

ASHLAND THEOLOGICAL SEMINARY STUDENT JUDICIAL CODE

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I. STATEMENT OF PURPOSE

Ashland Theological Seminary subscribes to and strongly supports the right of each student to study and work in a quiet, peaceful and respectful atmosphere which is conducive to the pursuit and acquisition of knowledge. Students who enroll in Ashland Theological Seminary are assumed to be adults who understand the obligation to conduct themselves in a manner that is compatible with the Seminary's function as an educational and spiritual institution. Each student is expected to be fully acquainted with all published policies, rules and regulations of the Seminary and will be held fully responsible for compliance with them.

The Board of Trustees of Ashland University and its designates, including the Seminary Committee, reserve the right to establish and enforce rules and regulations and to modify or amend existing rules and regulations which create and enhance an environment conducive to learning and spiritual formation, and which it deems necessary to preserve the mission of Ashland Theological Seminary. The rules and regulations of the Seminary community have been established to help ensure a positive educational experience for every student. These rules and regulations are based on the Seminary's commitment to developing personal integrity and self-respect, respect for the rights of others, and respect for the functioning and property of the Seminary and Ashland University. It remains the student's responsibility to be aware of and comply with all federal, state, and local laws and to abide by the Ashland Theological Seminary and Ashland University rules and regulations.

II. AUTHORITY AND JURISDICTION OF THE SEMINARY

Ashland Theological Seminary possesses the authority to regulate the conduct of any visitor, whether enrolled as a student or otherwise, to its main campus, or to any location at which it provides classes. Ashland Theological Seminary also possesses the authority to regulate the

conduct of any person engaged in an activity sponsored in whole or in part, whether on or off Seminary or University property.

The Seminary may assert jurisdiction over a student while on property owned or occupied by the Seminary, as well as students engaging in Seminary activity, whether on property owned or occupied by the Seminary or elsewhere. The Seminary reserves the right to take action for behavior of a student not occurring on property owned or occupied by the Seminary, or not engaging in a Seminary activity, when such behavior has, or reasonably may have, an adverse impact on Ashland Theological Seminary. Any student involved in an activity which may give rise to civil or criminal culpability may also be subject to disciplinary action by the Seminary when, in the sole discretion of the Seminary, such action has, or reasonably may have, an adverse impact on Ashland Theological Seminary. The Seminary reserves the right to determine the timing of implementing disciplinary action against the student.

III. DEFINITIONS

- A. **Student:** Any person registered in one or more courses in any degree program, diploma program, or non-degree program on any campus or Ashland Theological Seminary. Teaching or graduate assistants, if also registered as students, are classified as students for the purpose of this Code.
- B. **Campus:** All property/programs owned, leased, or affiliated with Ashland Theological Seminary and/or Ashland University.
- C. **Member of the Ashland Community:** Any Ashland Theological Seminary or Ashland University faculty member, student, employee or Trustee, as well as any person on campus who is an employee of an entity with an ongoing relationship, whether contractual or otherwise, with Ashland Theological Seminary or Ashland University.
- D. **Incident Report:** The initial document setting forth facts suggesting the violation of a rule or regulation of Ashland Theological Seminary by a student.
- E. **Complaint:** The formal document alleging the violation of a rule or regulation of Ashland Theological Seminary by a student for which a sanction may be imposed.
- F. **Appropriate Administrator:** The Director of Student Development or his or her designate.

IV. REGULATIONS AND POLICIES

Most regulations follow. However, others are published elsewhere, either in the Seminary catalog or in other Seminary publications.

As applicable to students, the following activities are hereby prohibited:

- A. Safety:
 - 1. **Physical Abuse/Self-Endangerment:** Physical abuse—use of force on another person. Self-endangerment—Threatening or attempting to intentionally harm oneself.

2. Harassment: Threatening to harm, intentionally harassing, hazing, stalking, coercing, intimidating or seriously embarrassing any person through conduct which would offend a reasonable person. For further policies and guidelines regarding harassment, see the Seminary Student Handbook.
 3. Dangerous Weapons: Possession, use, sale or distribution anywhere on any campus or at any activity sponsored, either in whole or in part by Ashland Theological Seminary or Ashland University, of a dangerous weapon is prohibited. "Dangerous weapons" include but shall not be limited to all firearms, BB and pellet guns, knives, ammunition, explosives, fireworks and firecrackers of any type, and all other illegal weapons. No person shall carry a concealed weapon, whether under proper license or otherwise, on any campus or other property occupied by Ashland Theological Seminary or Ashland University.
 4. Sexual Imposition/Indiscretion: Engaging in sexual contact with another person when a) the sexual contact is offensive to the victim; b) the victim's ability to appraise the nature of or control the offender's conduct is substantially impaired, c) the victim is unaware of the sexual contact, or d) the sexual contact is outside of the bonds of a legal heterosexual marriage.
 5. Drugs: Possession, use, cultivation or manufacture, sale or distribution on any campus of any drug, or drug paraphernalia, except under the direction of a licensed physician or as expressly permitted by law. Conviction of any federal, state, or local law of any drug offense is a violation of this policy.
 6. Alcohol: Use and/or possession of alcohol beverages and/or containers anywhere on any campus.
- B. Property:
1. Unauthorized possession, use or removal: Unauthorized possession, use or removal from a designated area of property belonging to Ashland Theological Seminary or Ashland University, any member of the Ashland community, or any guest or vendor.
 2. Destruction/Damage to Property: Destruction, damage or defacement, including damage to technological equipment or network services belonging to Ashland Theological Seminary or Ashland University, any member of the Ashland community, or any guest or vendor.
- C. Integrity
1. Failure to meet financial obligations to Ashland Theological Seminary or Ashland University or giving the Seminary or University a worthless check.
 2. Failure to comply with requests/sanctions: Failure to follow the oral or written instructions regarding Seminary policies or federal, state or local laws by a properly identified Seminary official whom the Board of Trustees or the President of the Seminary has vested authority to give such instruction, or knowingly interfering with or obstructing students, faculty, or staff acting in the performance of their assigned duties. Cooperation with staff in their assigned duties is expected. Failure to comply with a judicial sanction may result in suspension or dismissal.
 3. Deception, Fraud and/or Misuse of Documents/Technology: Furnishing false information to Ashland Theological Seminary or Ashland University,

including, but not limited to representing oneself as another (in writing or in person), knowingly supplying false or misleading information to Seminary or University officials, unauthorized possession of an ID or false ID or falsifying, tampering, altering, forging, or misusing any Seminary or University record, computer, technology or official document.

4. Dishonesty in Judicial Matters: Dishonesty before Seminary or University judicial bodies, knowingly misrepresenting verbally or in writing the nature of events or identification of persons or failing to appear before an appropriate judicial body by a complainant or witness when requested by an official member of the Judicial System.
 5. Inappropriate Behavior: Disorderly conduct, or an act which violates the Seminary's policies as stated in the Student Handbook or which jeopardizes the integrity of Ashland Theological Seminary, or any of its community members, guests, or vendors. Behavior which is deemed by seminary officials to be unethical or irresponsible due to the influence of drugs or alcohol is also a violation of this policy. As a representative of Ashland Theological Seminary and Ashland University, inappropriate behavior violations can include activities which occur off campus. Conviction of any federal, state or local criminal statute is a violation of this policy.
 6. Classroom Disruption: Activity or behavior which interferes with an instructor or faculty member's ability to teach or a student's ability to learn. The instructor or faculty member retains latitude in determining whether activity or behavior is disruptive.
- D. Accessory Responsibility: Aiding, abetting, inciting or cooperating with another person in the commission of a violation of regulations. All members of the Ashland community have the responsibility for enforcing rules and reporting violations. Any individual, when Seminary or University policies are being violated, is subject to the same disciplinary action as the violating party. Students are responsible for the behavior of their guests.
- E. Traffic, Parking and Vehicle Operation: Any person operating a motor vehicle on Ashland Theological Seminary or University property, or any campus, will be responsible for complying with University vehicle and parking regulations. Persons found to be in violation of such regulations may be ticketed and/or subject to judicial action in accordance with the severity of the offense.
- F. Academic Integrity: Please see the Academic Integrity Policy in the Seminary Student Handbook.

V. RIGHTS OF A STUDENT AGAINST WHOM A COMPLAINT HAS BEEN BROUGHT

If a complaint is brought against an Ashland Theological Seminary student, the student has the following rights:

- a. Being informed in writing of specific charges brought against him/her.
- b. Having sufficient time to allow for the preparations of his/her response.
- c. Having the right to the charges being processed in a timely manner.
- d. Requesting a full judicial board if one can be convened in a timely manner.

- e. Questioning a judicial board member's ability to participate fairly in a hearing.
- f. To have a support person accompany him/her during the judicial process. Said person cannot be a lawyer.
- g. Having witnesses appear on his/her behalf during a judicial board hearing. If a witness cannot appear, a signed statement from the witness may be submitted as long as it is witnessed by a Seminary official verifying the writer. Witnesses may be required by the Director of Student Development.
- h. Being entitled to know the nature and source of the evidence at the time that the incident is processed and to be informed of the final outcome of the case in writing.
- i. Understanding that all conferences and hearings shall be closed.
- j. The Ashland community may be informed when a student accepts responsibility or is determined responsible through the Seminary judicial process for violation of physical abuse, vandalism and sexual imposition. The specific information provided will be the student's name, the violation and the sanctions issued.
- k. Having the opportunity to appeal as outlined in the Seminary Judicial Code.

VI. COMPLAINANT'S/VICTIM'S JUDICIAL RIGHTS

If an Ashland Theological Seminary student is the complainant or victim, the student has the following rights:

- a. To be treated with respect and dignity by all institutional personnel.
- b. To be made aware of appropriate counseling, medical resources, and academic assistance as determined by the Seminary, when requested.
- c. To reasonable accommodations in campus residence or classes as determined by the Seminary.
- d. To information pertaining to the campus judicial process as well as criminal and civil options.
- e. To request that judicial charges be pursued.
- f. To present evidence and respond to specific charges brought against him/her.
- g. To have a support person accompany him/her during the judicial process. Said person cannot be a lawyer.
- h. To speak at the judicial proceedings in a seat not directly facing the accused if the complainant requests.
- i. To remain present throughout the judicial proceedings excluding the executive session.
- j. To submit questions to be asked during the judicial proceedings, subject to the discretion of the Director of Student Development or Chief Administrator governing the session.
- k. To be informed of the judicial proceeding results so long as sharing the information does not cause the Seminary to violate any privacy laws. Judicial board members are trained to support and serve as advocates for complainants and victims as well as the accused.

VII. JUDICIAL PROCESS

Initiation of Incident Report

When the conduct of a student reasonably appears to constitute a violation of any rule or regulation of Ashland Theological Seminary, any member of the Ashland Community may file an Incident Report with the appropriate administrator. Such Incident Report shall contain facts which the person filing the document believes constitute the violation of a rule or regulation of Ashland Theological Seminary.

Reasonable Grounds Determination

If, in the opinion of the appropriate administrator, there exists grounds to believe a student has violated a rule or regulation of Ashland Theological Seminary, such appropriate administrator shall prepare and file a complaint, setting forth the conduct alleged to be a violation of a rule or regulation of Ashland Theological Seminary, the place or places and the date or dates on which such conduct occurred and shall state the specific rule or regulation alleged to have been violated. The appropriate administrator shall sign such complaint.

Notice to the Student

A copy of the complaint shall be delivered to the student, along with a notice of the date and place a judicial conference hearing shall take place. Such notice shall include an indication of the penalties capable of being imposed. Where suspension or dismissal is a possible penalty, the notice shall specifically state that fact. The notice shall be delivered in person, or by certified mail, return receipt requested.

Judicial Conference Hearing

No sooner than three (3) nor later than twenty (20) business days after the filing of a complaint, a judicial conference hearing shall be held. For good cause, this hearing may be continued for a reasonable period. The Director of Student Development shall be the hearing officer at such hearing and will be joined by an administrative assistant for record keeping. At the beginning of the hearing, the hearing officer shall indicate the nature of the offense, the rule or rules alleged to have been violated and the possible penalty or penalties capable of being imposed. The student shall admit or deny the allegations contained in the complaint. In the event of an admission by the student, the hearing officer may reach an agreed disposition with the student. In such event, a document stating the conduct, the rule or regulation which has been admitted to have been violated, and the disposition because of such admission shall be prepared and signed by the hearing officer and the student. Such document shall be a final decision for the purposes of imposing a penalty. In addition, a student's right to appeal is negated by signing this document.

In the event an agreed disposition cannot be reached or the complaint is denied by the student, the hearing officer shall refer the matter to a Judicial Committee.

Generally, appeals of agreements reached in a judicial conference hearing will not be permitted. In the event of overwhelming circumstances, permission to appeal may be

granted and the appeal referred to a judicial committee for review. The decision of that committee will be final.

Judicial Committee Hearing

Members of the Committee

In the event it becomes necessary to convene a Judicial Committee, at least three (3) Seminary faculty and/or administrators shall be selected by the Director of Student Development, or in his or her absence, an administrator designated by the Seminary President, to serve on the Committee. The student may challenge the selection of any member of the Committee for cause. Mere employment by Ashland Seminary of any faculty member or staff employee shall not constitute cause of recusal.

Time for Hearing

Within fifteen (15) business days after the matter has been referred to a Judicial Committee, a hearing shall be held. For good cause, this hearing may be continued for a reasonable period. The purpose of such hearing shall be to resolve any defects in the procedure to date as well as to identify any defenses presented by the student. Any affirmative defenses shall be asserted at this hearing. Both the appropriate administrator and the student shall identify the names of any party who may be called to give testimony in the matter. The Committee shall set a date certain for an adjudication of the complaint.

Procedure

At the adjudicatory hearing, the charge shall again be read to the student. The appropriate administrator shall then present to the Committee all information relevant to such complaint. The student shall have the right to confront and cross-examine all witnesses. The student shall then present to the Committee all information relevant to the defense asserted. Formal rules of evidence shall not apply, however, the chair of the committee shall limit testimony when appropriate. The chair of the Committee shall rule on any objections to the admissibility of evidence.

Upon conclusion of the presentation of evidence by both the appropriate administrator and the student, both parties shall be entitled to make a closing argument.

Deliberations and Decision of the Committee

Deliberations of the Committee shall not be public. In cases not involving suspension or dismissal, at least two thirds (2/3) of the members of the Committee must agree upon a decision. In cases involving suspension or dismissal, a decision to suspend or dismiss must be unanimous. The standard of proof is a preponderance of the evidence. The Committee shall present its decision in written form, and shall make findings of fact and conclusions based on the application of the facts found to the rule or regulation involved. A recording of the hearing, but not the Committee's deliberation, may take place, but any recording made by the Seminary or University shall be the property of the Seminary or University. In the event the student desires a

copy of a transcript of such recording, it shall be at the expense of the student. Any decision by the Committee shall be a final decision.

VIII. SANCTIONS

- A. **Disciplinary Probation:** A sanction which defines a student's status for a specific amount of time; future infractions will result in either suspension or dismissal.
- B. **Suspension:** Exclusion from the Seminary campuses, classes, and other Seminary activities for a specified amount of time, which may range from several days or weeks to the remaining portion of a quarter or to a period of up to two years. During this time period the student is not allowed on campus or at Seminary activities. A student given the sanction of suspension is excluded from classes with no right to take tests or make up work missed during the remainder of the quarter. The student shall be withdrawn from classes and issued the grade of "W" (withdraw) at the request of the appropriate administrator or the Director of Student Development. No credit will be granted for any class graded "W" (withdraw). No tuition for the quarter from which a student withdraws will be refunded.
- C. **Dismissal:** Termination of student status either permanently or for a period of no less than two years after which the student may apply for readmission. During this time period the student is not permitted on any Seminary campus or at Seminary activities. The student shall be withdrawn from classes and issued the grade of "W" (withdraw) at the request of the appropriate administrator or the Director of Student Development. No credit will be granted for any class graded "W" (withdraw). No tuition for the quarter from which a student withdraws will be refunded.
- D. **Restitution:** Reimbursement for damage, destruction or misappropriation of property. This shall not be considered a punitive fine, but a charge to repair, replace, or compensate for the damage, destruction or misappropriation of the property involved.
- E. **Notification to Others:** Providing notice to those deemed necessary or appropriate to further support the student, or to whom such notice may be necessary or required. Persons or institutions who may supervise the licensing of a student or other persons or institutions who may have a direct interest in the conduct of a student may be notified, absent any overriding privacy issue.
- F. **Education/Judicial Assignment:** An assignment to be completed by a specified time in a satisfactory manner. It can include drug and/or alcohol education or assessment, counseling services, meeting with Seminary officials, requiring community service, or writing letters of apology. Any cost associated with this sanction shall be the responsibility of the student.

- G. Loss of Privilege: The temporary or permanent loss of the privileges associated with the use of services or goods provided by Ashland Theological Seminary, Ashland University or affiliated entities.
- H. Removal of Property: Requiring the student to remove any property owned or possessed by the student and situated on campus property. Removal will be completed in a timely manner and will be done at the expense of the student.
- I. Restriction: Restriction and/or revocation of campus privileges for a specified period of time. Such restriction shall exclude the student from a designated area and/or a designated activity.
- J. Withholding of Degree: In order for a student to be approved for graduation, the student must resolve any outstanding judicial charges and must comply with all sanctions issued. A degree shall be withheld should there remain any further activity on the part of a student subject to judicial sanctions.

IX. INTERIM SUSPENSION

In the event the conduct of a student poses a risk to the health, welfare, or security of members of the Ashland community, or to the property of Ashland Theological Seminary or Ashland University, the Seminary may, during the pendency of any matter, either before or after a complaint has been filed, suspend the student. In such event, the appropriate administrator shall notify the Director of Student Development and the Seminary President, setting forth facts which state that the conduct of the student poses or could reasonably pose a threat to: a) the stability and continuance of normal Seminary functions; b) Seminary or University property, and/or c) the emotional/physical welfare of the student in question, or to other persons.

In such event the Director of Student Development and the Seminary President impose an interim suspension without a hearing, the student will immediately be notified and shall have the right to request a hearing on such suspension within 10 business days from receiving notice of such suspension. Any hearing requested by the student shall be limited to a determination as to whether grounds exist for the imposition of the interim suspension. The standard of proof shall also be a preponderance of the evidence.

X. APPEALS

In the event the student disagrees with the decision of the Committee, he or she may appeal such decision to the appropriate administrator. The student shall give notice of appeal no later than five (5) business days from the date of the decision. The student shall also indicate the grounds for and evidence in support of such appeal and indicate what relief he or she seeks. Any appeal is limited to proof of: 1) prejudicial errors in the procedure of the hearing of the Judicial Committee which significantly affected the fairness of the judicial process, 2) the penalty is excessive, 3) the decision of the Judicial Committee is arbitrary and/or capricious, and 4) evidence unavailable for presentation at the hearing of the Judicial Committee, which was unavailable for reasons not caused by the student, is now available. This claim may only be brought within ten (10) days

from the date of the decision of the Judicial Committee. The student shall deliver a copy of his or her appeal to the appropriate administrator. The decision of the appropriate administrator to any appeal must be in writing and signed.

The appropriate administrator may: 1) affirm the findings and conclusions of the Judicial Committee, and affirm the imposition of the sanction involved, or affirm the findings and conclusions of the Judicial Committee, but modify the imposition of any sanction or sanctions, 2) reverse the findings and/or conclusions of the Judicial Committee, and convene another Judicial Committee to hear the matter not inconsistent with the terms of the decision of the appeal, or 3) reverse the findings and/or conclusions of the Judicial Committee and dismiss the matter.

XI. EXCLUSIONS

This Code shall not apply to matters involving Academic Integrity. Such matters are covered by the Academic Integrity Policy.

When a counseling program student is accused of misconduct, at the discretion of the Chair of the Counseling Department, counseling program director(s), and the Director of Student Development, the case may be referred to the policies and procedures listed in the appropriate counseling program student handbook and/or the ATS Student Judicial Code.

XII. AMENDMENTS

The Seminary Cabinet reserves the right to amend this Code from time to time.

Adopted: March 13, 2008

Revised: April 30, 2008