



## **Campus Judicial Process**

In order to maintain the effective functioning of the School and residence hall, School administrators and their designees have the right to require students to change behavior that the administration deems inappropriate, unhealthy, destructive, dangerous, or disruptive to the School, the individual, others in the community, or the neighboring community. The Dean of Students and the Director of Residence Life and their designees are the administrators who typically are involved in the process to change behavior through the judicial process or other methods deemed to be most appropriate.

Violations of the Manhattan School of Music Student Code of Conduct and other School policies are adjudicated and enforced through the Campus Judicial Process, with the exception of violations of the Academic Honesty Policy, policies governing academic progress, and violations described in the [Title IX/Sexual Misconduct Policy](#). The Campus Judicial Process does not override the admission agreement, the ethics policy, any lease or contract, or any School policy.

### **Documenting an Incident or Making a Referral**

When a student is believed to have violated the Manhattan School of Music Student Code of Conduct, anyone who observed the incident may inform a Resident Assistant (R.A.) or any member of the Residence Life team, report the incident to either MSM security desk, inform the Dean of Students, or fill out a C.A.R.E. Report Form. Documented incidents may result in action by administration or may proceed to an intervention by the C.A.R.E. Team, a counseling session, a referral for outside assistance, mediation, or a hearing with a judicial administrator. Manhattan School of Music, in its sole discretion, may handle situations as it deems appropriate.

### **Judicial Administrators**

The Dean of Students and Director of Residence Life serve as Manhattan School of Music's primary judicial administrators, although other members of the Student Affairs staff or Manhattan School of Music administration may sometimes be called upon to serve in this role. The judicial administrators will review incident reports, set up appropriate meetings, and hear cases regarding alleged infractions that involve Manhattan School of Music students.

## **I. Resolution Procedures**

### **A. Initial Steps**

The judicial administrator reviews the incident report and collects all pertinent data concerning the incident. The judicial administrator may conduct an initial investigation, including interviewing individuals who may have knowledge of the situation. If there is information indicating that an alleged infraction of policy may have occurred, the student may be notified that they are required to

attend a scheduled conduct meeting as part of the Resolution Process or may be called to a meeting to discuss a more informal resolution.

## **B. Interim Measures**

Any action designed to protect the wellbeing of an individual student, a group of students, or the Community at large until the Resolution process has concluded. This may include a temporary suspension from the School and/or Residence Hall, in which a student is required to temporarily remove themselves from the School and/or residence hall within a timeframe established by the judicial administrator, usually but not always 24 hours, for an assigned period of time. Alternate housing must be secured without the assistance of any School official.

## **C. The Judicial Hearing**

A student accused of violating the Code of Conduct shall be notified of the alleged violation(s) and shall have the opportunity, within a reasonable amount of time, to participate in a formal judicial hearing to discuss them. Depending on the severity of the infraction, the student will meet with one or possibly two judicial administrators. This hearing will consist of a meeting between the accused student and the judicial administrators assigned to the case and is the student's opportunity to present their full and final version of the facts. The only participants in the hearing are the accused student and the judicial administrators.

A student may elect to waive the right to a formal conduct meeting if they agree that the policies and procedures were violated. The judicial administrator will in these cases proceed to sanctioning.

If the student disputes responsibility for the infraction, the judicial administrator will proceed with the hearing, either immediately or at a later date. The student will have the opportunity to present all related information regarding their infraction, including naming witnesses on their behalf who are directly related to the incident(s) in question. The judicial administrator will decide if a witness or particular testimony is relevant to the incident and will determine if the witness should be called in to be interviewed. Documentary evidence may be accepted, at the discretion of the judicial administrator. The judicial administrator can request that additional witnesses be called and determine the scope of information to be sought from such witnesses.

The student speaks for themselves at the judicial hearing. Legal counsel and other advisors are not permitted to attend the meeting. The formal rules of evidence applicable in courts of law shall not govern the judicial hearing's procedures. If a student fails to attend the hearing, it will be conducted in the student's absence.

The judicial administrator will try to clarify any discrepancies in information provided. They will listen to information provided and review all documentation relevant to the case to determine whether the Code of Conduct has been violated. If the Manhattan School of Music Student Code of Conduct, or other School policy, has been found to have been violated, the judicial administrator will assign appropriate disciplinary sanctions.

If a student is found responsible for a policy violation, a sanction or combination of sanctions may be imposed. Violations are cumulative. An accumulation of violations may result in additional and

more severe sanctions including dismissal from Manhattan School of Music or from the residence hall.

The student will receive written notification of the outcome of the hearing and the sanction(s) imposed within a reasonable time of the hearing from the judicial administrator.

## II. Sanctions

A list of potential sanctions is described below. Any other relevant sanctions as deemed appropriate by the judicial administrator or Dean of Students may also be imposed. When a student is asked to leave the School to address a situation, prior to reentry, a committee or administrator designated by the School will reassess the progress of the student to determine whether reentry into the School and/or residence hall is appropriate. The administrator may require a medical or psychological evaluation to ensure the individual is deemed healthy and safe to return to the School. Any student on leave for more than one full year must reapply and reaudition.

- A. *Disciplinary Warning.* Verbal or written reprimand stating that the behavior was inappropriate and additional violations may result in more severe disciplinary action.
- B. *Disciplinary Probation.* Assigned for a specific period; future violations while on probation may result in dismissal from the residence hall or from the School. This is a period of time during which the individual must prove themselves able to live in the School or residence hall community without violating policy. Any violation of policy that occurs while a student is on probation is a violation of the sanction, with further disciplinary consequences.
- C. *Suspension of Privileges.* Specific privileges (for example, guest privileges in the residence hall, use of practice rooms, etc.) are revoked for a designated period of time, ranging from days or weeks to the entire semester or academic year.
- D. *Educational Activity.* A defined learning experience that must be completed by a certain date. It is usually an opportunity for the student to think about the situation, how it impacted themselves or others, and how the situation could have been handled differently.
- E. *Community Service/Work Hours.* Community service projects at Manhattan School of Music or in the neighboring community may be assigned as a sanction. This sanction provides students with an opportunity to learn through helping others. Projects assigned must be completed in a quality fashion by a specified date.
- F. *Restitution.* Payment to the School or to other individuals or groups for theft and/or damages incurred.
- G. *Fines.* Fines up to \$500 may be imposed for various infractions (e.g. Drug violations such as marijuana) and will be added to the student's student account.
- H. *Relocation within the Residence Hall.* Requires the student move to a new location as designated by the Office of Residence Life by a set date and time.

- I. *No Contact.* Requires that the student have no contact with a certain person, room, apartment, hallway, or building for a set period of time.
- J. *Dismissal from the Residence Hall.* Requires that the student remove themselves and all belongings from the residence hall within a period designated by the judicial administrator, usually but not always 24 hours; they may not visit the residence hall or attend any Residence Life functions. **NO PORTION OF A STUDENT'S ROOM AND BOARD FEES IS REFUNDABLE IF THE STUDENT IS DISMISSED FROM THE RESIDENCE HALL.**
- K. *Full Suspension.* A formal separation of the student from Manhattan School of Music, including the residence hall, during a specific period. Requires that the student remove themselves and all belongings from the School and or residence hall within a period designated by the judicial administrator, usually but not always 24 hours. **NO PORTION OF A STUDENT'S TUITION OR ROOM AND BOARD FEES IS REFUNDABLE IF A STUDENT IS SUSPENDED FROM THE SCHOOL AND/OR RESIDENCE HALL.**
- L. *Dismissal from the School.* Requires that the student remove themselves and all belongings from the School and or residence hall within a period designated by the judicial administrator, usually but not always 24 hours; they may not visit the School and/or the residence hall, and may not attend any School and or Residence Life functions. **NO PORTION OF A STUDENT'S TUITION OR ROOM AND BOARD FEES IS REFUNDABLE IF THE STUDENT IS DISMISSED FROM THE SCHOOL.**
- M. *Other.* The School may mandate steps with which a student must comply in order to maintain status as a student at Manhattan School of Music. Sometimes these steps are to help the student change their behavior or life skills because the student's actions have been deemed inappropriate, unhealthy, or detrimental to the community, and the individual or are impeding the individual's ability to pursue academic goals or life skill development.
- N. *Sanction Held in Abeyance.* A student may receive a sanction that is held in abeyance as long as the student completes specified actions in a designated time frame. If the student completes the actions in their entirety on time, the sanction is decreased as outlined in the sanction letter. If the student fails to complete the requirements or fails to complete them by the set time, the sanction is implemented at the first instance of failure to meet a deadline or complete the action. This is occasionally used to give students a last chance to learn or grow from a situation before they are suspended, terminated, or expelled.

### **III. The Appeal Process**

Requests to appeal a decision made by the judicial administrator(s) must be made in writing within five working days of the date on which the written decision was sent.

Appeals can only be made on the following grounds:

- A. A substantial irregularity or denial of basic rights that effectively precluded a fair hearing. OR
- B. New evidence has emerged which, if true, would substantially alter the decision made by the hearing panel.

- C. In cases where a sanction of suspension or dismissal is imposed, a student may appeal the appropriateness of the sanction based on the gravity of the infraction.

If your judicial administrator was a member of the Student Affairs team, appeals should be filed with the Dean of Students.

If your judicial administrator included the Dean of Students, appeals should be filed with the Executive Vice President and Provost.