

APPENDIX B

Terms, Definitions, and Composition of the Disciplinary System

I. Accused

The student(s) who is/are the subject of a Complaint.

II. Administrative Hearing Officer

The Dean of Students or a Designee.

III. Administrative Hearing

Disciplinary cases handled internally by the Office of the Dean of Students. Unless otherwise provided herein, procedures followed in Administrative Hearings are identical to those followed in Student Judiciary Board, Faculty-Student Judiciary Board, Full Judiciary Board, or Interim Board Hearings. Such cases are heard by an Administrative Hearing Officer who shall be, or be selected by, the Dean of Students.

IV. Advisor

- A. The Accused and the Complainant(s) shall have the right, subject to the provisions of **APPENDIX C., XVIII.**, to have a Non-participating Advisor(s) present at the Hearing. The respective Advisor(s) may be consulted by the Accused and Complainant(s) at any time during the proceedings. The Advisor must be a member of the Claremont McKenna College student body, faculty or administration. The Advisor may not be a member of the Judiciary Board, but may be a Judicial Procedures Officer. In Hearings which involve conduct that could constitute a misdemeanor, felony or conduct of alleged sexual offense, assault or harassment (irrespective if criminal) any Accused and/or Complainant, at his or her sole cost and expense, shall have the right to have an attorney as a Non-participating Advisor.
- B. In cases of alleged sexual offense, assault or harassment any Complainant if a Member of the Claremont Colleges Community may have as a Non-participating Advisor at the Hearing the Ombudsperson and/or a college representative of the college which the Complainant is such member and/or an attorney as above provided; and any Complainant who is not a Member of the Claremont Colleges Community may have as a Non-participating Advisor an attorney at his or her sole cost and expense.
- C. Subject to the limitations provided in A. above, the Accused shall have the right to an equal number of Non-participating Advisors as that of the Complainant(s).

V. Appellate Board

The Appellate Board shall be composed of the President of the College or a Presiding Officer selected by the President from the pool of Retired Jurists, one (1) faculty member from the pool of seven (7) faculty members selected by the President; and one (1) student justice selected by the President from the pool of six (6) student justices. Neither the Retired Jurist, the faculty member nor the student shall have served on the original Hearing Board.

VI. Campus

“Campus” and “campus” shall include those areas of any facility which is utilized by CMC in its conducting of programs and functions off its Claremont campus.

VII. Charge Sheet

A detail of evidence that can be a basis for a Complaint.

VIII. CMC

“CMC” is Claremont McKenna College.

IX. College

CMC is sometimes designated “College.”

X. Claremont Colleges

The Claremont Colleges consist of the following institutions of higher education (post-secondary education) located within Claremont, California: Claremont University Center; Claremont Graduate University; Claremont McKenna College; Harvey Mudd College; The Keck Graduate Institute; Pitzer College; Pomona College; and Scripps College.

XI. College Judiciary Board

The College Judiciary Board shall consist of the Student Judiciary Board, Faculty-Student Judiciary Board, and Full Judiciary Board, and is herein also designated as the “Judiciary Board,” or “Board.”

XII. Complainant

The person(s) who sign(s) the filed Complaint.

XIII. Complaint

A Complaint may be solely evidenced by a Charge Sheet or by a separate document designated as a “Complaint.”

XIV. Contempt Rule

That rule relating to contemptuous behavior as is so provided in Part C. of the “Hearing Procedures” in Section IX. of these “Judicial Procedures.”

XV. Dean of Students, Office of the

The Office of the Dean of Students shall consist of the Dean of Students, and all Associate and Assistant Deans of Students. The Dean of Students has the power to summarily suspend students subject to the provisions outlined in **APPENDIX A.** and **APPENDIX B., XXXV.** The Dean of Students may conduct an Administrative Hearing as its Administrative Hearing Officer or appoint another person as the Administrative Hearing Officer.

XVI. Faculty-Student Judiciary Board

The Faculty Student Judiciary Board shall be composed of three (3) students, selected by the President of the College from the pool of six (6) student justices; three (3) faculty members, selected by the President of the College from the pool of seven (7) faculty members; and the Presiding Officer, selected from a pool of Retired Jurists by the President of the College.

XVII. Full Judiciary Board

The Full Judiciary Board shall be composed of one (1) Student Justice selected by the President from the pool of six (6) student justices; one (1) faculty member selected by the President of the College from the pool of seven (7) faculty members; the Presiding Officer; and two (2) other Retired Jurists selected by the President of the College.

XVIII. Hearing

An Administrative Hearing, a proceeding of the College Judiciary Board, Interim Board, or an Appeals Hearing before the President or the Appellate Board.

XIX. Hearing Coordinator

The Hearing Coordinator shall be appointed for each Hearing and will normally be the Head JPO, and if not available will be selected from the pool of more senior JPOs by the Dean of Students.

XX. Interim Board

The Interim Board shall be composed of: one (1) student justice selected by the President from the pool of six (6) student justices; one (1) faculty member selected by the President of the College from the pool of seven (7) faculty members, and the Presiding Officer selected by the President of the College from the pool of Retired Jurists. The jurisdiction of the Interim Board shall be as provided in **APPENDIX C., XXVI**. In cases where the alleged conduct might constitute a Serious Felony the Interim Board shall be comprised of three (3) Retired Jurists, including the Presiding Officer, selected by the President. In all other cases the Accused or a Complainant shall have the right to request that the Interim Board be so comprised of three (3) Retired Jurists, including the Presiding Officer, selected by the President, if such request is made at least forty-eight (48) hours prior to the scheduled Interim Board Hearing.

XXI. Judicial Procedures Officer(s)

Judicial Procedures Officers (also herein designated JPOs) shall be responsible for delivering Summonses, Subpoenas and other paperwork to students and others who are involved in Hearings, explaining the judicial procedures to those who are summoned, and accompanying and advising students and other persons who are called or appear before the Board. One or more Judicial Procedures Officer(s) for each case shall be selected by the Dean of Students from a pool of eight (8) students who shall be appointed by the Dean of Students to staggered two year terms. A Head Judicial Procedures Officer for each case shall be selected by the Dean of Students from the more senior JPOs.

XXII. Member of the College Community

Members of the Board of Trustees, academic and non-academic personnel, administrative personnel, and students of CMC, or other persons on the CMC campus or at a CMC function.

XXIII. Member of the Claremont College Community

Members of the Board of Trustees, academic and non-academic personnel, administrative personnel and students of, or other persons on the campus or at a college function of any of the Claremont Colleges (including CMC) or the Claremont University Center.

XXIV. Ombudsperson(s)

The Ombudsperson(s) shall be selected by the President of the College in consultation with the Dean of Students.

XXV. Other Conduct

That conduct as is so defined in these “Judicial Procedures, Section II. “Jurisdiction.”

XXVI. Penalties

The following Penalties are those which may be considered. A Board or the Administrative Hearing Officer may choose to impose or affirm when applicable more than one of these penalties on a student at its discretion:

- A. Warning: A formal reprimand that a student’s behavior is not appropriate.
- B. Restitution: Reimbursement by the student to CMC, another Claremont College, Claremont University Center, the Complainant, or a Member of the Claremont Colleges community to cover the cost of damage to property.
- C. Monetary Fine: A financial penalty.
- D. Work Hours: A penalty involving work tasks generally to be performed on campus as shall be determined by the Dean of Students.
- E. Counseling: appropriate counseling as may be determined by the Board or the Administrative Hearing Officer.
- F. Removal of Activities or Privileges for a Specific Period: A student will be denied permission to participate in extra-curricular activities and events including social events, intercollegiate and intramural athletics, and student body government.
- G. Involuntary Removal of Offending Cause: A student will be required to remove pets, stereos, or other property which was the subject of the Complaint.
- H. Involuntary Relocation: A student will be required to move to another residence hall, or off-campus, by a specific date.
- I. Suspension of On-Campus Privileges Including Room and Board: A student will be suspended from participation in the various aspects of campus residential life and shall be unable to reside on campus or participate in a meal plan for a specific period.
- J. Conduct Probation: A formal notice which compels the student to exhibit good behavior during a probationary period. Any violation during the probationary period may result in Suspension from the College if the Board or the Administrative Hearing Officer determines that the nature of the violation or mitigating circumstances warrants such action.
- K. Disciplinary Probation: A formal and final notice compelling a student to exhibit good behavior during the probationary period. Any violation during the probationary period will generally result in Suspension or Expulsion from the College unless the Board or the Administrative Hearing Officer determines that the nature of the violations or mitigating circumstances do not warrant such action.
- L. Suspension: Temporary separation from the College with the right to apply for readmission. The terms of the suspension may include the designation of special conditions affecting eligibility for readmission, or special conditions to be in effect upon readmission. The length of the suspension shall be specified.
- M. Expulsion: Permanent separation from the College.

XXVII. President of the College

The President of the College is the President of CMC (herein also designated the “President”) and who shall have the discretion to grant an appellate review of a Judiciary Board or Administrative Hearing Officer decision and such other powers, privileges and duties as are described in these Judicial Procedures.

XXVIII. Presiding Officer

For Hearings of either the Faculty-Student Board or the Full Judiciary Board the Presiding Officer shall be selected by the President of the College from a pool of Retired Jurists. When the Student Judiciary Board hears a case it shall select a senior student justice from its members to serve as the Presiding Officer.

XXIX. Retired Jurists

Retired Jurists shall be selected by the President from a pool of Retired Jurists.

XXX. Selection and Terms of Faculty and Student Members of the College Judicial Process

- A. Faculty members of the College Judiciary Board shall be appointed by the President and approved by a vote of the faculty at which a quorum is present. Each faculty member shall serve a term of two years and shall be eligible for reappointment. Faculty vacancies shall be filled by the President to complete unexpired terms.
- B. Student members of the College Judiciary Board shall be appointed by the President of the College upon the nomination of the Student Senate of the Associated Students of Claremont McKenna College ("ASCMC"). The three senior student members of the Board with a member of the Student Senate shall interview prospective nominees and make recommendations to the Student Senate. Student members shall be appointed for a two year term in the spring semester of their sophomore year, commencing at the start of their junior year. A senior student shall be chosen by the student members as Presiding Officer over Student Judiciary Board Hearings. After consultation with the ASCMC President, vacancies shall be filled by the President of the College.
- C. All Faculty and Student College Judiciary Board members shall have security of tenure and shall be removed only for substantial cause by the President on the recommendation of, or, after consultation, with advice of the Dean of the Faculty for faculty members or the ASCMC Senate for student members.
- D. The Dean of Students shall appoint a pool of eight (8) Judicial Procedures Officers, who shall serve alternating terms so that there will be continuity in the office.

XXXI. Serious Felony

Crimes listed as "serious felonies" in California State Statutes include:

(1) Murder or voluntary manslaughter; (2) mayhem; (3) rape; (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (6) lewd or lascivious act on a child under the age of 14 years; (7) any felony punishable by death or imprisonment in the state prison for life; (8) any other felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm; (9) attempted murder; (10) assault with intent to commit rape or robbery; (11) assault with a deadly weapon or instrument on a peace officer; (12) assault by a life prisoner on a non-inmate; (13) assault with a deadly weapon by an inmate; (14) arson; (15) exploding a destructive device or any explosive with intent to injure; (16) exploding a destructive device or any explosive causing great bodily injury or mayhem; (17) exploding a destructive device or any explosive with intent to murder; (18) burglary of an inhabited dwelling house, or trailer coach as defined by the Vehicle Code, or inhabited portion of any other building; (19) robbery or bank robbery; (20) kidnapping; (21) holding of a hostage by a person confined in a state prison; (22) attempt to commit a felony punishable by death or imprisonment in the

state prison for life; (23) any felony in which the defendant personally used a dangerous or deadly weapon; (24) selling, furnishing administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code; (25) any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate bodily injury on the victim or another person; (26) grand theft involving a firearm; (27) carjacking; (28) any attempt to commit a crime listed in this subdivision other than an assault; and (29) any conspiracy to commit an offense described in paragraph (24) as it applies to Section 11370.4 of the Health and Safety Code where the defendant conspirator was substantially involved in the planning, direction, or financing of the underlying offense.

[Source: Section 1192.7 of the Penal Code of the State of California]

XXXII. Student

As used herein, "student" and "students" of CMC shall include those persons participating in off-campus functions and programs of the College while enrolled as students at CMC.

XXXIII. Student Judiciary Board

The Student Judiciary Board shall be composed of three (3) students, selected by the President from pool of six (6) student justices. The pool of six students (three juniors and three seniors) shall be appointed by the President of the College upon the nomination of the ASCMC Senate. A senior student justice shall be selected by the Student Judiciary Board to serve as its Presiding Officer.

XXXIV. Subpoena

An order to appear at the Hearing to any party other than the Accused and the Complainant(s). The Dean of Students shall have the right to issue Subpoenas prior to and after the commencement of the Hearing. After the commencement of the Hearing Subpoenas may also be issued by the Presiding Officer. CMC students who are located at CMC off-campus programs or functions shall be subject to applicable issued subpoenas. Failure to comply with any subpoena shall be subject to the Contempt Rule.

XXXV. Summary Suspension

The immediate suspension of a student by the President, the Dean of Students as the designated representative of the President, or such other designated representative(s) of the President, where there exists an imminent danger to the life or well-being of a person or the property of a person or the property of the College or a violation of the "POLICY ON DEMONSTRATIONS AT THE CLAREMONT COLLEGES." (See **APPENDIX A.**) "A person" shall include the suspended student. Any student so suspended shall be given prompt notice of charges and an opportunity for a Hearing before the College Judiciary Board within ten (10) days of the imposition of the suspension.

XXXVI. Summons

An order to any Accused or Complainant to appear at the Hearing. The Dean of Students shall have the right to issue Summonses, and after the commencement of the Hearing the Presiding Officer shall also have the concurrent such right. CMC students who are located at CMC off-campus programs or functions shall be subject to applicable issued summonses. Failure to comply with any summons shall be subject to the Contempt Rule.