Campus Judicial Policy

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 email the Dean of Students, file an incident report at either MSM security desk 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. Committee, 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 he or she is 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. The Resolution Process

The student is notified that he or she has allegedly violated School policy and has a required meeting with a judicial administrator. The judicial administrator meets with the student(s) to discuss the report. Depending on the severity of the infraction, the student will meet with one or possibly two judicial administrators. At the beginning of the meeting a student is notified of his or her rights. These include:

A. The right to be notified of the accusation being made against them
B. The right to a prompt hearing in the form of a dispositional conference before the appropriate judicial administrator
C. The right to know the nature of the evidence that will be used against them
D. The right to present evidence on one’s own behalf
E. The right to appeal the determination of a judicial administrator

At this time, the student may elect to waive a formal conduct meeting if he or she agrees that the policies and procedures were violated as claimed in the incident report. 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 conduct meeting, either immediately or at a later date. The student will have the opportunity to meet with the assigned judicial administrator to hear all relevant information regarding his/her infraction, and to offer an explanation. The entire incident and infraction will be discussed at this time. The student is given the opportunity at the end of the conduct meeting to accept or deny responsibility for any policies which were allegedly violated.

If a student fails to attend the conduct meeting, it will be conducted in the student’s absence. The student speaks for himself or herself at the conduct meeting with the judicial administrators. 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 conduct meeting procedures.

The student will have the opportunity to present evidence, including naming witnesses on his/her 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 judicial administrator will try to clarify any discrepancies in information provided. He or she will listen to information provided and review all documentation relevant to the case to determine whether standards of conduct have 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.

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

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.

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 himself/herself 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 him/her 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 deducted from students housing deposit.

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. **Suspension from the School and/or Residence Hall.** Requires that the student temporarily remove himself/herself 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. NO PORTION OF A STUDENT’S TUITION, ROOM AND BOARD FEES, OR SECURITY DEPOSIT IS REFUNDABLE IF SUSPENDED FROM THE SCHOOL AND/OR RESIDENCE HALL.

K. **Expulsion from the School and/or Residence Hall.** Requires that the student remove himself/herself and all belongings from the School and or residence hall within a period designated by the judicial administrator, usually but not always 24 hours; he/she may not reside in or visit the School and/or the residence hall, and may not attend any School and or Residence Life functions. Housing accommodations outside of the Manhattan School of Music residence hall must be secured without the assistance of any School official. NO PORTION OF A STUDENT’S TUITION, ROOM AND BOARD FEES OR SECURITY DEPOSIT IS REFUNDABLE IF THE STUDENT IS DISMISSED FROM THE SCHOOL AND/OR FROM RESIDENCE HALL.

L. **Full Suspension.** A formal separation of the student from Manhattan School of Music, including the residence hall, during a specific period. NO PORTION OF A STUDENT’S TUITION, ROOM AND BOARD FEES OR SECURITY DEPOSIT IS REFUNDABLE IF A STUDENT IS DISMISSED FROM THE SCHOOL AND/OR RESIDENCE HALL.

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 his/her 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**

A request for an appeal shall be filed with the Executive Vice President and Provost within five working days of the date on which the written decision was sent. The Executive Vice President and Provost will consider appeals ONLY 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.