

# Sanctioning and Amnesty

## **Judicial Sanctioning Board for Gender-based discrimination and sexual misconduct (for students only)**

The Judicial Sanctioning board will be called to determine sanctions in cases where a student is found responsible for violation of the Gender-Based Discrimination and Sexual Misconduct Policy through an investigation. The board shall comprise three Discrimination and Misconduct Officials.

The board will allow the reporting party and responding party to present or submit impact statements. The Board may call upon the investigators to answer questions the Board may have regarding the final report. Both reporting and responding parties have the right to be present for any testimony before the Board, excluding impact statements, if any. The Board will convene privately to review the case file, impact statements, and prior violations of the responding party. Based on all information available, and guidelines outlined in this policy, the board will determine the sanctions, and inform both the reporting party and responding party in writing of the sanctions and the rationale for the sanctions.

## **Sanctioning for Gender-Based Discrimination and Sexual Misconduct**

Both the reporting party and the responding party shall be notified in writing of the outcome of any investigation, hearing or administrative action and any sanctions and changes to the forgoing, through the end of any appeals process.

The following sanctions may be imposed upon any member of the community found to have violated the Gender-Based Discrimination and Sexual Misconduct Policy. Ranges for violations are referenced below.

## **Student Sanctions (where Applicable, as defined in the Code of Conduct):**

- Written Warning
- Disciplinary Fines
- Community Service
- Attendant Restrictions
- Participation in Educational Activities Addressing the Nature of the Violation
- Disciplinary Probation
- Loss of Campus Residency
- Organizational Sanctions
- Suspension
- Expulsion
- Withholding of Diploma and/or Degree Conferral
- Revocation of Degree

## **Employee Sanctions:**

- Warning – written
- Performance Improvement Plan
- Required Counseling
- Written Reprimand
- Formal Apology
- Transfer or reassignment
- Disciplinary Probation
- Non-Renewal of Employment Agreement
- No Contact Order
- Required Training/Education
- Demotion
- Loss of Annual Pay Increase
- Suspension Without Pay
- Suspension With Pay
- Termination

No corrective action will be implemented that violates any provision of a St. Bonaventure University employment contract.

## **Transcript Notation**

The following standards for institutional transcript notation apply to any student accused of a violation of any St. Bonaventure University policy that is defined as a crime of violence reportable under the Clery Act:

- Students suspended after a finding of responsibility for said violations will have the following noted on the transcript: “Suspended after a finding of responsibility for a code of conduct violation.”
- Students expelled after a finding of responsibility for said violations will have the following noted on the transcript: “Expelled after a finding of responsibility for a code of conduct violation.”
- Students withdrawing from the University during an investigation, or any time prior to the completion of judicial procedures (including an appeal process), with respect to allegations of said violations, will have the following noted on the transcript: “Withdrew with conduct charges pending.”

### **Withdrawal Prior to Completion of Process**

Students withdrawing from the University during an investigation, or any time prior to the completion of judicial procedures (including an appeal process), to which they are subject as a responding party, may not be eligible for re-admission to the University or re-enrollment in any courses offered by the University on campus, online, or through any affiliate programs, unless and until the pending charges are resolved to the University's satisfaction.

### **Resignation Prior to Completion of Process**

Employees who resign from the University during an investigation, or any time prior to the completion of judicial procedures or other resolution process (including an appeal process), to which they are subject as a responding party, may not be eligible for re-hire unless and until the pending charges are resolved to the University's satisfaction.

### **Temporary Withholding of Degree/Diploma; Denial of Participation in Commencement**

The University may withhold a student's degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities if the student is the subject of a pending complaint or investigation, or has disciplinary charges pending.

### **Guidelines for Sanctioning**

- Any person found responsible for Non-Consensual Sexual Contact (where no intercourse has occurred) or Stalking will likely receive a sanction ranging from probation to expulsion/termination, depending on the severity of the incident, and taking into account any previous disciplinary violations/issues.
- Any person found responsible for Non-Consensual Sexual Intercourse, Domestic Violence or Dating Violence will likely receive a sanction of suspension or expulsion (student) or suspension or termination (employee).
- Any person found responsible for Sexual Exploitation or Sexual Harassment will likely receive a sanction ranging from warning to expulsion/termination, depending on the severity of the incident, and taking into account any previous violations/issues.
- Any person found responsible for Gender-Based Discrimination will likely receive a sanction ranging from warning to expulsion/termination, depending on the severity of the incident, and taking into account any previous violations/issues.

*The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of significant mitigating or aggravating circumstances.*

### **Amnesty**

The health and safety of every student at St. Bonaventure University is of utmost importance. The University recognizes that students who have been drinking and/or using drugs, (whether

such use is voluntary or involuntary) at the time that violence occurs, including but not limited to Domestic Violence, Dating Violence, Stalking, or Sexual Assault, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report Domestic Violence, Dating Violence, Stalking or Sexual Assault to University officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of Domestic Violence, Dating Violence, Stalking or Sexual Assault to University officials or law enforcement will not be subject to the University's Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the Domestic Violence, Dating Violence, Stalking, or Sexual Assault.