



Statement of Student Rights and Responsibilities

As set forth in the policies, procedures and guidelines in Siena Life, a Siena College Student has the right:

1. To be treated respectfully as a member of the Siena College Community;
2. To a free, timely, and impartial process for the review of allegations of misconduct, a student conduct/administrative hearing and to an appeal of decisions regarding responsibility and sanctions;
3. To expect assistance and professional conduct from members of the College's administrative staff;
4. To be able to learn, including having access to ideas, facts and opinions;
5. To the free and responsible expression of ideas and opinions, without fear of retribution, including peaceful dissent, that will not disrupt or interfere with the orderly operation of the college;
6. To expect professional conduct from faculty in the assignment and evaluation of academic work;
7. To an evaluation of his/her academic performance free from discrimination on the basis of race, religion, color, sex, age, national and ethnic origin, disability status, marital status, veteran status, sexual orientation, and political affiliation;
8. To expect the college to promote and foster an environment that is free from violence, harassment, or any physical threats from any other member of the Siena College Community, and for the College to address, investigate, and/or take any other appropriate measures against any member of the Community who infringes on this right as stated;
9. To have the opportunity to review and correct any statement prepared by Public Safety before signing, or refuse to sign any statement if the student feels he/she is being misrepresented and/or misquoted in the statement itself;
10. To have any search of personal property authorized, either in writing or orally, by an authorized College official in conjunction with Public Safety and in accordance with the college's search procedures;
11. To file a complaint when he/she believes that any of his/her rights have been violated*

These aforementioned rights allow for any member of the Siena College Student Body to focus on their primary goal, to pursue an education.

In every community, along with rights, each individual has responsibilities. As set forth in Siena Life, a Siena College student has the responsibility:

1. To recognize and respect the rights of all other students and members of the Siena College Community,
2. To treat all members of the campus community with civility, respect, and courtesy;
3. To refrain from discriminating against other members of the Siena College Community on the basis of race, religion, color, sex, age, national and ethnic origin, disability status, marital status, veteran status, sexual orientation, and political affiliation;
4. To assist the college in maintaining a healthy environment of learning and living as outlined in Siena Life;
5. To cooperate, to the best of his/her ability, with all investigations involving violations of the code of conduct and/or crimes committed on campus;
6. To respect the personal property of the college and other members of the Siena College Community;
7. To become an active learner, fully engaged in both intellectual and human growth;
8. To exercise the above mentioned rights and responsibilities in a reasonable manner that will not offend or violate the College's Franciscan and Catholic traditions, will not violate College policies, procedures, guidelines, rules or regulations, will not disrupt or interfere with the orderly operation of the College, and will not infringe upon the rights of other members of the Siena College Community.

*For complaint procedures, please refer to the Code of Conduct, the Human Rights Policies and Procedures, and the Internal Complaint System sections of *Siena Life*.

INFORMATION ABOUT THE CONDUCT REVIEW PROCESS

(see *Siena Life*, pages 35-58 for more information)

Review of Complaints:

If there is reasonable information that indicates that the Code of Conduct may have been violated, the AVPSA or designee provides notice of the complaint to the accused (respondent). The AVPSA (or his/her designee) assigns the case to a Hearing Officer (Administrative Hearing Process) or Conduct Review Board (Conduct Review Board Hearing Process). At the discretion of the AVPSA, the student respondent may be given the opportunity to choose an administrative or conduct review board hearing. Siena College does not permit legal counsel to participate in the student conduct review process, including administrative, conduct review board or appellate hearings.

Resolution of Complaints

a. **Mediation/Dispute Resolution** -The AVPSA or designee may deem it appropriate to offer the parties involved the opportunity to use mediation and/or a dispute resolution agreement. In the event mediation/dispute resolution is offered:

Both parties must agree to attempt mediation or a dispute resolution agreement. Either party may elect to end mediation or the dispute resolution process at any time. Either party may request to have the case reviewed by the College, in which case the AVPSA will assign the case to a Hearing Officer or Conduct Review Board. The AVPSA or designee may suspend disciplinary action in lieu of mediation/dispute resolution. If mediation or dispute resolution is successful, all parties must sign a written agreement outlining the resolution agreement to be approved by the AVPSA. Copies of the written agreement will be given to all parties, AVPSA and any appropriate College officials. vi. The signed document will set forth the consequences for either party who fails to meet the terms to which all parties agreed.

b. **Administrative Hearing Overview** - When the case is assigned to a Hearing Officer (Residence Director, Director of Residential Life, Associate Dean of Students or AVPSA):

- i. The Hearing Officer may further investigate the incident.
- ii. The Hearing Officer will provide a written notice of the charge of violation(s) of the Code of Conduct to the Respondent.
- iii. A Hearing Officer may enlist a member of the Conduct Review Board or another Administrative Hearing Officer to assist during an Administrative Hearing to evaluate the information presented and determine a finding.
- iv. The respondent(s) may accept responsibility and/or has an opportunity to present any additional evidence deemed pertinent by the Hearing Officer. Should a student accept responsibility, the respondent and/or Hearing Officer may refer the case to the Conduct Review Board for a recommendation on sanctioning, at the discretion of the AVPSA, or the Hearing Officer may determine the sanction.
- v. If a student denies responsibility, the Hearing Officer will render a finding regarding responsibility based on the evidence using a standard of "more likely than not."
- vi. Should students fail to appear for a scheduled meeting with a Hearing Officer a finding may be made based upon the evidence available and sanction(s) imposed.

c. **Student Conduct Review Board Hearing Overview**

- **NOTICE OF THE HEARING DATE:** The AVPSA/Dean of Students or designee will provide the respondent and complainant with written notice of the Hearing date, time and location. The respondent and complainant may also obtain a list of trained advocates from the AVPSA/Dean of Students. The hearing will proceed even if the respondent and/or complainant fail to appear and a decision will be rendered based on the evidence presented. Hearings before the Board will normally occur within seven to ten days of the notice of charges. The AVPSA, at his/her discretion, may make exceptions to this time frame. Should students fail to appear or a scheduled hearing a finding may be made based upon the information available and sanction(s) imposed.
- **WITNESSES:** Hearings are to occur in a manner that is as efficient as possible. Live witness testimony is preferred; however, written statements are acceptable, provided they have been notarized by a Notary Public or sworn to before a College official. The chairperson may exclude irrelevant testimony and/or witnesses for reasons of conduct. Witnesses relevant to the actual incident are permitted; witnesses in support of character are not. Written character statements may be accepted, but may only be reviewed during the sanctioning portion of deliberation at the panel's discretion.
- **PERSONAL BIAS:** Board members are expected to excuse themselves from a hearing if personal bias or conflict of interest would prevent them from rendering an objective decision. Any party may challenge a member on the grounds of personal bias at the beginning of the hearing. It will be the decision of the individual member, in conjunction with the rest of the panel, to determine if the member should excuse him/herself from the hearing.
- **RULES OF EVIDENCE:** Hearings are intended to be informal in nature. Accordingly, formal rules of evidence do not apply. The chairperson is empowered to admit into evidence whatever is deemed as reasonably relevant and material to the issues of the case as well as deny overly redundant evidence.
- **STANDARD OF EVIDENCE:** The Board will render a finding regarding responsibility based on the evidence using a standard of "more likely than not".
- **CHAIRPERSON:** The chairperson for each hearing has the responsibility for insuring the orderly conduct of the hearing. The chairperson has the right to terminate questions, and/or dismiss any disruptive parties/persons from the hearing.
- **REPRESENTATION:**
 - a. Hearings are closed.
 - b. Respondents and complainants have the right to have an advocate from the Siena Community represent them during the hearing.
 - c. The respondent may obtain a list of trained student advocates from the AVPSA/Dean of Students or select another member of the Siena community to serve as an advocate. At no time is legal counsel permitted to participate in the conduct review process. Parents may support their son/daughter but may not serve as an advocate or be present in the hearing.
 - d. Complainants filing a complaint against a student may be represented by an advocate. Obtaining an advocate is the responsibility of the respondent and, When appropriate, the complainant. Failure to obtain an advocate is not cause for postponement of a scheduled hearing. In those cases where the College has brought charges against a student for a violation for the Code of Conduct, a designated Administrator will present the case on behalf of the College.
 - e. Legal counsel is not permitted in hearings.

Appeal Process

Respondents have five business days from the date of the notice of finding(s) and sanction(s) to submit a request for appeal to the Vice President for Student Affairs. Unless noted otherwise in writing, sanctions are imposed and in effect, pending any appeal. The appeal must be in writing, written by the student, and must specify the grounds for the appeal. The College does not accept appeals submitted by others (including parents and attorneys on behalf of a student); the student must file his/her own appeal. Students may appeal the finding(s) of responsibility based upon new evidence that was unavailable or that a reasonably diligent person could not have discovered prior to or during the hearing or procedural error. The sanction(s) may be appealed on grounds that the sanction(s) imposed are disproportionate given the respondent's prior disciplinary record or the severity of the offense(s). The Vice President will notify the student in writing of his/her decision. The decision of the Vice President for Student Affairs is final.