



GUIDE TO THE STUDENT CONDUCT PROCESS

2013-2014

SECTION 1

OVERVIEW

Responsibility for the overall administration of undergraduate and graduate student conduct matters at Babson College has been delegated by the College's president to the vice president of Student Affairs and Program Strategy, who has designated the dean of student affairs responsible for the management of the process. The dean of student affairs has designated authority for direct management of the process to the office of community standards. The dean and/or vice president reserve the right to designate this responsibility to others when necessary.

While most community members never need to make use of the Student Conduct Process, familiarity with established policies and procedures is important. In particular, you should understand your rights and responsibilities as a member of the Babson community as outlined in the *Undergraduate Handbook* or the *Graduate Student Handbook*, the Babson website, and other relevant documents and policies.

You also should understand the purpose, function, and procedures of the College's processes for resolution and adjudication of disputes and disciplinary questions. This guide will help you understand the Student Conduct Processes: Administrative Review, College Honor Board, Mediation, and Gender-Based Misconduct.

In addition, this guide will assist in your understanding of your rights and responsibilities in each of the processes as well as identify resources available on campus in order to facilitate meaningful participation.

Babson College reserves the right to review any matter that it feels may represent a violation of its policies. Students should be aware that there is no prescribed path a given matter may take to resolution. If a matter is to be reviewed, it will be the sole discretion of the dean of student affairs or his or her designee to determine the appropriate process. Once the process has been determined, the student will be bound by the procedures both for the original hearing and any requests for reconsideration that are applicable to that process.

Below is a general outline of the type of cases heard by each hearing body. See the respective sections of the Guide for more information about each hearing type.

- **Honor Board Hearing**
 - All academic cases*
 - *Informal Reviews may be used only if the respondent accepts responsibility for the alleged violation
 - Non-academic Cases where it is determined by the dean of student affairs or his or her designee that due to the seriousness or type of the alleged violation that input from the larger community is needed.
 - Cases where expulsion is determined by the dean of student affairs or his or her designee to be a possible outcome (except in the case of gender-based misconduct allegations).

- **Administrative Review**
 - Matters in which the relevant facts appear to be without dispute, in the view of the dean of student affairs or his or her designee.
 - When a student:
 - Accepts responsibility for alleged policy violation(s) and admits to the specific facts that comprise the violation.
 - Does not wish to have the incident further investigated.
 - Violations that, in the discretion of the dean of student affairs or his or her designee, will result in a sanction up to and including suspension from the College. Cases that could result in expulsion will not typically be assigned to an administrative review.
- **Mediation**
 - Mediation is an option for students involved in a dispute who both are seeking a mutually agreeable resolution (subject to the standards below)
- **Gender-Based Misconduct**
 - Hearing panel to resolve complaints involving gender-based misconduct

Students involved in any of the College's Student Conduct Processes should be clear that these proceedings are not intended to rise to the level of civil or criminal proceedings. In all proceedings, formal rules of evidence and/or procedure are not used.

When an incident cannot be assigned to one of the processes due to school recess, summer session, leave of absence or prior suspension of key individuals, or some other extraordinary circumstance, the decision regarding the appropriate process will be made by the dean of student affairs or his or her designee, who has sole discretion in determining the process to be followed and any appropriate modifications to each process. The dean of student affairs or his or her designee reserves the right to determine if the incident can be disposed of by alternative means of resolution by mutual consent of the parties involved, on a basis acceptable to the staff member. Such disposition shall be final and there shall be no subsequent proceedings.

In cases involving allegations of gender-based misconduct or cases otherwise deemed appropriate, the dean of student affairs or his or her designee reserves the right to make modifications to the Student Conduct Process in order to comply with Title IX or other applicable laws. Any such modifications will be made before the actual hearing process begins. Please see Appendix V for more information.

UNDERGRADUATE HONOR CODE

For undergraduate students, the values set forth by the Undergraduate Honor Code are expected to be upheld.

Honesty. Respect. Trust. Fairness. Ownership.

Babson College strives to be a community of honor. Babson students, faculty, and staff pledge to work together to achieve this goal. We agree that each of us has the responsibility to be truthful in all we say and do, to value individuals and appreciate their differences; to ensure that everyone at Babson has access to community resources and opportunities; to credit the ideas and celebrate the achievements of others; and to take responsibility for our actions, including our mistakes. Each of us agrees to take action to encourage others to fulfill their responsibilities toward our community, and each of us accepts our responsibility to act when we see others violating their obligations toward the Babson community. We will be proud of Babson College as a Community of Honor, and of ourselves as people of honor.

The Honor Code serves as a guide to each community member's actions and responsibilities. By signing the Honor Code pledge and living by its motto, you have a stake in upholding our institutional values, living with integrity, and maintaining the excellent reputation of the Babson community. The Babson Honor Code's motto, inspired by Henry David Thoreau, is:

*“As a member of Babson’s Community of Honor,
I pledge to be true to my work, my word, and my friend.”*

For more information, visit www.babson.edu/honorcode.

JURISDICTION

Jurisdiction of the College Student Conduct Process extends to alleged misconduct that takes place on or off-campus. The College may review any information regarding the conduct of a graduate, undergraduate student or organization while off-campus to determine if he, she, or the organization has acted in compliance with local, state, and federal law and College policies. Student conduct that has a significant impact on the educational mission, reputation, or operations of the College will also be reviewed. The College reserves the right in its sole discretion to determine whether an off-campus incident, involving either one or more students or an organization, will be subject to a review by the College Student Conduct Process.

Each graduate and undergraduate student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment.

Babson College Community Standards may apply to a student's conduct even if the student withdraws from the College or College program while a disciplinary matter is pending. If a student who has been reported for an alleged violation of College policy withdraws from the College before a hearing has been conducted, the College reserves the right to proceed to a finding notwithstanding the student's withdrawal from the College. If the College decides to move forward with hearing the case after a student has withdrawn from the College a notice will be sent to the respondent stating that he or

she is alleged of violating the College's community standards, that an investigation has been or will be conducted, and that a hearing may be held. Failure by the respondent to respond will be considered a waiver of the right to appear. The College reserves the right to hear a case administratively including cases that may result in expulsion or with a short hearing board in these cases.

Alleged violations reviewed by the College via its student conduct processes are listed in the *Undergraduate Student Handbook* www.babson.edu/ugradhandbook and the *Graduate Student Handbook*:

<http://www.babson.edu/graduate/Documents/graduate-student-handbook.pdf>

CAMPUS RESOURCES

Students are encouraged to engage in the student conduct process in a meaningful and constructive way. To assist students in this effort, the College provides multiple resources for students to prepare themselves for participation. It should be noted that it is the responsibility of each student to avail themselves of these resources, as they are not automatically provided. The list of resources includes the following: *Undergraduate Handbook* or *Graduate Student Handbook*, faculty members, staff members in student affairs or for undergraduate students, their class dean.

STANDARD OF PROOF

In administrative reviews, honor board hearings and gender-based misconduct hearing panels, the hearing body or officer uses the preponderance of information in determining if respondent is responsible for the alleged violation(s). In other words, preponderance of the information means it is more likely that a violation occurred than it did not occur.

SECTION 2 – ADMINISTRATIVE REVIEW

ROLE IN THE CONDUCT PROCESS

Administrative Review is used when a student, group of students or student organization are allegedly involved in a violation of a College regulation or policy or of law. The dean of student affairs or his or her designee will make the final determination as to whether Administrative Review is the appropriate method in which to review a given matter.

An Administrative Review will be used in cases in one or more of the four following categories:

1. Matters in which the relevant facts appear to be without dispute, in the view of the dean of student affairs or his or her designee.
2. When a student or student organization:
 - Accepts responsibility for alleged policy violation(s) and admits to the specific facts that comprise the violation. Does not wish to have the incident further investigated.
3. Students or student organizations who/that have a prior history or record of involvement in policy violations at the College.
4. Violations that, in the discretion of the dean of student affairs or his or her designee, will result in a sanction up to and including suspension from the College and/or cancellation of organizational privileges and/or recognition. Cases that could, in the view of the dean of student affairs or his or her designee, result in expulsion will not typically be assigned to an administrative review.

COMPOSITION

The following staff members are Administrative Review hearing officers. The list is not all-inclusive:

- Betsy Newman, Vice President of Student Affairs and Program Strategy
- Shannon Finning, Dean of Student Affairs
- Ali Hicks, Associate Dean of Student Affairs
- Kate Deeb, Assistant Dean of Student Affairs
- Colleen Ryan, Director of Community Standards
- Jaclyn Calovine, Coordinator of Community Standards
- Michael McCorvey, Director of Residence Life
- Kevin Araujo-Lipine, Assistant Director of Residence Life
- Coleen Crawford, Assistant Director of Residence Life
- Caitlin Capozzi, Director of Student Activities and Leadership
- Melissa Grove, Assistant Director of Student Activities and Leadership

- Alisha Cahue, Coordinator of Student Activities and Leadership
- Aaron Hartman, Area Director, Residence Life
- Monica Cohen, Area Director, Residence Life
- Jonathan Ladino, Graduate Area Director, Residence Life
- Sarah Stillman, Graduate Area Director, Residence Life
- Katherine McMahon, Graduate Assistant, Residence Life and Community Standards
- Kate Buckman, Director, Graduate Student Affairs

PROCESS OVERVIEW

The administrative review is a hearing between one or two administrators (who act as the hearing body) and respondent(s) involved in the alleged College Policy violation.

The dean of student affairs or his or her designee has discretion to assign specific hearing officer(s) to a given matter.

1. Initiation of Process and Use of the Administrative Review

The student will receive a letter in his or her Babson email informing him or her of the incident and alleged violation in question. The letter will include the date, time, and location of the appointment with a hearing officer(s) to discuss this issue. Failure to attend the meetings by the date in the letter may result in decisions being rendered without the benefit of input from the student. It is the student's responsibility to promptly reschedule the meeting if they are unable to attend and to check their Babson email daily following receipt of the notification until the process is resolved.

2. Administrative Review Procedures

Throughout the Administrative Review process, the student is required to abide by the tenets of the Honesty Statement:

Honesty Statement

"It is expected that all information presented will be true and correct. If you willfully provide false information, you will be in violation of the College's False Information and Misrepresentation Policy, which may result in further disciplinary action. Furthermore, the review officer may consider lies or fabrications made by the student when deciding upon sanctions.

For undergraduate students it is expected that all facets of the Undergraduate Honor Code, specifically the five pillars, will be adhered to during this process."

During the Administrative Review, the student or organization will have the opportunity to present any information pertaining to the alleged incident. All documentation submitted to the administrative hearing officer(s) must be presented at this time. The student or organization also has the right to request that the hearing officer(s) interview

any relevant witnesses. However, witness interviews will be conducted in the sole discretion of the hearing officer(s).

3. Determining an Outcome

A decision will be made by the hearing officer(s) to determine if the student or organization is to be held responsible in whole or in part for the alleged policy violation(s) and behavior. If the student is found to be responsible, the hearing officer(s) will impose appropriate sanctions. The sanction range incorporates those included in Appendix II, with the exception of the sanction of expulsion.

It is important to note that sanctions are imposed immediately (unless otherwise noted) regardless of the status of a request for reconsideration.

4. Outcome Notification

Notification of the Administrative Review decision will generally be provided to the student within three (3) business days after the conclusion of all interviews, meetings, and review related to the case. A decision letter will be emailed to the student's Babson email indicating the decision of the Administrative Review hearing officer(s).

Request for Reconsideration

All students have the right to request a reconsideration of the outcome of an administrative review. Please see Appendix III for details.

SECTION 3 – COLLEGE HONOR BOARD

ROLE IN THE CONDUCT PROCESS

The College Honor Board is a forum in which any member of the Babson community may initiate a complaint against a graduate or undergraduate student. The purpose of the board is to protect the rights of the Babson community and the community in which the College exists, to uphold the values set forth by the College, to assure that all parties receive due consideration in the handling of complaints, and to help students become responsible citizens and accept the consequences of their behavior(s).

JURISDICTION

The College Honor Board hears both academic and nonacademic cases. It is the sole determination of the dean of student affairs, along with the Honor Board adviser, to determine which matters will be reviewed by the College Honor Board.

COMPOSITION

The board is drawn from a member pool representing the three Babson constituent groups: students, faculty, and administrators or staff. The number of members may fluctuate during the course of the year.

A complete listing of the members of the College Honor Board as of the date of publication can be found in Appendix IV. This is not an all-inclusive list and is subject to change.

For each hearing, a set number of student, faculty, and staff members will be selected. The circumstances surrounding the case may dictate the type of board used.

For Undergraduate Students

- **Standard Hearing Board:** Student chairperson, three undergraduate students, one faculty member, and one administrator/staff member
- **Maximum Hearing Board:** Student chairperson, five undergraduate students, two faculty members, and two administrators/staff members
- **Short Hearing Board:** Student chairperson, one undergraduate student, and one faculty/administrator/staff member

For Graduate Students

- **Standard Hearing Board:** Student chairperson, one graduate student, one faculty member, and one administrator/staff member
- **Short Hearing Board:** Student chairperson, one graduate student, and one faculty/administrator/staff member

The chairperson serves as a nonvoting member, and is responsible for running the hearing and facilitating the board's deliberations.

If the College Honor Board is called to hear a case during a College recess or summer session or when a student has withdrawn from the College with charges pending, the board adviser has the authority, on behalf of Babson College, to select substitute student representatives (including, but not limited to, an alumnus/ae or newly selected member) on an ad hoc basis in order to hear the case in a timely manner. A short hearing board, may convene to hear a case under such circumstances. In such cases the chairperson may be called to be a voting member in case of a tie in determining responsibility.

In most cases, a standard board will be used to hear a case. A maximum board will be used when the adviser determines that a case warrants a hearing by a larger representation of the community. The adviser decides whether to convene a standard or maximum board. In either case, the number of students sitting on the board will always be larger than the combined number of faculty and administrators, and the total membership will always end with an odd number.

ROLE OF THE BOARD MEMBER

Participation on the College Honor Board represents one of the clearest examples of meaningful involvement in institutional self-governance at Babson. Board members are dedicated to the maintenance of a system that preserves an atmosphere of order conducive to the pursuit of educational goals, the guiding principles of the College, and that protects the rights of members of the College community and the larger community in which it exists. Board members are expected to be unbiased and without a direct interest in the outcome of a particular case.

Student members are selected each year and serve on the board during the following academic year. The selection process includes an application and an interview with current board members and the board adviser. Student members are evaluated and eligible for reappointment annually. The College president or his or her designee annually appoints the faculty members, administrators, and staff representatives who serve and are eligible for reappointment. Any member of the board may be "terminated with cause," by the board adviser or by a majority vote of the board.

The chairpersons must always be undergraduate students. The chairpersons are responsible for assisting the board adviser with the administration of board processes and procedures, working with the adviser to design and implement training opportunities for the board, and handling correspondence within the board. The board chairperson(s) are also responsible for organizing educational outreach efforts and coordinating with various campus resources to maximize programmatic reach.

Undergraduate student members of the College Honor Board are responsible for participation in training and in-service opportunities, implementing programmatic outreach efforts, serving as a resource on the Undergraduate Honor Code and serving on an "as needed" basis for hearing and review boards.

In addition, at the request of any student appearing before the board, the chairpersons will make him or herself available to answer questions regarding the process, to address any reasonable concerns or make appropriate referrals, as necessary.

ROLE OF THE BOARD ADVISER

The dean of student affairs appoints a member of the Babson community to serve as the primary adviser to the board on a permanent or interim basis. He or she also may appoint other advisers as he or she deems necessary. An adviser is present at all Honor Board hearings and reviews, serves as an information resource during the actual hearing or review, and advises the board as to proper procedures and institutional policy. The adviser does not dictate or amend any sanctions imposed by the board, although he or she may recommend a course of action. The board is not bound to act on the recommendation.

PROCESSES AND PROCEDURES

Initiation for Non-Academic Violations

Reports of alleged student misconduct may be submitted by any department and by any member of the community. Reports must contain the name of the student(s) who allegedly violated policy; nature and circumstances of the violation, including specific dates, times, locations, and names of potential witnesses if known to the complainant; and the names(s), address(es), and phone number(s) of the person(s) filing the report.

The College Honor Board adviser investigates, as may be appropriate under the circumstances; interprets the alleged misconduct in order to determine whether the conduct in question is a possible violation of College regulations or policy, local state, or federal law; determines if there is sufficient information to pursue a charge; and identifies the specific charges that will be brought against the student.

If appropriate, the dean of student affairs or his or her designee may also refer allegations of criminal violations to the department of public safety, the Wellesley or Needham Police Departments or other law enforcement authorities for investigation.

In cases when a complainant requests a College Honor Board hearing, the board adviser may make the determination that a College Honor Board hearing is not appropriate, as the case does not constitute a significant impact on the community and/or does not require a full investigation. The case may be referred to an Administrative Review.

Initiation for Academic Integrity Violations

Reports of academic integrity violations (i.e., plagiarism, cheating, unauthorized collaboration, fabrication, facilitating academic dishonesty, participation in academically dishonest activities) should be reported to the Honor Board adviser. The adviser will

review the information and supporting documentation to determine whether there is sufficient information to formally charge a student with a violation of the academic integrity policy. If there is sufficient information, the Honor Board process is initiated.

There are two processes used by the College Honor Board to adjudicate academic integrity violations:

1. **The College Honor Board Hearing:** A board convenes for a hearing to review academic integrity violations when the relevant facts of the case or any circumstances related to the incident are in dispute; the respondent's responsibility for a policy violation(s) is in question; the student has a significant disciplinary history and/or has been previously found responsible for an academic integrity violation; the seriousness of the alleged behavior, should the respondent be held responsible, may result in a suspension or expulsion from the College; or when deemed otherwise appropriate by the board adviser. The board is charged with determining responsibility of the respondent relative to the specific charges and deciding an appropriate sanction, if applicable.
2. **The Informal Review Meeting:** The faculty member or complainant, respondent, and board adviser convene for a review of the alleged academic integrity violations in circumstances when the relevant facts of the case or circumstances related to the incident are clear and agreed upon in all material respects, and the respondent(s) accepts responsibility in whole or in part for the policy violation(s) in question. The faculty member and the board adviser will determine jointly the appropriate sanction(s). The board adviser may provide guidance to the faculty member based on previous cases comprising with similar facts. If the complainant is not the faculty member, the board adviser will determine the sanction(s) after conferring with the faculty member. Sanction(s) imposed during an Informal Review Meeting may not include expulsion from the College.

All students involved in either of the above processes are required to abide by the tenets of the Honesty Statement:

"It is expected that all information presented will be true and correct. If you willfully provide false information, you will be in violation of the College's Defiance of Authority policy, which may result in further disciplinary action. Furthermore, the board may consider lies or fabrications made by the student when deciding upon sanctions. For undergraduate students it is expected that all facets of the Undergraduate Honor Code, specifically the five pillars, will be adhered to during this process."

In cases of alleged academic integrity violations, until the matter is resolved, the student will receive a grade of Incomplete ("I") for the work and/or course in question.

If a student is found responsible for academic misconduct, the board may impose one or more of the sanctions found in Appendix II.

If a student is found not responsible, he or she will be given a grade on the work in question.

THE COLLEGE HONOR BOARD HEARING

After reviewing the investigation and any supporting documentation, the adviser will send an email to the student informing him or her of the incident and alleged violation(s) in question. The letter will include the date, time, and location of the pre-hearing meeting where formal charges will be presented, the process will be described, and responsibilities of all parties will be discussed.

A board chairperson, if available, may be present at the pre-hearing meeting. The chairperson may meet with the respondent at a later time, if requested by the student, to answer additional questions or concerns. It is the responsibility of the respondent to schedule the appointment with the chairperson.

STUDENT RIGHTS AND RESPONSIBILITIES (ACADEMIC AND NONACADEMIC)

In order to provide an orderly procedure for the handling of disciplinary matters that will ensure fairness all students involved, the following safeguards will be accorded to all who participate in the College Honor Board hearing process.

1. Both the respondent and the complainant have the right to one (1) advocate. The advocate may be a fellow student, faculty member, or other member of the Babson community, and may be present at the board hearing to provide support. The advocate cannot be an attorney or a parent/legal guardian. Additionally, neither attorneys nor parents/legal guardians may attend pre-hearings. The advocate's role is limited to providing support to a student during the hearing process. The advocate may not act as a witness for the student. A current member of the board may not serve as an advocate. Both the respondent and complainant must notify the board adviser of their advocate's name at least 24 hours prior to the hearing. During the hearing, the advocate may not address the board directly or speak directly to witnesses, but may confer at reasonable times in a reasonable manner with the student for whom he or she is advocating. The board adviser may exclude an advocate from a hearing or terminate a student's right to have an advocate, in his or her discretion for good cause. The number of student advocates may be limited at the discretion of the chairperson and/or the board adviser.
2. Undergraduate students are strongly encouraged to notify their parents in advance of their appearance before the board. The board adviser is available to answer any questions that a student's parents may have regarding the process, provided the student consents in writing to a release of information.
3. Prior to any type of formal hearing, the respondent will receive a written statement of the charges, the source of such charges, and the conduct regulation(s) or policy(ies) on which the charges are based. This letter will be delivered to the student's Babson email account.

4. The respondent has the right to request a pre-hearing meeting with the board adviser to review hearing procedures. In nonacademic matters only, the respondent may use this opportunity to waive the right to a hearing and accept disciplinary action from a College official when that option is offered. In such cases, there is no right to request reconsideration.
5. During the pre-hearing, it is possible that the date of the hearing will not be known. However, the respondent and complainant will be made aware the responsibilities and timeline they have prior to a hearing. It is the responsibility of the complainant and respondent to prepare for the hearing even if the date has not been set.
6. Written notification of the date, time, and place of any hearing will be delivered to the student's Babson email at least five (5) business days before the hearing. It is the student's responsibility to check his or her Babson email daily following receipt of charges until the process is resolved. The student may have the option of an earlier hearing, provided the board is able to convene before the limit of five (5) business days.
7. All hearings will be closed to the public and the press.
8. The respondent has the right to be heard by an impartial hearing body. Members may be challenged in writing at least two (2) days prior to any scheduled hearing, and will be replaced for good and reasonable cause. The written challenge should be directed to the board adviser who may confer with the board chairperson and render a decision as to the removal of a board member. If, during the course of any proceedings before the board, a member of the board determines that he or she may have a conflict of interest, that member of the board shall disclose the potential conflict to the chairperson and shall be permitted to withdraw prior to the board's deliberations. In such cases, the withdrawing member shall not be replaced, and the chairperson shall vote in the case of a tie vote. In the case of two or more members withdrawing from a hearing, the board adviser and board chair will determine the appropriate course of action in the hearing process.
9. It is the responsibility of respondent to promptly resolve any scheduling conflicts with respect to a scheduled hearing. The respondent has the right to request written postponement of a hearing; however, postponement is rarely granted unless there is a significant circumstance that is subject to the procedures of the board and approval of the board adviser.
10. If either the respondent or the complainant fails to appear for the hearing or chooses not to participate in the hearing, it will be the decision of the board adviser whether to reschedule the hearing or proceed without the benefit of input from that party. A hearing that takes place absent one of the principals or with limited or no input from one of the principals is not in and of itself considered grounds for reconsideration of the board's decision.
11. The respondent has the right to respond as follows: not responsible, responsible (with any mitigating circumstances deemed appropriate), or no response to the charge(s) against him or her.
12. The respondent and complainant will be permitted to call and question witnesses on his or her behalf. Witnesses are most oftentimes limited to those who have

firsthand knowledge of the events being reviewed and may be limited at the board adviser's discretion. Students are not required nor permitted to provide any character references or testimonials on their behalf for the benefit of the board. The respondent and complainant must present a written list of all witnesses to the board adviser for approval at least two (2) business days prior to the hearing (except where a hearing proceeds on an expedited basis, in which case such list shall be presented at least one (1) business day prior to the hearing). The respondent and complainant are solely responsible for communicating with his or her witness(es) about the date, time, and location of the hearing. The respondent and complainant have access to all witness lists. The lists may be obtained from the board adviser. Witnesses are called into a hearing when needed, and the number may be limited at the discretion of the chairperson and/or the board adviser.

13. The respondent and complainant will each be permitted to speak or present relevant written information on his or her behalf. Verbal statements may be limited by the board chairperson, should they become repetitious or if they are irrelevant, in his or her discretion. A respondent or complainant who wishes to submit relevant written documents in support of verbal statements must give copies to the board adviser at least two (2) business days prior to the hearing. The adviser ensures the distribution of the materials to the board. Diagrams depicting the arrangement of a location or situation also are considered legitimate written information. All parties involved including the respondent, complainant, and members of the hearing board have the right to receive copies and review the written information before the hearing. This information will be provided one (1) business day prior to the hearing.
14. The standard of proof used to deliver a finding of responsibility is the presentation of information that renders the facts and participation of the respondent to be "more likely than not" to have occurred.
15. All decisions will be based on the written material and verbal statements presented to the board in a particular matter. Previous disciplinary action taken against the responsible respondent may be considered by the board solely in the determination of a sanction once a determination of responsibility has been made. A respondent may voluntarily discuss details of his or her prior disciplinary history with the board. However, except in such a circumstance as when the student volunteers his or her prior disciplinary history during the course of a hearing, the Honor Board is not permitted knowledge of any such history until a finding of responsibility has been reached.
16. The hearing will be recorded. The recording and all correspondence are confidential. Board records and recordings are maintained for the use of the board and are not considered as general records maintained by the College. The recording may be used in the event of a request for reconsideration (as outlined elsewhere in this guide). The respondent and/or complainant may listen to the recording in preparation for the request for reconsideration process. The recording must be listened to in the Office of Community Standards in the presence of a designated staff member. Copies of the recording are not

- permitted. Board records and recordings are filed in a secure area and are kept for a seven-year period after graduation. After that time, they are destroyed.
17. Personal laptops or other personal recording devices are not permitted in any part of the student conduct process with the exception of the board adviser for recording purposes.
 18. Written notification of the board's decision is typically delivered within three (3) business days after the conclusion of the hearing to the respondent's Babson email account.
 19. In cases involving more than one respondent, and in which separate hearings are held, the board has the discretion to hear all cases before rendering a decision in any one case. Therefore, the time frame for written notification will be extended until all cases have been heard. Additionally, in cases involving multiple parties, the board adviser will determine whether the students will receive separate and distinct hearings. In making this determination, the board adviser will consider whether the conduct in question arises from a common set of facts, whether separate and distinct hearings would be confusing to the board, or whether separate hearings would not permit the board to consider the information in its proper context.
 20. The College Honor Board chairperson will prepare a brief written summary of the case. This will be made available for review, upon request, to the student charged.
 21. The College community has the right to learn of the final disposition of disciplinary cases, including the nature of the violation, decision of the board, and sanction imposed. It is important to note that no personally identifiable information will be released regarding a given hearing.
 22. Subject to the need to conduct pre-hearing investigations and meetings as described herein and to any requirements imposed under law, all parties involved in a hearing, from pre-hearing meetings through the request for reconsideration process, are expected to keep in confidence the names of expected parties involved, charges alleged, sanctions imposed, witnesses, request for reconsideration status, etc. In the event of pre-hearing publicity, the chairperson shall ask each member of the board if they have heard or read any of the pre-hearing publicity both prior to and during the hearing, and if so, whether they have the ability to be impartial. In the event that a board member indicates they are unable to remain impartial or if the chairperson believes they are unable to do so, the board member shall be excused. In addition, the chairperson shall instruct the remaining members of the board that they shall not give any weight to the pre-hearing publicity.
 23. Although the College cannot compel witnesses, the complainant, the respondent, or advocates to keep the case confidential, they are requested to abide by the same standard of confidentiality listed above.

HEARING PROCEDURES

The basic order of questioning and presentation of witnesses is as follows:

1. Introduction of the case by board chairperson and reading of the charge(s)
2. Statement of honesty and responsibility
 - The student(s) charged is asked to respond responsible, not responsible, or no response to the charges as read
3. Opening statements
 - Complainant
 - Respondent(s)
4. Questioning of the respondent(s) and complainant by the board
5. Presentation of witnesses by the complainant
 - Questioning by complainant
 - Questioning by respondent(s)
 - Questioning by board
6. Presentation of witnesses by the respondent(s)
 - Questioning by respondent(s)
 - Questioning by complainant
 - Questioning by board
7. Questioning of the respondent(s) by the complainant
8. Questioning of the complainant by the respondent(s)
9. Questioning of the respondent and complainant by the board
10. Summation of the case by the complainant
11. Summation of the case by the respondent(s)

The procedural order may be changed during a hearing, should the chairperson deem it beneficial or in order to expedite the hearing process. The complainant and respondent will address the board according to the process outlined above. During a hearing, disruptions of any kind will not be tolerated by the board. In such circumstances, the board chairperson may order the removal of the person causing such disruption and, under extreme circumstances, may, in consultation with the board adviser, order the exclusion of that person's statements. The advocates for both parties may be present during the hearing, but may not address the board, witnesses, or other individuals present at the hearing. Questions regarding procedures should be directed to the chairperson. The board adviser will provide clarification when appropriate.

DETERMINING AN OUTCOME

When a hearing is concluded, the board adjourns with the adviser present to discuss the information that has been presented, and to make a determination. The standard of proof used to render a finding of responsibility is set in number 14 of student rights and responsibilities. After discussion is complete, a vote is taken to determine responsibility of the respondent relative to each specific charge. A simple majority vote is sufficient for a finding.

In its deliberations, the board considers guidelines provided by the College (regulations and policies with which student compliance is expected are found principally, although not exclusively, in the *Undergraduate Student Handbook*, the Undergraduate Honor Code, and the *Graduate Student Handbook*) the nature of the violation, and the impact

of the violation on the individual, the Babson community, the municipalities, including Wellesley and Needham, and the College's reputation as a member of the community at large. The board views each case as distinct, which allows it to consider the unique aspects of every situation.

In deciding an appropriate sanction, the board may consider any relevant past disciplinary record of respondent, including sanctions issued by other student conduct bodies and any failure by the student to fulfill sanction obligations (which may be referred to the board for future action). The board assumes the responsibility to consider any past information carefully and in perspective. The board is not obliged to follow precedent with respect to sanctions imposed in other cases, but it may choose to do so when appropriate. A list of possible sanctions is available in Appendix II (the list is not all inclusive).

It is important to note that sanctions are enacted immediately (unless otherwise stated) regardless of the status of the request for reconsideration.

OUTCOME NOTIFICATION

When the board has reached a decision, the respondent will receive notification in writing within three (3) business days. Notification will be sent to the student's Babson email. Failure to fulfill requirements of a sanction may result further disciplinary action or a hold being placed on the student's account.

REQUEST FOR RECONSIDERATION

All respondents have the right to request a reconsideration. For details about the Reconsideration process see Appendix III.

INFORMAL REVIEW MEETING

An Informal Review Meeting may be used to resolve academic integrity violations when:

- Both the respondent and faculty member consent to the Informal Review Meeting.
- The respondent and faculty member have substantial agreement in all material effects on the relevant facts and circumstances. The respondent (i) accepts responsibility for the policy violation(s) in question in whole or in part, and (ii) admits to the facts that comprise the violation(s) in whole or in part.
- The respondent has not previously been found responsible for an academic integrity violation and has no significant disciplinary history at the College.
- For the purposes of the student conduct process, “significant disciplinary history” means (i) a suspension from the College, (ii) any two or more significant disciplinary violations of any type as determined by the board adviser, or (iii) any prior actions for which formal discipline was not imposed but is nonetheless regarded as a serious breach of the standards, to which Babson students are expected to adhere.
- The board adviser has the discretionary authority to immediately refer a case to the Honor Board for a formal hearing process, even if all of the above conditions for an Informal Review Meeting have been met, when it is determined that input from the larger community is appropriate because of the seriousness of the alleged violation and/or potential impact on the community.
- The board adviser has discretion to use an Informal Review, even if all the above conditions are not met, for cases where an expeditious resolution is required or beneficial (e.g., where a student is in his or her final semester and must have the disciplinary case resolved prior to graduation).

COMPOSITION

The Informal Review Meeting will consist of the faculty member, the respondent, and the board adviser or his/her designee. The student chairperson may attend the meeting if he/she is available but his or her attendance is not required. The board adviser or his/her designee is present at all meetings and serves as an information resource during the meeting and advises on proper procedures and relevant institutional policy. Should the board adviser not be available, the meeting can proceed with the respondent and faculty member provided there is agreement by the board adviser in advance of the meeting, his or her designee attends in his or her stead, and/or he or she reviews and approves the outcome.

STUDENT RIGHTS AND RESPONSIBILITIES DURING AN INFORMAL REVIEW

In order to provide an orderly procedure for the handling of academic misconduct matters that will ensure fairness to the respondent, the following safeguards will be accorded to all who participate in the process.

The respondent will meet with the board adviser for a pre-hearing meeting in accordance with the procedures as outlined in the previous section for nonacademic cases.

At the pre-hearing meeting, the board adviser will discuss the student's rights and responsibilities as well as outline the procedures for both the Honor Board Hearing and Informal Review Meeting processes.

The board adviser will inform the respondent if the Informal Review Meeting is an option. In such an instance, the respondent will have up to three (3) business days following the pre-hearing meeting to:

- Inform the board adviser if he or she consents to the Informal Review Meeting
- Submit to the board adviser a "statement of facts" outlining the specific details relating to his or her involvement in and responsibility for the policy violation(s) for which he or she has been charged

The faculty member will be notified that the Informal Review Meeting is an option and will be provided an opportunity to review the statement of facts in advance of the review meeting and may, but is not required to, submit any additional information relevant to the specific incident. If such materials are submitted in advance, they shall be provided promptly to the student. If there is not substantial agreement on the relevant facts between both parties, as they are outlined in the written statement, the case will be referred to the College Honor Board for a formal hearing.

If the above conditions are met, the Informal Review Meeting will be scheduled with the respondent, faculty member, and board adviser or his or her designee. Written notification of the date, time, and place of the meeting will be delivered to the student's Babson email account. It is the student's responsibility to check his or her Babson email daily following the receipt of charges until the matter is resolved. The respondent's statement of facts will be distributed in advance of this meeting for review by all participants. If the respondent fails to appear for the meeting, an outcome will be determined without his or her input.

At any point during the Informal Review Meeting, the board adviser may elect to refer the case to the College Honor Board for a formal hearing, including in those instances where (1) material facts are disputed, (2) the respondent is not accepting full responsibility for the policy violation(s) in question, or (3) there is disagreement about the outcome for the violation(s).

PROCEDURES FOR AN INFORMAL REVIEW MEETING

The basic order of questioning and presentation of information is as follows:

1. At the Informal Review Meeting, the board adviser or his or her designee will summarize the facts of the case, as they are described in respondent's statement of facts.
2. The board adviser or his or her designee will ask questions of the respondent and/or faculty member and/or initiate a discussion to clarify the facts of the case, if necessary.
3. The respondent and the faculty member will have an opportunity to ask each other questions and/or to initiate a discussion to clarify the facts of the case.
4. The board adviser or his or her designee will make orally any necessary modifications and/or addition as to the statement of facts resulting from the questioning during the meeting.
5. The board adviser or his or her designee will propose a "likely outcome" if the College Honor Board was to have heard the matter in a formal hearing. The faculty member will propose an outcome for further discussion, if necessary.
6. Following the respondent and faculty member's review of the statement of facts and the "likely outcome," both the respondent and the faculty member will be asked to sign an agreement accepting:
 - Responsibility (respondent only) for the policy violation(s)
 - The accuracy of the statement of facts
 - The proposed sanction

DETERMINING AN OUTCOME

If both parties agree, the board adviser or his or her designee must review and provide a final authorization to ensure the agreement was reached in accordance with the process described above. Once the agreement has been signed, it is final and there is no opportunity to submit a request for reconsideration. If either party does not agree in full and/or expresses disagreement with the statement of facts or sanctions, the matter automatically will be referred to the College Honor Board for a formal hearing.

In the Informal Review Meeting, sanctions listed in Appendix II may be imposed but may not include either suspension or expulsion from the College.

SECTION 4 – MEDIATION

ROLE IN THE COMMUNITY

Mediation is appropriate in a situation that involves two or more individuals who are in a dispute. Further, the individuals involved in the dispute both seek a mutually agreeable resolution. The mediation process is both confidential and voluntary. Mediation is unrelated to the student conduct process in its purpose and design.

AVAILABILITY

Mediation may be available to all members of the undergraduate and graduate communities. The use or offer of mediation is made at the discretion of the dean of student affairs or his or her designee in consultation with the parties in dispute. Mediation is not available once a formal student conduct process has begun.

Any member of the community wishing to use mediation should contact Colleen Ryan in the Office of Community Standards at Ext. 6344.

COMPOSITION

Mediation is composed of a mediator(s) and the two or more individuals who are in a dispute.

ROLE OF THE MEDIATOR

The mediator facilitates a conversation between the disputants with the goal of reaching of an agreement that satisfies the concerns presented and meets the standards of acceptable behavior in a community environment. The role of the mediator is not to impose a solution or offer College intervention to bring about an outcome.

INITIATION OF MEDIATION

The mediation process will be initiated only when both parties agree to have their conflict heard by a mediator. The parties will then meet with a mediator to better understand the guidelines for campus mediation.

OUTCOME

At the conclusion of the mediation, all agreed-upon recommendations, stipulations, and expectations are recorded and signed by the parties involved. A formal record of the mediation is placed in each student's file.

REQUEST FOR RECONSIDERATION

Any outcome derived from mediation is not College imposed; thus, there is no reconsideration of the mediation results. A failure to abide by the agreement resolution results only in the prolonged condition of the dispute, which left unattended, may require official College intervention.

Appendix I

Glossary of Terms

The following glossary is intended to better acquaint readers with some of the terms used throughout this guide. Questions regarding a more detailed understanding of these terms should be directed to the director of Community Standards.

Complainant—The person who either initiated the complaint or the person who investigated the complaint.

Charge Letter—Correspondence in letter form from the Office of Community Standards indicating that there has been a formal question raised regarding a violation of a College policy or regulation. The purpose of the letter is to inform the student of the general nature of the issue in question and the next steps in the process.

Outcome Letter—Correspondence in letter form from the hearing board or officer outlining: the formal policies or regulations reviewed, the finding of the board or hearing officer(s) regarding responsibility of the student for violation of those policies or regulations, and the sanctions (if any) that will be applied as a result of the finding of responsibility. It should be noted that all outcome letters will be placed in the student's educational record. However, only in cases of College suspension or expulsion will a transcript notation be made. This notation is in addition to failing grades appearing on the transcript as a result of academic dishonesty.

Respondent—The student responding to alleged violations of College policy or regulations.

Sanctions—Outcome(s) that are the result of a student being found responsible or having accepted responsibility for the violation of a particular policy or regulations. A partial listing of possible sanctions is published in Appendix II.

Witness—An individual who either, in person or in writing, can provide the hearing board or officer with a firsthand account of the events under consideration. Students are not required nor permitted to provide any character references or testimonials on their behalf for the benefit of the board or hearing officer(s).

Appendix II

SANCTIONS

The following is a list of possible sanctions available in a student conduct review process involving an individual or group. They are not exclusive and other sanctions may be imposed.

Academic Integrity Seminar—An online seminar targeting the role of honesty, ethics, and trust in the everyday decision-making process. The seminar uses many types of readings and reflections to accomplish this goal. Students are responsible for the cost of completing the online seminar, which is \$100.

Academic Integrity Violation Transcript Notation—Students found responsible for an academic integrity violation will have a transcript notation designated to the class in which the academic integrity violation occurred. This notation will be in place for no less than 12 weeks as a result of this violation. The notation will be removed after successful completion of the Academic Integrity Seminar. For a student with a second academic integrity violation, the transcript notation will be permanent.

Warning—A written warning that states that further occurrence of the given violation may be considered with prejudice by the board and subject the student to further disciplinary proceedings.

College Facility Suspension—Removal from specified residence halls, and/or College facilities (e.g., Roger’s Pub or campus areas), for a designated period of time.

College or Community Restitution—Compensation for damage(s) or violation(s) committed, through the payment of money or through an appropriate service requirement related to the damage(s) or violation(s). Restitution also includes, but is not limited to, the reimbursement of extraordinary expenses occasioned by the student’s actions: fines or impositions levied by local municipalities with respect to the response of emergency service personnel, overtime paid to members of the Department of Public Safety, and/or fines outlined in the Undergraduate Handbook, the Graduate Student Handbook, and other official publications of the College. This sanction also can include service to the community in which the violation took place. When a student is required to carry out a college or community restitution sanction, it is his or her responsibility to ensure that such service is completed or restitution made within the time frame established.

Course Grade Reduction—The student will receive a “0” grade on specified percentage of the overall course grade for an academic misconduct violation. This grade will be averaged with the overall grade earned in a course. This sanction includes a transcript notation indicating that the grade reflects a violation of the academic integrity policy.

Deferred Loss of Housing, Suspension, or Expulsion—A period of time during which the student’s actions are subject to close examination. Violations committed during this

period will be considered with prejudice by the board or in the context of an administrative review, or College Honor Board hearing and may result in an immediate removal from housing, suspension for a period of time, or expulsion.

Deferred Loss of Privileges—A period of time during which the student's actions are subject to close examination. Violations committed during this period will be considered with prejudice by the board or in the context of an administrative review, College Honor Board hearing, or gender-based misconduct hearing and may result in an immediate loss of privileges as it had been defined by the board or hearing officer(s).

Disciplinary Probation—A period of time during which the student's actions are subject to close examination. Violations committed during this period will be considered with prejudice by the board or in the context of an administrative review, a College Honor Board hearing, or gender-based misconduct hearing. Additionally, disciplinary probation may be considered by the Academic Standards Committee in determining a course of action for a student who falls below the required academic standard set by the College.

Educational Seminar—The student is required to attend an educational seminar on one or more topics, including ethics and social responsibility or alcohol. The student is expected to meet seminar requirements and actively participate. Any student who fails to do either will be referred back to the student conduct process.

Expulsion—Permanent removal from the College with no right to seek reinstatement. Expulsion also includes a permanent notation of the student's transcript. Please refer to the Undergraduate Student Handbook or the Graduate Student Handbook for policies regarding applicable refunds of semester charges.

Failure in a Course—The student will fail the course, without reimbursement, for an academic misconduct violation. The student's official transcript will reflect the letter grade of "F". Students should contact Student Financial Services for information as to how a failure will affect their financial aid. This sanction includes a transcript notation indicating that the grade reflects a violation of the academic integrity policy.

Failure on a Paper, Project, Examination, or Course Component—The student will receive a "0" grade on a paper, project, examination, or relevant course component(s) of the overall course grade for an academic misconduct violation. This grade will be averaged with the overall grade earned in a course. This sanction includes a transcript notation indicating that the grade reflects a violation of the academic integrity policy.

Fines—As outlined in the Undergraduate Student Handbook and Graduate Student Handbook, fines may be assigned for violations of the College alcohol and drug policy and for violations of fire regulations or in other appropriate circumstances.

Loss of Housing—The loss of the privilege to reside on campus permanently or for a designated period of time. This sanction includes the forfeiture of moneys previously

paid for on-campus housing and may include forfeiture of the right to participate in the housing lottery.

Loss of Privileges—Loss for a specific period of time, of the privilege of participating in cocurricular activities including intramural and intercollegiate athletics, positions of leadership in clubs and organizations, campus-wide programs and events, and parking. It also includes loss for a specified period of time any or all privileges of a recognized student organization.

Reassignment to Another Room or Living Area—When the behavior in question is deemed to be significantly detrimental to the residential community in which the student is residing, or to his or her roommates, the student may be required to relocate to another living area on campus designated by the College. This sanction is made in consultation with the Office of Residence Life. No guarantee of exact or similar housing accommodations can be made for every situation, nor shall it be a requirement.

Suspension—Removal from Babson College for a specified period of time. During a suspension, a student may not register for or attend classes, participate in or attend cocurricular activities or College events, live in the residence halls or access any College property or facility. This sanction includes a transcript notation. (Upon the student's impending graduation, the student may petition the dean of Student Affairs or his or her designee, in writing, to request that the notation be removed from the transcript. Removal is in the full discretion of the dean of student affairs.) Additional restrictions regarding transferable College credit may be imposed. Please refer to the Undergraduate Student Handbook and Graduate Handbook for policies regarding applicable refunds of semester charges. During a suspension, the student is expected to adhere to all College policies and will be held accountable for any violations during the period of suspension. The College may specify additional conditions for readmission after a suspension.

Appendix III

REQUEST FOR RECONSIDERATION

A request for reconsideration of a decision from an Administrative Review, Honor Board hearing or a Gender-Based Misconduct Hearing Panel must be submitted within three (3) business days after the decision letter is delivered to the student's Babson email account. A request for reconsideration may be made solely on the grounds of error in the charge and/or hearing process that has materially affected the outcome, or in the event of new information that could not have been discovered prior to the hearing through the exercise of reasonable diligence and that would have materially affected the outcome. The nature and severity of the sanction are not grounds for a request for reconsideration. A request for reconsideration must be made in writing to the appeal officer and must clearly outline and explain how the grounds described above have been met. For Administrative Reviews, the appeal officer is the director of community standards or his or her designee. For Honor Board hearings and Gender-Based Misconduct Hearing Panels, the dean of student affairs, or his or her designee shall act as the appeal officer. Please note that sanctions from the original hearing will go into effect immediately after the decision is delivered to the student as provided above, even if a request for reconsideration is submitted.

The role of the appeal officer is to determine if the grounds for reconsideration (as described above) have been met. If the grounds have not been met, the finding of responsibility and the sanctions imposed during the original hearing will be upheld. All decisions made by the appeals officer are final and not subject to further appeal.

If the appeal officer finds that grounds for reconsideration have been met, the appeal officer will take one of the following actions:

1. Refer the matter to the appropriate hearing body if based on the grounds of error in charge and/or hearing process that would have materially affected the outcome. If such grounds are met, the case may be reheard in whole or in part, in the discretion of the appeals officer. The decision the hearing body makes will be final and not subject to further appeal.
2. Refer the matter back to the original hearing body if based on the grounds of new information that could not have been discovered prior to the hearing through the exercise of reasonable diligence and that would have materially affected the outcome. If the original hearing was an Honor Board hearing, the original board, complainant, respondent, and if required, witnesses, may be reconvened to review only the new information. The decision the hearing body makes will be final and not subject to further appeal.

Appendix IV

COLLEGE HONOR BOARD MEMBERS 2013–2014

Honor Board Chairs

Nicole Cartier '14; Jessica Millman '14; Rob Stockbridge '15

Student Members

Paulina Bosque '16; Jacob Vick '16, Arjun Murthy '16, Tyrone Ramnath '15, Christopher Boe '14, Amy Dwarnick '14, Dan Shaffer '15

Graduate Members

Kenneth Carey, Evening MBA; Emily Robertson, Evening MBA; Karina Rodriguez Paez Two-Year MBA; Alvaro Montemayor Two-Year MBA

Faculty Members

Eli Bortman, Law; Brian Seitz, Philosophy; Denise Troxell, Mathematics and Statistics; Charles Winrich, Science; Virginia Rademacher, Arts and Humanities; Mary Pinard, Arts and Humanities; Nathan Karst, Mathematics and Science

Administrative Members

Theresa Holland, Human Resources; Kate O'Leary, Human Resources; Nellie Pineault, Athletics; Liz Saumsiegle, Glavin Office of Multicultural & International Education; Kevin Araujo-Lipine, Residence Life; Aaron Hartman, Residence Life

Note: In the event a particular officer or staff person is designated in this guide as having responsibility for a particular aspect of the College Student conduct Process, the designee or successor of such officer or staff person shall carry out his or her responsibilities in the event that officer or staff person is called upon as a witness, has a direct involvement in the circumstances giving rise to the matter, or is no longer at the College.

Appendix V

PROCESS FOR RESOLVING STUDENT-ON-STUDENT GENDER-BASED MISCONDUCT COMPLAINTS

As explained on page 3 of this Guide, “In cases involving allegations of gender-based misconduct or cases otherwise deemed appropriate, the dean of student affairs or his or her designee reserves the right to make modifications to the Student Conduct Process in order to comply with Title IX or other applicable laws. .”

The process set forth below shall be utilized by the College in resolving student-on-student gender-based misconduct complaints.

RIGHTS OF THE COMPLAINANT

- The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct, gender-based discrimination and/or harassment made in good faith to the College;
- The right to be treated with respect by College staff throughout the process;
- The right to be notified of available counseling, mental and physical health services for victims of sexual misconduct, gender-based discrimination and/or harassment on-campus and off-campus;
- The right to identify witnesses and other parties with relevant information, and to request that the investigator designated by the College contact those individuals as part of the investigation;
- The right to have an adviser (as defined below) present in a support or advisory role during the investigation and hearing;
- The right to be informed of and to report the incident to off-campus authorities and/or law enforcement and to be assisted by College staff in doing so;
- The right to have the hearing process fully explained;
- The right to be notified of possible sanctions that may result if the respondent is found responsible of violating the policy(ies) in question;
- The right to have a gender diverse hearing panel, to know the names of the members of the hearing panel ahead of time, and to address concerns of bias and/or conflict of interest in regards to hearing panel members;
- The right to review the investigator’s report as well as the names of all witnesses who may be called to provide statements to the hearing panel;
- The right to know what community standards violations with which the respondent is charged;
- The right to challenge information and documents prior to and during the hearing;
- The right to have the College request attendance of individuals called as witnesses for a hearing;
- The right to have a copy of the hearing panel hearing script prior to the hearing;
- The right to be present and participate in the hearing;

- The right to make an impact statement to the hearing panel, should the panel find the respondent responsible for violating the policy(ies) in question;
- The right to have options with respect to how the hearing room is set-up (i.e., to ask for a partition to be placed between the complainant and respondent or to participate in the hearing by means other than being in the same room with the respondent);
- The right to be informed, in writing, of the outcome of, and sanction(s) imposed, for any hearing within three (3) business days of a decision being rendered;
- The right to a hearing outcome based on information presented during the hearing which the hearing panel finds credible, relevant and convincing by a preponderance of the evidence(i.e., it is more likely than not that sexual misconduct, gender-based discrimination and/or harassment occurred);
- The right to appeal the outcome of the hearing panel hearing, in accordance with the appeal guidelines established in this policy;
- The right to privacy, and the assurance that information regarding the complaint will be shared only with those necessary.

RIGHTS OF THE RESPONDENT

- The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct, gender-based discrimination and/or harassment made in good faith to the College;
- The right to be treated with respect by College staff throughout the process;
- The right to be notified of available counseling, mental and physical health services, on and off campus;
- The right to identify witnesses and other parties with relevant information, and to request that the investigator designated by the College contact those individuals as part of the investigation;
- The right to have an adviser (as defined below) present in a support or advisory role during the investigation and hearing;
- The right to have the hearing process fully explained, and to receive written notice of all charges;
- The right to be notified of possible sanctions that may result if found responsible of violating the policy(ies) in question;
- The right to have a gender diverse hearing panel, to know the names of the members of the hearing panel ahead of time, and to address concerns of bias and/or conflict of interest in regards to hearing panel members;
- The right to review the investigator's report as well as the names of all witnesses who may be called to provide statements to the hearing panel;
- The right to challenge information and documents prior to and during the hearing;
- The right to have the College request attendance of individuals called as witnesses for a hearing;
- The right to have a copy of the hearing panel hearing script prior to the hearing;
- The right to be present and participate in the hearing;

- The right to make an impact statement to the hearing panel, should the panel find the respondent responsible for violating the policy(ies) in question;
- The right to be informed, in writing, of the outcome and sanction of any hearing within three (3) business days of a decision being rendered;
- The right to a hearing outcome based on information presented during the hearing which the hearing panel finds credible, relevant and convincing by a preponderance of the evidence(i.e., it is more likely than not that sexual misconduct, gender-based discrimination and/or harassment occurred);
- The right to appeal the outcome of the hearing panel hearing, in accordance with the appeal guidelines established in this policy;
- The right to privacy, and the assurance that information regarding the complaint will be shared only with those necessary.

INVESTIGATION

The deputy Title IX coordinator for Student Affairs (deputy coordinator), in coordination with the College's Title IX coordinator, is designated to formally investigate student complaints, address inquiries and coordinate the College's compliance efforts regarding student complaints. Notice of a formal complaint can be made in writing or orally to an appropriate staff member (Residence Life, Public Safety, other Student Affairs staff, etc.), though the College encourages students to submit complaints in writing (electronically or by hard copy) to the deputy coordinator, the Title IX coordinator or other appropriate staff member. The deputy coordinator also reserves the right to investigate any incident referred to the dean of student affairs that may relate to this policy, and, if necessary, refer that incident to this gender-based misconduct resolution process.

The complaint should clearly describe the alleged incident, when and where it occurred, and the desired remedy, if known. Additionally, the initiator of a formal complaint should submit any supporting materials in writing as quickly as possible. Upon receipt of a complaint, the deputy coordinator will open a formal investigation. The deputy coordinator or a trained investigator, in consultation with the deputy coordinator, will lead the investigation. Completion of the investigation and resolution process should be complete within 60 days of the receipt of the complaint, oftentimes sooner. Should this process last longer than 60 days, the deputy coordinator will communicate the reasons and expected timeline to all parties.

INTERIM ACTION

After reviewing the complaint, the deputy coordinator, or the lead investigator in consultation with the deputy coordinator, may recommend interim remedial actions to the dean of student affairs and Title IX coordinator in order to stop the alleged harassment or discrimination, and/or to protect the safety and well-being of any individual and the College community. Interim remedial action is preliminary, and shall remain in effect only until the process is complete and a decision is rendered. Interim remedial actions include, but are not limited to, no contact orders, changes in College

housing accommodations, changes in academic schedule and accommodations, College housing suspensions, campus restrictions and College suspensions. These actions may be instituted at any point during the investigative process.

PRELIMINARY INVESTIGATION

After reviewing the complaint, the deputy coordinator will:

- work to determine the identity and contact information of the complainant;
- identify what policies, if any, were allegedly violated;
- meet the complainant to inquire about and finalize complaint;
- conduct an immediate initial investigation to determine if there is cause to proceed with further investigation.

If there is insufficient evidence to support a reasonable cause for the complaint, the grievance will be closed with no further action and that decision will be communicated to the reporting party.

FORMAL INVESTIGATION

If the deputy coordinator determines that there is reasonable cause to pursue the complaint, a formal investigation will be initiated. During the formal investigation, the deputy coordinator, or a trained lead investigator identified by the deputy coordinator, will:

- identify and select a second trained investigator to assist with the formal investigation. The deputy coordinator may appoint additional investigators as necessary.
- commence a thorough and impartial investigation by developing an investigation plan, including a witness list, information list, intended investigation timeframe, and order of interviews for all witnesses and the respondent;
 - The investigator will, in their sole discretion, determine which witnesses to interview. Character witnesses are not permitted. Witnesses are typically limited to people with firsthand knowledge of the events being reviewed.
- give the respondent proper notice of the investigation and provide an opportunity for the respondent to provide information;
- complete the investigation in a timely manner, without unnecessary deviation from the intended timeline;
- maintain communication with the complainant and the respondent on the status of the investigation and overall process.

At the conclusion of the investigation, the investigator will meet separately with the complainant and the respondent to present the findings. If supported by the investigation findings, the investigator will present the respondent with a notice of alleged violations of College's community standards.

INFORMAL RESOLUTION

If the respondent accepts responsibility for the alleged community standards violations presented in the investigator's report, the investigator will recommend sanctions to the deputy coordinator. The deputy coordinator will review the investigator's recommendation and will present the sanctions to the respondent. If the respondent accepts the sanctions, then those sanctions will be documented in a written decision letter. Students who accept responsibility and the sanction recommendation of the deputy coordinator may not submit a request for reconsideration. Respondents who do not accept responsibility or the deputy coordinator's proposed sanctions will have their matter heard by the hearing panel.

HEARING PANEL

The deputy coordinator will convene the hearing panel to conduct a hearing once charges have been assigned following an investigation, and the respondent has not accepted responsibility or has not accepted the investigator's proposed sanction. The hearing panel determines if the student is responsible for the alleged violation(s) by using a preponderance of the information, or a "more likely than not" standard of proof. If the respondent is found responsible, the hearing panel shall assign appropriate sanctions in accordance with this policy and the student conduct process. The goal of the hearing is to provide a resolution through an equitable process, respecting the rights of all participants.

COMPOSITION

All cases of gender-based discrimination are referred to a hearing panel. The hearing panel is composed of College staff and faculty members who are trained annually on gender discrimination issues, investigations and hearing practices. In each hearing, the hearing panel will consist of three members, with one designated as the chair, who is charged with conducting the hearing.

Names of the members of the hearing panel will be shared with the complainant and respondent prior to the hearing panel hearing. Members may be challenged in writing at least two (2) days prior to any scheduled hearing, and will be replaced for good and reasonable cause. The written challenge should be directed to the deputy coordinator who will render a decision as to the removal of a hearing panel member.

* The hearing panel maintains the authority to hear alleged violations of Babson College Community Standards that are related to the same incident under review, though may not be directly related to gender-based misconduct.

ADVISERS

Both the respondent and the complainant have the right to one (1) adviser. Legal counsel/attorneys, parents and/or family members are not permitted to participate in any hearing panel hearing. A member of the Babson community including faculty, staff (excluding any relative employed by the College) or current student may attend the

hearing in the role of an adviser. Advisers serve as a support person for students during hearing panel hearings, and can assist with hearing preparation. Advisers are not permitted to advocate for a student or speak on their behalf during a hearing. Students who are witnesses to the incident or are otherwise involved in the matter before the hearing panel cannot serve as advisers. A current member of the hearing panel cannot serve as an adviser.

HEARING PROCESS

The deputy coordinator or his or her designee will meet with both the complainant and the respondent prior to the hearing to outline the hearing process and answer questions. Prior to the hearing, the deputy coordinator will:

- schedule a pre-hearing with both the complainant and respondent to answer questions and address concerns with the process;
- schedule the hearing, and select hearing panel members from the pool of eligible members based solely on availability and maintaining a hearing panel of mixed genders;
- select the hearing panel chair from amongst the three (3) selected hearing panel members;
- contact witnesses and request their availability for the hearing panel hearing;
- arrange accommodations intended to limit contact between hearing participants at their request (i.e., arranging accommodations in different rooms, setting up physical barriers in the hearing room);
- prepare copies of all reports and supplemental information to be disseminated to the hearing panel, complainant and respondent before the hearing.

At the hearing, the following individuals may be present:

- three (3) hearing panel members
- complainant
- adviser for complainant (optional)
- respondent
- adviser for respondent (optional)
- investigator(s)
- witnesses (only one at any one time) – the hearing panel will determine which witnesses will be called
- deputy coordinator or his/her designee

The chair will conduct the hearing in accordance with the hearing script. The script ensures that the investigation report is presented, and that the hearing panel has the opportunity to ask questions of all parties and witnesses, if necessary. Additionally, the hearing script ensures:

- all parties are introduced;
- all charges are read;

- the respondent is provided an opportunity to respond to the charge(s) by stating either “responsible,” “not responsible,” or “no response,” for each charge;
- the investigator will present the results of the investigation;
- the hearing panel can ask questions of the investigator, parties and witnesses. Witnesses will be called at the hearing panel’s discretion.

If any individual should become disruptive during the hearing, including witnesses and advisers, the chair maintains the discretion to remove that individual from the hearing.

The hearing will be recorded. The recording and all correspondence are confidential. The recording may be used in the event of a request for reconsideration.

At the conclusion of the investigation presentation and questioning, the hearing panel will deliberate privately to determine the respondent’s responsibility for the charge(s). All decisions require a majority vote of the hearing panel and will be based on the preponderance of the information or “more likely than not.” After the hearing panel makes a decision, the hearing panel will reconvene with the parties and the investigator, and the hearing panel chair will announce the hearing panel’s decision. If the respondent is found responsible for any violations, the hearing panel will commence the sanction phase of the hearing. If the respondent is found not responsible for all charges, the hearing ends.

During the sanction phase of the hearing, the hearing script will direct the hearing panel to:

- accept impact statements from both parties, verbally and/or in writing;
- ask the investigator to disclose the accused respondent’s past disciplinary record, if any;
- ask the investigator and/or deputy coordinator for sanction parameters, as defined by this policy for the applicable Babson College community standards violations.

At the conclusion of the sanction phase, the hearing panel will deliberate privately. All sanction decisions require a majority vote. After a sanction decision is made, the hearing panel will reconvene with the parties and the investigator to announce the sanction decision and close the hearing.

After the conclusion of the hearing, the deputy coordinator will meet with both parties and answer and questions about the sanctions and any post-hearing requirements. The hearing panel has three (3) business days from the close of the hearing to produce a written decision letter to both parties. Decision letters will be sent to the student’s Babson email account.

SANCTIONS-ONLY HEARING

Should the respondent accept responsibility for all charged violations, but disagree with the investigator’s proposed sanction, a sanctions-only hearing will be conducted. This

hearing, after the presentation of the investigation findings and the opportunity for questioning, moves directly to the sanction phase described above.

OTHER PROVISIONS

The past sexual history or sexual character of either party will not be admissible by the investigator or by either party in either the hearing or written information submitted to the hearing panel unless such information is determined to be highly relevant by the deputy coordinator. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by a party must be included in the complainant's or respondent's written statement. The parties' written statements will be reviewed in advance of the hearing by the hearing panel adviser and may be redacted by the hearing panel adviser if he or she deems any part of it fails to meet the requirement of this section.

The investigator may present information, during a hearing and/or in an investigation report, about a previous incident involving the respondent if:

1. The previous incident was substantially similar to the present alleged incident;
2. The information indicates a pattern of behavior and substantial conformity with that pattern by the respondent; or
3. There are other reasons deemed relevant by the investigator and/or deputy coordinator.

REQUEST FOR RECONSIDERATION PROCESS

Both the respondent and complainant have the opportunity to submit a request for Reconsideration as explained in Appendix III.

In the case that either party submits a request for reconsideration the following procedures will be followed in addition to those explained in Appendix III:

- a) When one party submits a request for reconsideration, a copy of the written request will be provided to the other party.
- b) The other party will have the opportunity, within three (3) business days to submit a statement to the dean of student affairs, to be considered with the original request for reconsideration. The responsive statement shall be limited to a response to the request for reconsideration submitted by the other party.
- c) Both the complainant and the respondent will receive written notification of the dean of student affairs decision regarding the request.

The dean of student affairs or his or her designee reserves the right to make modifications to the above process in order to comply with Title IX or other applicable laws.