

## Restitution Sanctions (January 2012)

*If two or more students engage in a physical altercation that leads to medical expenses by a student, how do you handle restitution for damages and harm to individuals?*

*Do you make decisions about restitution through your normal student conduct processes?*

*If any restitution sanctions are contested by the student or the student's family, and then legal proceedings become involved, how do you respond to the accused student?*

*Do physical altercations leading to significant injury (more than simple stitches, etc.) always cause suspension?*

### **Furman University**

These cases would be sent through our student conduct system and a hearing board can sanction restitution. We would require copies of medical bills.

We make decisions about restitution through our normal student conduct processes.

If the victim presses criminal charges as well, our conduct boards will consider any penalties levied by the court when deciding on our sanctions in an effort not to "pile on". However, the verdict of a criminal trial has no bearing on the outcome of our student conduct process.

Physical altercations leading to significant injury does not automatically cause suspension, but certainly an option that is strongly considered by the hearing board. Students have been suspended before for physical altercations.

### **Rollins College**

Typically, we only do restitution for money owed to the College (i.e. for damage done to a residence hall window that a student broke while intoxicated) through the hearing process. We have found in past years that it is too tricky to get involved in students owing each other money. Students always have the option to go through the civil court system to recoup money for damages.

As for the question regarding suspension, while we don't have a set sanction for altercations leading to significant injury, we have issued suspensions for those infractions in the past.

### **Spelman College**

There was a case of an altercation that resulted in an eye injury and damage to glasses/lenses at Capital University (2004-2010). As always, we inform both students of his/her right to continue with any legal proceedings outside of the campus hearing. However, in this case, the student opted to use the campus disciplinary system.

The case proceeded through the normal campus student conduct hearing processes as there were a number of disputed facts that I did not feel I could, in good conscious, resolve administratively. The accused student was found responsible by the Campus Hearing Board. As such, the Board ordered restitution as one of the sanctions. The student (victim) produced all hospital and other medical bills related to the injury, in addition to the replacement cost for the glasses/lenses. The student was required to pay the total cost. We divided the payments into three (3) separate installments that were required to be made via the Office of Student Rights and Standards so we could verify compliance with all sanctions.

The accused student appealed. As such, no restitution was required to be paid until the end outcome of the case. The Appeal Review Board upheld the decision and the student complied with all sanctions, including restitution.

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We inform all parties that we cannot guarantee that the complainant will not move forward with any legal case outside the campus discipline system. Instead, we can simply provide documentation that supports the outcome of the case and compliance with the case should there be external legal proceedings. In addition, we would provide the accused student with evidence of the outcome and evidence all restitution paid to the complainant in the campus case to submit as evidence of his/her efforts to try to resolve the case prior to formal legal proceedings.

All suspensions are done on a case by case basis.

### **Trinity University**

We would allow the conduct board to handle these cases and the hearing board can sanction restitution and make the accused party provide necessary reimbursement.

No process in place for that. Sometimes we leave it to the victim family to pursue the case but this comes up rarely.

Physical altercations leading to significant injury do not always cause suspension. It would be by case basis.

### **University of Southwestern (Sewanee)**

Normally, the accused student, if and when found guilty or pleading guilty, is held responsible for medical expenses. Depending on the circumstances, sometimes this includes only medical expenses and deductibles not covered by the victim's insurance.

We make decisions about restitution through our normal student conduct processes, whether it is an administrative hearing, or more likely in cases of physical altercations, a hearing before the university committee on discipline.

The accused student's discipline sanctions remain the same, but sometimes restitution sanctions move from the university's original decision to the court's decision. In other words, double sanctions are not expected or required.

Physical altercations leading to significant injury do not always cause suspension, depending on the significance of the injuries, the hearing board...etc. Obviously, the more serious the injuries are, the more likelihood of suspension.