hearing pertinent to each responding party to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding party.
7. Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to Wesley College consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.
8. Hearings are recorded for purposes of review in the event of an appeal. Hearing panel members, the parties and/or the persons who initiated the action, and appropriate administrative officers of Wesley College will be allowed to listen to the recording in a location determined by the Dean of Students or designee. No person will be given or be allowed to make a copy of the recording without permission. Persons given access to the recording will be required to sign an agreement confirming that they will protect the confidentiality of the information contained in the recording.

Decisions

1. The Hearing Panel will deliberate in closed session to determine whether the responding party is responsible or not responsible for the violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the accused individual committed each alleged violation). If an individual responding party or organization is found responsible by a majority of the panel, the

panel will recommend appropriate sanctions to the Dean of Students or designee.

2. The hearing official will prepare a written deliberation report and deliver it to the Dean of Students or designee detailing the findings and the information cited by the panel in support of its recommendation. The report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Dean of Students or designee within two (2) business days of the end of deliberations.
3. The Coordinator for Student Conduct of the final determination within 5 business days of the hearing, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official Wesley College records; or emailed to the parties' College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Sanctions

Sanctions or responsive actions will be determined by the Hearing Panel. Factors that may be considered when determining a sanction may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation;
- The circumstances accompanying any lack of Consent;
- The Respondent's state of mind (bias-motivated, reckless, negligent, etc.)
- The Respondent's prior disciplinary history;
- The safety of the College community;
- The Respondent's conduct during the investigation and resolution process;
- The need for sanctions to bring an end to and prevent discrimination, harassment and/or retaliation;
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the College community; and
- Such other factors as the panel deems appropriate.

Appeal Procedures

All requests for appeal considerations must be submitted in writing within three business days of the delivery of the written finding of the Hearing Panel.

1. A three-member panel led by the Dean of Students who was not involved in the investigation previously will consider all appeal requests. Any party may appeal, but appeals are limited to the following:
 - A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).

- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
 - The sanctions imposed are substantially disproportionate to the severity of the violation.
2. The Dean of Students will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final.
 3. Where the Dean of Students finds that at least one of the grounds is met, and proceeds, additional principles governing the hearing of appeals include the following:
 - Appeal decisions by the panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
 - Appeals are not intended to be a full rehearing of the investigation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original hearing panel for reconsideration. Other appeals may be remanded at the discretion of the Dean of Students or heard by the three-member panel.
 - Sanctions imposed are implemented immediately unless the Dean of Students or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
 - The Dean of Students or designee will normally, after conferring with the appeals panel, render a written decision on the appeal to all parties within 30 business days from receipt of appeal.
 - Once an appeal is decided, the outcome is final: further appeals are not permitted.

SANCTIONS

The Conduct Officer or Conduct Hearing Board shall render a decision to both parties as soon as practicable as to if the accused student is responsible for violations and shall, if necessary, assess a penalty or penalties. These penalties, which are not exclusive, but may be imposed together with other penalties, include, but are not limited to:

(Please note, the College reserves the right at any point in the range of offenses to impose sanctions deemed appropriate in addition to or in place of sanctions listed below.)

	First Offense	Second Offense	Third Offense
1.0 Academic Integrity (Handled by Academic Standing Committee)	Handled through Academic Standing Committee	Handled through Academic Standing Committee	Handled through Academic Standing Committee
2.0 Alcohol	-Disciplinary Reprimand -\$200 fine -Meeting with Alcohol and Other Drug Coordinator -Parental Notification (if under 21)	-Probation for 1 Year -\$300 fine -Meeting with Alcohol and Other Drug Coordinator -Parental Notification (if under 21)	-Deferred Suspension or Suspension -\$300 Fine -Parental Notification (if under 21) -Additional Sanction as determined by AOD Coordinator
In presence of Alcohol violation, with 0.00 on Breathalyzer	- Failure to Comply charge - Disciplinary Reprimand -Additional educational sanctions at Hearing Officer's Discretion	- Failure to Comply charge - Disciplinary Probation for one semester -Additional educational sanctions at Hearing Officer's Discretion	- Processed as alcohol offense (see above violation)
Keg, Possession of sanctions are in addition to Alcohol sanctions and only apply in keg cases (example: 2nd Alcohol violation with first keg offense would be a first offense in this row)	-Disciplinary Probation for one year -\$300 fine	-Deferred Suspension -Deferred Loss of Housing (if applicable)	-Suspension -Loss of Housing (if applicable)
3.0 Drug Violation	SEE CHART BELOW		
4.0 Hazing See Anti-Hazing Policy in Student Organization Handbook and DE State Law	- Disciplinary Probation - Educational sanction relating to specifics of incident	- Deferred Suspension or Suspension - Educational sanction relating to specifics of the incident - 10 hours community service	- Disciplinary Suspension or Expulsion - 20 hours community service and or educational sanction relating to incident as a condition of petitioning to re-enroll
5.0 Harassment/ Commitment to Civility	- Disciplinary Reprimand - Educational sanction relating to specifics of incident	- Disciplinary Probation or Suspension - Educational sanction relating to specifics of the incident	- Disciplinary Suspension or Expulsion
6.0 Harm to Persons	Sanctions depend on the specifics of the incident. Minimum first offense sanction would be probation and educational sanction relating to the specific	See first block	See first block

	incident, however, severe first offenses can involve suspension or expulsion.		
7.0 Disruptive Activity (AKA Disorderly Conduct)	-Disciplinary Reprimand -10 Hours community service -Additional educational sanctions at Hearing Officer's Discretion	-Disciplinary Probation for 1 semester to 1 year -Deferred loss of housing (if incident was in housing) - Additional educational sanctions at Hearing Officer's Discretion	-Deferred Suspension or Suspension -Loss of Housing (if incident was in housing) - Additional educational sanctions at Hearing Officer's Discretion
8.0 Vandalism and/or Abuse/Misuse of Property	-Disciplinary Reprimand or Probation (as appropriate) -10 Hours Community Service -Restitution for Damages	-Disciplinary Probation or Deferred Suspension (as appropriate) -Deferred Loss of Housing -Restitution for Damages	-Deferred Suspension or Suspension -Loss of Housing -Restitution for Damages
Fire Alarm, False Activation of Threats, False report of resulting in evacuation, Tampering with smoke detectors.	-Disciplinary Probation for 1 semester -Deferred Loss of Housing -30 Hours Community Service -Essay on Residence Hall Fires	-Deferred Suspension -Loss of Housing	-Suspension - Loss of Housing
Fire Extinguisher, Improper Use of	-Disciplinary Reprimand -Restitution for cleaning charges -Reflection essay on Fire Safety -10 hours community service	-Disciplinary Probation for one year -Deferred Loss of Housing (if incident was in housing) -Restitution for cleaning charges -Meeting with staff to discuss fire safety -20 Hours Community Service	-Deferred Suspension or Suspension -Loss of Housing (if incident was in housing) -Restitution for cleaning charges -Meeting with DFD or Fire Marshall (if possible)
9.0 Theft/ Attempted Theft	- Disciplinary Reprimand or Probation -Return of Item or Restitution	- Disciplinary Probation or Deferred Suspension -Return of Item or Restitution - 5-10 hours community service	- Deferred Suspension or Suspension -Return of Item or Restitution -Additional educational sanctions at Hearing Officer's Discretion
10.0 Failure to Comply	-Disciplinary Reprimand -10 Hours Community Service for significant cases -Additional educational sanctions at Hearing Officer's Discretion	-Disciplinary Probation for 1 month to 1 semester -20 hours community service for significant cases -Additional educational sanctions at Hearing Officer's Discretion	- Deferred Suspension or Suspension - Deferred Loss of Housing (if incident was in housing) -Additional educational sanctions at Hearing Officer's Discretion
11.0 Computer and Network Use Policy/ Electronic Information Publication Policy	- Disciplinary Reprimand -Possible Loss of Network Access and/or computer for 3-5 business days (at IT's Discretion)	- Disciplinary Probation -Possible Loss of Network Access and/or computer for 10+ business days (at IT's Discretion)	- Deferred Suspension or Suspension -Possible Loss of Network Access for the semester (at IT's Discretion)

(Available on WesleyNet)			
12.0 Weapons	Sanctions depend on the specifics of the incident. Minimum first offense sanction would be probation and educational sanction relating to the specific incident, however, severe first offenses can involve suspension or expulsion.	See first block	See first block
13.0 General Laws	Dependent on specific laws violated. This is used when a student is cited or arrested by police. There are usually other charges associated with this violation and sanctions can be based on those charges.	See first block	See first block
14.0 Posting Policy	- Disciplinary Reprimand	- Disciplinary Probation - Possible loss of posting privileges	- Extended Probation or Deferred Suspension -Loss of Posting Privileges
15.0 Sexual Misconduct (Handled by Title IX Conduct Board) FOR REFERENCE ONLY	- Reprimand to Expulsion depending on severity and conduct history, handled by trained Title IX board members only.	- Reprimand to Expulsion depending on severity and conduct history, handled by trained Title IX board members only.	- Reprimand to Expulsion depending on severity and conduct history, handled by trained Title IX board members only.
16.0 Fireworks and Explosive Devices	Sanctions depend on the specifics of the incident. Minimum first offense sanction would be probation and educational sanction relating to the specific incident, however, severe first offenses can involve suspension or expulsion.	See first block	See first block
17.0 Forgery of College Documents/ Insufficient Funds Check	Sanctions depend on the specifics of the incident. Minimum first offense sanction would be reprimand and educational sanction relating to the specific incident, however, severe first offenses relating to forgery can involve suspension or expulsion.	See first block	See first block
18.0 Gambling	- Disciplinary Reprimand	- Disciplinary Probation	- Extended Probation or Deferred Suspension

	- Educational sanction relating to specifics of incident	- Educational sanction relating to specifics of the incident	- 5-10 hours community service - Education sanction relating to specifics of the incident
19.0 Littering	-Disciplinary Reprimand -Rounds with RA to pick up trash	-Disciplinary Probation for 1 month to 1 semester -5 hours community service	- Extended Probation or Deferred Suspension - Deferred Loss of Housing - 10 hours community service
20.0 Residence Hall Violations Quiet Hours Violation	-Disciplinary Reprimand -5 hours community service (for severe violations) -If no prior conduct history- Warning Letter	-Disciplinary Probation for 1 month to 1 semester -10 Hours Community Service - Additional educational sanctions at Hearing Officer's Discretion	- Extended Probation - Deferred Loss of Housing
Guest Policy Violation	-Disciplinary Reprimand -5 hours community service (for severe violations) -If no prior conduct history- Warning Letter	-Disciplinary Probation for 1 semester -5 Hours Community Service -Additional educational sanctions at Hearing Officer's Discretion	-Extended Probation or Deferred Suspension -Deferred Loss of Housing -Ban on having guests over or ban on entering other residence halls for one semester
Prohibited Items	-Disciplinary Reprimand -5 hours community service -Removal of item	-Disciplinary Probation for 1 semester -10 Hours Community Service - Removal of item -Additional educational sanctions at Hearing Officer's Discretion	-Extended Probation or Deferred Suspension -Deferred Loss of Housing - Removal of item -Additional educational sanctions at Hearing Officer's Discretion
Animals	-Disciplinary Reprimand -Restitution for Cleaning Charges -Animal must be removed -Reflection essay on hazards of type of animal	-Disciplinary Probation -Deferred Loss of Housing -Restitution for cleaning charges -Animal must be removed	-Extended Probation or Deferred Suspension -Loss of Housing -Restitution for cleaning charges -Animal must be removed
Candles/ Incense	-Disciplinary Reprimand -5 hours community service -Reflection Essay on Residence Hall Fires. \$50 fine/each candle.	-Probation for 1 semester -Meeting with staff to discuss fire safety -Additional educational sanctions at Hearing Officer's Discretion \$50 fine/each candle	-Extended Probation or Deferred Suspension -Deferred Loss of Housing -Meeting with DFD or Fire Marshall (if possible) -Additional educational sanctions at Hearing Officer's Discretion
Failure to Exit during a Fire Alarm	-Disciplinary Reprimand -5 hours community service -Essay on Residence Hall Fires	-Disciplinary Probation for 1 semester -10 Hours community service -Meeting with staff to discuss fire safety -Additional educational sanctions at Hearing Officer's Discretion	-Extended Probation or Deferred Suspension -Deferred Loss of Housing -Meeting with DFD or Fire Marshall (if possible) -Additional educational sanctions at Hearing Officer's Discretion

Emergency Exit, Improper use of	-Disciplinary Reprimand -10 hours community service	-Disciplinary Probation for 1 semester -Meeting with staff to discuss fire safety -Additional educational sanctions at Hearing Officer's Discretion	-Extended Probation or Deferred Suspension - Deferred Loss of Housing -Additional educational sanctions at Hearing Officer's Discretion
21.0 Smoking Violation	-Disciplinary Reprimand -5 hours community service -Reflection paper on Smoking or Fire Safety	-Disciplinary Probation for 1 semester -Meeting with staff to discuss fire safety -Additional educational sanctions at Hearing Officer's Discretion	-Extended Probation or Deferred Suspension -Deferred Loss of Housing -Implement an Educational Program
22.0 Travel Policy Violations (See Student Organization Manual)	Sanctions depend on the specifics of the incident. Minimum first offense sanction would be reprimand and educational sanction relating to the specific incident, however, severe first offenses can involve probation or suspension.	See first block	See first block
23.0 Public Urination/ Lewd or Indecent Conduct (excluding Title IX violations)	-Disciplinary Reprimand -Restitution for Damages -10 Hours Community Service	-Disciplinary Probation for 1 semester -Personal Reflection Statement -Restitution for Damages	-Extended Probation or Deferred Suspension -Restitution for Damages -Additional educational sanctions at Hearing Officer's Discretion
24.0 Unauthorized Entry/Use of Keys/Equipment/Buildings	- Disciplinary Reprimand -5 hours community service -Additional educational sanctions at Hearing Officer's Discretion	- Disciplinary Probation or Deferred Suspension -Additional educational sanctions at Hearing Officer's Discretion	- Deferred Suspension or Suspension -Additional educational sanctions at Hearing Officer's Discretion
25.0 Loitering	-Disciplinary Reprimand -5 Hours Community Service	-Disciplinary Probation for 1 month to 1 semester -10 hours community service -Additional educational sanctions at Hearing Officer's Discretion	- Extended Probation or Deferred Suspension - Deferred Loss of Housing (if incident was in housing) -Additional educational sanctions at Hearing Officer's Discretion

The following will act as a guide should a student be found responsible for violation of our 3.0 Drug and/or Drug Paraphernalia.

The College reserves the right, based upon the seriousness of the said violation, to enforce any of the below sanctions regardless of student's conduct history.

Violation	Sanction
Level I	
<p style="text-align: center;">Violations include, but not limited to:</p> <ul style="list-style-type: none"> • Possession of drug paraphernalia (bongs, pipes, rolling papers or other items used specifically to consume, inhale, smoke or inject illegal or controlled substances etc.) • Evidence of possession or use (bodily response [that reasonably shows the person to be under the Influence], odor etc.) 	<p>1st Offense</p> <ul style="list-style-type: none"> • \$200.00 Fine • Alcohol and Other Drug Program • Parent and Other Interested Parties Notification • 16 Week Probation
	<p>2nd Offense</p> <ul style="list-style-type: none"> • \$250.00 Fine • Parent and Other Interested Parties Notification • 32 Week Probation
	<p>Subsequent Offense</p> <ul style="list-style-type: none"> • \$300.00 Fine • Removal/Restriction from Residence Halls for 1 Semester (minimum) • Parent and Other Interested Parties Notification • Must provide outside treatment completion prior to reapplying for housing
Level II	
<p style="text-align: center;">Violations included but not limited to:</p> <ul style="list-style-type: none"> • Possession and/or use of illegal drugs, controlled substances, or other's prescription drugs • Inducing or encouraging others to consume illegal substances 	<p>1st Offense</p> <ul style="list-style-type: none"> • \$250.00 Fine • Alcohol and Other Drug Program • Reflection Paper (2 pages) • Parent and Other Interested Parties Notification • 32 Week Probation
	<p>Subsequent Offense</p> <ul style="list-style-type: none"> • Removal/Restriction from Residence Halls for 1 year (minimum) • May result in Suspension for one semester to one year • Parent and Other Interested Parties Notification • Must provide outside treatment completion prior to reapplying for housing
Level III	
<p style="text-align: center;">Violations included but not limited to:</p>	<p>1st Offense</p>

<ul style="list-style-type: none"> • Possession (of a larger quantity) and/or use of illegal drugs, controlled substances, or other's prescription drugs • Dealing or distributing illegal drugs, controlled substances or prescription drugs 	<ul style="list-style-type: none"> • Removal/Restriction from Residence Halls for 1 year (minimum) and may result in expulsion from the College • Parent and Other Interested Parties Notification • Must provide outside treatment completion prior to reapplying for housing. • Possible Police intervention
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Potential Fines- A monetary amount charged as a sanction for violation of College policy.

- Alcohol 1st Offense \$200.00
2nd Offense \$300.00
- Animal Policy \$200.00
- Candles/incense \$ 50.00
- Discharge of Fire Extinguisher \$100.00 (plus charges filed)
- Disorderly Conduct \$100.00
- Drugs/Drug Paraphernalia (see table above)
- Failure to Comply
1st Offense \$100.00
2nd Offense \$250.00
- Failure to Exit during a fire alarm \$50.00
- False Fire Alarm \$300.00 (plus charges filed)
- Guest Misconduct \$50.00
- Littering \$25.00
- Noise Violation
1st Offense \$50.00
2nd Offense \$100.00
- Possession of keg \$300.00
- Public Urination \$100.00
- Smoking Violation \$ 30.00
- Vandalism \$100.00 (plus restitution)

The College reserves the right at any point in the range of offenses to impose sanctions deemed appropriate in addition to or in place of sanctions listed above. In all cases, the College reserves the right to prosecute criminally for violation of policies concerning alcohol and drugs. Persons with medical approval for controlled substances must contact the Coordinator of Disability Services. As a private institution, we reserve the right to restrict possession of controlled substances.

INTERIM DISCIPLINARY ACTION

The Dean of Students may take immediate interim disciplinary action, including suspension, pending a hearing against a student for violation of a rule and regulation and when the continuing presence of the student poses a danger to him or herself, other members of the community, property, or an ongoing threat of disrupting the academic process. When immediate interim disciplinary action (such as interim suspension) has been taken, hearings will be held under the

disciplinary procedures set forth in the Student Handbook but will be held as soon as practicable after the disciplinary action has been taken unless otherwise agreed to by the student.