

Judicial System

The judicial system at Rocky Mountain College strives to maintain the welfare of the College community as well as to assist the individual student in developing personal responsibility. The structure of the College's judicial system provides a fair and consistent disciplinary response so that students may become more fully aware of their responsibilities as members of the College community.

Disciplinary cases are initiated and adjudicated at many levels. The majority of cases are handled by the residence life staff, Director of Housing, individual faculty members or the Vice President for Student Affairs. The Judicial Council hears severe cases (that is, those cases which could result in an expulsion from the College) including those situations involving academic dishonesty and violations of the Code of Conduct. Because the College has total responsibility for all judicial proceedings, it reserves the right to take whatever action is deemed appropriate and necessary in holding students accountable for their behavior.

Every student has the right to due process in the disposition of cases heard through a judicial body. Through the guarantee of due process, a student can expect to be:

Apprised of the charges against him or her.

Provided an opportunity to present information on his or her behalf, and

Given the right to appeal any decision of a staff member, administrator, faculty member, Peer Review Board, or the Judicial Council. Students are entitled to one appellate hearing and will be informed, in writing, of the body(ies) which will be available hear their appeal as well as being notified of the process for filing.

Judicial Council

Purpose

The basic purpose of the Judicial Council is to protect the quality of the living and learning environment at Rocky Mountain College. Throughout this judicial process, there is a commitment to the fundamentals of fair play in the judgment of violations. The system is designed to insure procedural and substantive due process.

Composition

The Judicial Council is composed of four students selected by ASRMC and four faculty members selected by the Academic Vice President from the Faculty Student Services Committee. (Faculty may be selected from outside of the student services committee if members encounter a conflict of interest or of time.) The Council will elect a chair as their first order of business.

Jurisdiction

The Judicial Council can serve either as a court of original jurisdiction or a board of appeal. It judges academic dishonesty and student disciplinary matters in which there are violations of college regulations. It also hears matters related to the constitution of ASRMC.

Powers

The Judicial Council will have the authority to use any one or a combination of the following disciplines.

Censure or assign appropriate sanctions or duties including disciplinary work and monetary fines not to exceed \$100 excluding restitution costs.

Require restitution for damages to personal or College property.

Limit or deny a non-resident's access to College residence(s).

Evict a student from a college residence(s) and limit or deny use of College facilities.

Suspend a student's enrollment at the College for one semester as deemed consistent with the offense.

Recommend to the President of the College that a student be expelled with final termination of enrollment at the College.

Limit a student's activities or participation by means of probationary sanction.

Utilize any formal sanctions approved by the Dean of Students and recommend to the President that a stronger sanction than allowed by the Judicial Council be assessed.

Filing Procedure

In cases where the Council is the board of original jurisdiction, the Dean of Students requests a hearing by contacting the ASRMC President and Academic Vice President and requesting a Council be constituted. Once seated, the Dean of Students will send a statement to the Council.

Included in the statement are: name(s) of the parties involved, charges, testimony, evidence, and recommendation for council action.

The charged student(s) will receive a formal statement of charges from the Dean of Students.

From the statement, the Council will determine whether there is sufficient grounds for a hearing. In making this determination, the Council may also request

an interview with the Dean of Students and other plaintiffs involved.

The Judicial Council must accept the case by a two thirds vote.

If the Council decides that grounds are not sufficient for a hearing, the request will be rejected.

In cases where the Council serves as a board of appeal, refer to the Appellate Jurisdiction section.

Hearing Procedure

The Judicial Council will decide to hear a case within 48 hours of receiving a request for a hearing whenever possible.

Parties to all cases have the right to counsel of their choosing. Counsel is defined as any advisory individual (not to exceed two persons) that will serve only in an advisory capacity.

A majority of the Judicial Council must be present for a hearing to occur.

The Council may seek a preliminary hearing with each party to preview information and charges before convening prosecution and defendants.

A record of each hearing is kept by tape recording. Transcripts are available only to those authorized by the Council. No further copies are to be made or distributed.

Prosecution and defense will present their arguments, providing cooperating witnesses if necessary. Opportunities for rebuttal will be provided.

After each party has presented his or her case and has the opportunity for rebuttal, members of the Council may seek further information and clarification from both sides. Council may also seek information from sources not provided by parties to the case.

Hearsay evidence related by a witness that is not based on first-hand information must be clearly identified as such and will be given less weight than first hand evidence.

Minutes of the Council's hearing are to be sent to the defendant and the Dean of Students, accessible only to judiciary members.

Appellate Jurisdiction

The Judicial Council also functions as a board of appeals for students who feel they have been subjected to unjust sanctions on the part of a faculty member or administrative body.

Procedure for Appeal

A student has 24 hours from the time he or she is informed of a disciplinary response on the part

of the College to decide to request an appellate hearing and then inform the Dean of Students, in writing, of his or her intention to appeal.

The party will then have one week to prepare and present his or her request to the Judicial Council.

If the party decides to appeal, the person or board which levied the disciplinary sanction, must be informed, as well as the Dean of Students.

A request for an appellate hearing is made by sending a statement to the Dean of Students containing the following: names of persons involved, original charges made, previous disposition of the case, and the appellant's grounds for thinking the case deserves further hearing. Grounds for appeal may be disciplinary sanction not in accord with the offense, illegal procedure, new evidence, etc.

A copy of the request is to be sent to the administrator or body who levied the original sanction.

Once a request for an appellate hearing has been received, the Dean of Students will constitute the council and forward the students statement to the council chairperson.

Based on the merits of the request for appeal, the Council will determine whether there are sufficient grounds for a hearing. The Judicial Council must accept a case by two-thirds vote.

Appeal Hearing Procedure

Same as in case of original jurisdiction.