

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 composition shall be:

- The Chief Judicial Officer, or appropriate designee of the Vice President for Student Affairs, and
- one faculty member, and
- one staff person.

No member of this Board shall have been a party to the case, a witness to the case, worked as an investigator on the case, the current faculty advisor to any party in the case, a current instructor to or supervisor of any party in the case, or have any familial relation, professional relationship or close friendship to any party or witness to the case, or otherwise have any actual or perceived conflict of interest that may give the perception of a lack of ability to fairly determine any sanctions. Any potential conflict of interest shall be disclosed prior to the Board convening and if there is a conflict of interest, the conflicted person shall recuse him or herself and a non-conflicted replacement shall be named prior to the Board convening. Any conflicts of interest should be reported to the Title IX Coordinator, and the Title IX Coordinator will make the determination as to whether recusal is warranted.

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.

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.