



|                                  |                                                                 |                       |                                                       |
|----------------------------------|-----------------------------------------------------------------|-----------------------|-------------------------------------------------------|
| <b>Policy Name:</b>              | Student Judicial Process                                        |                       |                                                       |
| <b>Associated Form(s):</b>       | N/A                                                             | <b>Policy Number:</b> | 2026-15                                               |
| <b>Reviewed:</b>                 | Non-Academic Policy Committee                                   | <b>Approved:</b>      | August 18, 2026                                       |
| <b>Approval Authority:</b>       | President<br><i>Susan Parish</i>                                | <b>Adopted:</b>       | August 24, 2026                                       |
| <b>Responsible Executive(s):</b> | Vice President for Enrollment Management and Student Engagement | <b>Revised:</b>       | September 16, 2016;<br>August 28, 2023; July 29, 2024 |
| <b>Responsible Office(s):</b>    | Student Engagement                                              | <b>Contact(s):</b>    | Assistant Vice President of Student Engagement        |

## **I. Policy Statement**

Mercy University (“the University”) has developed procedures to investigate potential policy violations by students, to adjudicate such violations, and to impose sanctions for violations that are found to have occurred. These procedures also set forth how students can appeal University disciplinary decisions. The University reserves the right to adapt its procedures based on the circumstances of an individual case. In addition, the University may use the Judicial Process to investigate and sanction alleged conduct of any nature, including but not limited to conduct that is similar, comparable, or analogous to conduct that is specifically prohibited by the University’s rules.

The Judicial Process set forth below addresses violations of the University’s non-academic policies, including but not limited to the Code of Student Conduct, and specific policies and guidelines for Residential Life Students. The grievance procedure that applies to academic matters is set forth separately in the Undergraduate and Graduate Catalogs. When a violation raises both academic and non-academic issues, the determination about which University procedure shall apply will be made by the University, upon notice to the student, but in the University’s sole discretion.

Students, faculty, or staff members of the University who believe that they have been subjected to, or have knowledge of, any acts by a student that are in violation of University policies are encouraged to inform the Office of Community Standards and Student Conduct through submission of an Incident Reporting [form](#). The University may investigate to determine whether the allegations have merit and/or to determine whether they can be resolved on an informal basis. The decision of whether to investigate an allegation is at the sole discretion of the University.

For cases involving allegations of sexual assault, sexual harassment, sexual misconduct, stalking, or gender-based harassment, or discrimination based on protected characteristics, the University’s *Policy on Sexual Misconduct and Non-Discrimination, Including Title VI and Title IX*, shall apply regarding investigations and discipline of student respondents. In such case(s), a complaint can be made to the Director of Title IX and Title VI/Equity Compliance or the Dean of Students Office. The Director of Title IX or their designee have the sole discretion to determine whether the complaint is handled under the *Policy on Sexual Misconduct and Non-Discrimination, Including Title VI and Title IX*, the *Code of Conduct*, or a different University policy, and provide direction to the complainant as to which policy will be used and who at the University will be overseeing the complaint. The University may pursue a violation under the *University’s Code of Student Conduct* even when civil or criminal proceedings or investigations are underway. Regardless of whether another action is pending, or if a student fails to cooperate with or participate in the Judicial Process, the University may proceed with the Judicial Process, reach a determination as to whether a violation occurred, and impose sanctions. If a student does not cooperate with the Judicial Process, cases will be heard in the student’s absence with the evidence available.

## **II. Steps in the Judicial Process**

The steps in the Judicial Process are as follows: **Incident Reporting**

The incident involving alleged violation occurs and is reported either via submission of an incident report [form](#) or by communication with the Office of Community Standards and Student Conduct. The information is then reviewed by the Office of Community Standards and Student Conduct, and a case may be created.

### **For Low Level Violations Resulting In, But Not Limited To, Warnings**

If the Office of Community Standards and Student Conduct or the Office of Residential Life determined that a case should be created, the Office of Community Standards and Student Conduct or The Office of Residential Life shall send the student notice in written form (via email and also via physical mail if deemed necessary) informing the student of the allegations and a day and time to meet with a Hearing Officer.

- For violations stemming from residential life health and safety inspections or move out inspections, students will also be informed of their subsequent sanction(s). If the student agrees to the sanction, then the matter will be closed. If the student wishes to appeal the matter, see section IV below.

### **For Violations Potentially Resulting in Low-Level Sanctions (Non-Warnings)**

The Office of Community Standards and Student Conduct or the Office of Residential Life shall send the student notice in written form (via email and via physical mail if deemed necessary) informing the student of the allegations and to schedule an investigation meeting to obtain additional information. The Office of Community Standards and Student Conduct staff member or their Designee (“Hearing Officer”) shall meet with the student respondent, who may submit documents or other information in support of their explanation. An adviser or supporter who is not an attorney may accompany the student and act in an advisory capacity. The student may also provide names of relevant witnesses. The Hearing Officer will thereafter investigate, which may include gathering additional information, conducting other interviews, and considering any other relevant information. The rules of evidence that are applicable in civil or criminal cases are not applicable to this process and the standard of proof shall be **preponderance of the evidence** (that is, whether there is a good faith belief that it is more likely than not that the alleged conduct occurred).

The Hearing Officer shall, at the conclusion of the investigation, provide their findings to the Office of Community Standards and Student Conduct for adjudication. The Office of Community Standards and Student Conduct will then inform the student respondent of the determination in written form (via email and via physical mail if deemed necessary). Such notice shall contain information about the sanction to be imposed. The investigation and issuance of findings should

not exceed thirty (30) days except where a reasonable delay is justified by the University for various reasons, including delay in gathering the facts. Notice of any delay shall be provided to the students involved (if applicable).

### **For Violations Potentially Resulting in Severe Sanctions (Suspension, Expulsion, Removal from Housing, or a Substantial Limitation of Student Privilege)**

The Office of Community Standards and Student Conduct shall send the student notice in written form (via email and via physical mail if deemed necessary) informing the student of the allegations, and to schedule an investigation meeting to obtain additional information. The Office of Community Standards and Student Conduct will convene a panel of designees (“Hearing Panel”) consisting of two staff members and one faculty/academic affairs member. One member of the Panel will serve as the Chairperson. The Panel shall meet with the student respondent, who may submit documents or other information in support of their explanation. An adviser or supporter who is not an attorney may accompany the student and act in an advisory capacity. The student respondent may also provide names of relevant witnesses. The Hearing Panel will thereafter investigate, which may include gathering additional information, conducting other interviews, and considering any other relevant information. The rules of evidence that are applicable in civil or criminal cases are not applicable to this process and the standard of proof shall be **preponderance of the evidence** (that is, whether there is a good faith belief that it is more likely than not that the alleged conduct occurred).

The Chairperson shall, at the conclusion of the investigation, provide their findings to the Office of Community Standards and Student Conduct for adjudication. The Office of Community Standards and Student Conduct will then inform the student respondent of the determination in written form (via email and via physical mail if deemed necessary). Such notice shall contain information about the sanction to be imposed. The investigation and issuance of findings should not exceed thirty (30) days except where a reasonable delay is justified by the University for various reasons, including delay in gathering the facts. Notice of any delay shall be provided to the students involved (if applicable).

### **III. Interim Suspension, Emergency Removal, or Other Measures**

The University may, in its sole discretion, suspend a student or take other interim measures pending the outcome of the Judicial Process or external legal proceedings or as the University otherwise deems appropriate under the circumstances. Such measures may include removal from campus, including campus housing, and exclusion from all on and off-campus activities, events, clinicals, and internships. If the University institutes an interim suspension or other interim measures, the University must inform the student respondent in writing via email (and mail if necessary).

#### **IV. Appeals (Non-panel)**

For findings that do not result in suspension, expulsion, removal from housing, or a substantial limitation of student privileges, appeals will be heard by a designee of the Office of Community Standards and Student Conduct or the Office of Residential Life.

If the student wishes to appeal the imposed sanction, they may do so via the [Disciplinary Appeals form](#). The appeal must meet at least one of the following criteria:

- **Procedural error:** A procedural error or omission that significantly impacted the outcome;
- **New information:** New information, unknown or unavailable during the original student conduct conference or at the time of the original decision that could have significantly impacted the outcome;
- **Severity of the sanctions:** The appropriateness or severity of the sanctions.

Appeals that do not meet at least one of these criteria will not be heard and the case will be considered closed and not subject to further appeal.

Students have seven (7) business days from the date of their sanction letter to submit this form. The Office of Community Standards and Student Conduct will act as a point of contact for the appellant, who will share all documentation with the relevant designee. It is incumbent upon the student to access their sanction letter via email.

The Office of Community Standards and Student Conduct's designee may meet with the student within a reasonable time of the request and permit the student to present additional information and provide any relevant documentation or evidence to support their appeal. The Office of Community Standards and Student Conduct's designee will then make a recommendation within ten (10) business days of the meeting either to uphold the determination, or to amend the findings and/or sanctions. The designee will make a recommendation to sustain, modify, or reverse the previous determination and/or the sanctions in whole or in part. The designee will present their recommendation to the Dean of Students, who shall render a decision to the student within seven (7) business days of receiving the appeal panel's recommendation. The decision of the Dean of Students is final and not subject to further appeal.

#### **V. Appeals for Cases in Which a Student May Be Subject to Suspension, Expulsion, Removal from Housing, or a Substantial Limitation of Student Privileges (Panel)**

When a student is found to have violated a University policy or rule and the sanction that is imposed is suspension, expulsion, removal from housing, or a substantial limitation of student privileges, the student may appeal the determination and/or sanction.

If the student wishes to appeal the imposed sanction, they may do so via the [Disciplinary Appeals form](#). The appeal must meet at least one of the following criteria:

- **Procedural error:** A procedural error or omission that significantly impacted the outcome;
- **New information:** New information, unknown or unavailable during the original student conduct conference or at the time of the original decision that could have significantly impacted the outcome;
- **Severity of the sanctions:** The appropriateness or severity of the sanctions.

Appeals that do not meet at least one of these criteria will not be heard and the case will be considered closed and not subject to further appeal.

Students have seven (7) business days from the date of their sanction letter to submit this form. The Office of Community Standards and Student Conduct will act as a point of contact for the appellant, who will share all documentation with the appeal panel. It is incumbent upon the student to access their sanction letter via email.

The appeal panel will consist of three (3) faculty and/or staff members (at least one of whom must be a faculty member), chosen on an annual basis by the Dean of Students Office and the Provost, one of whom shall be named the chairperson upon mutual decision of the Dean of Students and Provost. To avoid vacancies and ensure continuity in the event of a panel member's absence, a pool of potential panelists will be identified and trained prior to the start of each new academic year. The pool shall consist of 4 staff members and 2 faculty/academic affairs members.

The appeal will be determined based on the Disciplinary Appeals Form submitted by the student, any relevant information included in that submission, and the rationale provided by the Hearing Officer; as well as any additional information or clarification from any source the panel deems appropriate. Depending on the basis for the appeal, the panel may consider if there was a procedural error that impacted the outcome, if there was new information that was not previously available during the investigation, or if the severity of the sanctions was appropriate. The appeal panel may not substitute its judgment regarding the credibility of witnesses who testified before the Hearing Officer.

There is no guarantee that the panel will meet with the appealing student.

The appeal panel will make a recommendation to sustain, modify, or reverse the previous determination and/or the sanctions in whole or in part. The appeal panel will present their recommendation to the President, who shall render a decision to the student within seven (7) business days of receiving the appeal panel's recommendation. The decision of the President is final and not subject to further appeal.

#### **VI. Change to Course Modalities during Interim Removal Measures or During a Disciplinary Appeal**

During an Interim Removal Measures and or during an Appeal, students may be permitted to work with their faculty to continue their courses, depending on the severity of the allegations. Permission to do so will be granted at outset by the University in its sole discretion, and then permission must

also be granted by the faculty member. The request must be made by the student on their own behalf. Requests should be made in writing to the Office of Community Standards and Student Conduct. Changes to course modalities in response to a Student Conduct case are not guaranteed. Changes in course modalities are not retroactive.

Students' schedules and Mercy University account access remain unchanged until the appeal deadline passes or an appeal is denied. During interim measures and appeal periods, students retain access to Mercy Connect, Mercy email, Blackboard, and faculty members/advisors. The only exception is when the Office of Community Standards and Student Conduct determines that continued access poses a danger to the University community.

### **VII. Misuse of Disciplinary Process or Grievance Process**

A student may be subject to discipline for abuse of the University's process and violation of University standards of conduct if the student (A) files a complaint or grievance maliciously or with knowledge that it is false, or (B) knowingly provides false testimony.

### **VIII. Acknowledgement of Violations, Processes, and Potential Sanctions**

All students who are subjected to a formal judicial proceeding under the Student Code of Conduct are entitled to disclosure of the allegations brought against them and the processes by which those charges will be adjudicated.

**Student Acknowledgement:** At each stage of the conduct process, the student will be provided with a document to sign confirming what they have reviewed with the Hearing Officer. The language in this document will include:

- A copy of the Mercy University Student Handbook
- Student Rights during the judicial process
- Notice of allegations and relevant policies that they are alleged to be in violation of
- Potential sanctions
- The appeals process
- Contact information for the assigned Hearing Officer

Prior to beginning the judicial process, students will be required to review and sign this document. The student will receive a copy of this document for their records. An additional copy of this document will be kept with the student's case file.

The student's signature does not constitute an admission of responsibility. It serves solely as confirmation of receipt and acknowledgement of the information provided.

Refusal to sign the acknowledgement will be noted in the conduct file. If a student refuses to sign the acknowledgement, it will be treated as a "no-show" and the investigation will not proceed. The case will be heard in the student's absence with the information available.