STUDENT RIGHTS & RESPONSIBILITIES:
A CODE OF STUDENT CONDUCT

SECTION 1: MISSION

The College community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The student conduct program within the Office of Student Life is committed to an educational and developmental process that balances the interests of individual students with the interests of the College community.

A community exists on the basis of shared values and principles. At the College, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the Code of Student Conduct. These standards are embodied within a set of core values that include integrity, social justice, respect, community, and responsibility.

Each member of the College community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others. When members of the community fail to exemplify these five values by engaging in violation of the rules below, campus conduct proceedings are used to assert and uphold the Code of Student Conduct.

The student conduct process is an educational process that is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students’ moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections afforded by the courts. Fair process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of College policy without information showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

The following statement of students’ rights and responsibilities is intended to reflect the base upon which The Code is built.

Student’s Rights

- A student has the right to participate in a free exchange of ideas, and there shall be no College policy that in any way limits the rights of freedom of speech, expression, petition, and peaceful assembly in accordance with applicable federal, state, and local laws.
- Each student has the right to be free from unlawful discrimination on the basis of sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, or other protected status.
- A student has the right to personal privacy except as otherwise provided by law and College policy and this will be observed by students and College authorities alike.
- Each student is subject to sanctions arising from alleged violations of The Code and will be assured due process.

Student’s Responsibilities

- A student has the responsibility to be acquainted with the published Code of Student Conduct in its entirety and to comply with the policies as well as all federal, state, and local laws.
• A student has the responsibility to recognize that student actions reflect upon the individuals involved and upon the entire College community.
• A student has the responsibility to recognize the College’s obligation to provide an environment conducive to learning.
• A student has the responsibility to conduct oneself in accordance to these standards.

Student’s Relation to College Community
• Cornish College of the Arts, as an institution of higher education, has rights and responsibilities of its own, including:
  • To provide opportunities for students of the College to present and debate public issues.
  • To require persons on College-owned or -controlled property to present appropriate identification.
  • To establish reasonable standards of conduct for all persons on the campus in order to safeguard the educational process and to provide for the safety and welfare of its students, visitors, and College property.
  • To restrict students of the College from using its name, its finances, or its physical and operating facilities for commercial activities, except in cases involving registered students, staff and faculty groups as provided for in policies governing use of the campus facilities and fund-raising activities.
  • To provide, for registered student groups of the College, the use of campus facilities under the policies of the campus.

Student’s Relation to External Community
Students attending the College take on responsibilities not only of campus citizenship but also community citizenship. When community standards are not respected and upheld by students, conflicts between students and other community members may result. Such conflicts are destructive to relationships in the community and reflect poorly on the College, as well as the reputation of the student body.

Student Employee Responsibilities
When students act in their capacity as student employees, they remain subject to The Code as well as other potential personnel actions resulting from misconduct.

Community Standards
Students are expected to engage in Bystander Intervention when in the presence of a potential code violation: Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Responsibility to Others
A student has responsibility for ensuring the well being of their guests and fellow students. If an individual needs emergency medical attention, the student is required to call an ambulance or other appropriate emergency response personnel (College Safety & Security, ambulance, police, fire, etc.) to gain assistance. If a student fails to carry out this responsibility, the student may be subject to College sanctions and may potentially be subject to additional civil and/or criminal liability.

Non Retaliation
Students who bring legitimate concerns to the attention of Cornish faculty or administrators should not fear that they will be retaliated against for their efforts. If students perceive that retaliation is occurring, they should report this immediately to the Dean of Student Life.

SECTION 2: JURISDICTION
Students at the College are provided a copy of the Code of Student Conduct annually in the form of a link on the College website at http://www.cornish.edu/student_life/conduct/. Hard copies are available upon request.
from the Office of Student Life. Students are responsible for having read and abiding by the provisions of the Code of Student Conduct.

The Code of Student Conduct and the student conduct process applies to the conduct of individual students. For the purposes of student conduct, the College considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the college.

The College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student’s ability to re-enroll (and/or obtain official transcripts and/or graduate) and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the College may invoke these procedures and should the former student be found responsible, the College may revoke that student’s degree.

The Code of Student Conduct applies to behaviors that take place on the campus, at College-sponsored events and may also apply off-campus if conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any situation where it appears that the student’s conduct may present a danger or threat to the health or safety of him/herself or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and /or
- Any situation that is detrimental to the educational mission and/or interests of the College.

The Code of Student Conduct may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The college does not regularly search for this information but may take action if and when such information is brought to the attention of College officials.

The Code of Student Conduct applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. (The Code may also be applied to resident non-students and continuing education programs by contractual agreements). Visitors to and guests of the College may seek resolution of violations of the Code of Student Conduct committed against them by members of the College community.

There is no time limit on reporting violations of the Code of Student Conduct; however, the longer someone waits to report an offense, the harder it becomes for College officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit the College’s ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Life and /or to Campus Safety & Security. (A responding student facing an alleged violation of the Code of Student Conduct is not permitted to withdraw from the College until all allegations are resolved.)

College email is the College’s primary means of communication with students. Students are responsible for all communication delivered to their College email address.

SECTION 3: VIOLATIONS OF THE LAW
Alleged violations of federal, state and local laws may be investigated and addressed under the Code of Student Conduct. When an offense occurs over which the College has jurisdiction, the College conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

The College reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint. Interim suspensions are imposed until a hearing can be held, typically within two weeks. (Within that time, the suspended student may request an immediate hearing from the Dean of Student Life (or designee) to show cause why the interim suspension should be lifted). This hearing may resolve the allegation, or may be held to determine if the interim suspension should be continued. The interim suspension may be continued if a danger to the community is posed and the College may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, the College will only delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will be no longer than two weeks from notice of the incident unless a longer delay is requested in writing by the complaining complainant to allow the criminal investigation to proceed before the College process.

Students accused of crimes may request to take a leave from the College until the criminal charges are resolved. In such situations, the College procedure for voluntary leaves of absence is subject to the following conditions:

- The responding student must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding student must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- The responding student must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed.

SECTION 4: EXPECTATIONS

A. Core Values and Behavioral Expectations
The College considers the behavior described in the following sub-sections as inappropriate for the College community and in opposition to the core values set forth in this document. These expectations and rules apply to all students. The College encourages community members to report to College officials all incidents that involve the following actions.

Integrity
College students exemplify honesty, honor and respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:
1. Falsification. Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments.
2. Academic Dishonesty. Cheating, plagiarism, or other forms of academic dishonesty.
3. Unauthorized Access. Unauthorized access to any College building (i.e. keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any college building or failing to timely report a lost College identification card or key.
4. Collusion. Action or inaction with another or others to violate the Code of Student Conduct.
5. Trust. Violations of positions of trust within the community.
6. Taking of Property. Intentional and unauthorized taking of College property or the personal property of another, including goods, services and other valuables.
7. Stolen Property. Knowingly taking or maintaining possession of stolen property.

Community
College students build and enhance their community. Behavior that violates this value includes, but is not limited to:
8. Disruptive Behavior. Substantial disruption of College operations including obstruction of teaching, research, administration, other College activities, and/or other authorized non-College activities which occur on or off campus.

9. Rioting. Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, disrupts the normal operations of the college and/or infringes on the rights of other members of the community, causes physical harm to others, or damage and/or destruction of property.

10. Unauthorized Entry. Misuse of access privileges to College premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a College building.

11. Trademark. Unauthorized use (including misuse) of College or organizational names and images.

12. Damage & Destruction. Intentional, reckless and/or unauthorized damage to or destruction of College property or the personal property of another.


14. Gambling. Gambling for money or other things of value on college owned or controlled property or at College sponsored activities is prohibited, except as permitted by federal, state, and local law.

15. Weapons. Possession, use, or distribution of explosives (including fireworks and ammunition) guns (including air, BB, paintball, facsimile weapons, and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade in excess of three inches, including the storage of any item that falls within the category of a weapon in a vehicle parked on College property.

NOTE: For academic authorization, please contact the Theater Department for a copy of the Theater Stage Combat and Weapons Policy.

16. Smoking. Smoking outside of designated smoking areas on campus is prohibited. Smoking is not permitted within 25 feet of any building entrance, exit, window that opens, or ventilation intake.

17. Fire Safety. Violation of local, state, federal or campus fire policies including, but not limited to:
   a. Intentionally or recklessly causing a fire which damages College or personal property or which causes injury.
   b. Failure to evacuate a College-controlled building during a fire alarm;
   c. Improper use of College fire safety equipment; or
   d. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on College property. Such action may result in a local fine in addition to College sanctions;

18. Animals. Only service animals are permitted in campus buildings. Additionally, approved emotional support animals are permitted in the residence halls. All other animals are prohibited in campus buildings.

19. Wheeled Devices. Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted inside College buildings, residence halls or on tennis courts. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities and individuals may be liable for damage to College property caused by these activities.

Social Justice

Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing college community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:

20. Discrimination. Any act or failure to act that is based upon an individual or group’s actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the College’s educational program or activities.

21. (Unwelcome) Harassment. Any unwelcome conduct based on actual or perceived status including (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status). Any unwelcome
conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the complainant and community.

a. Hostile Environment. Sanctions can and will be imposed for the creation of a hostile environment only when (unwelcome) harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the College’s educational or employment program or activities.

22. Retaliatory Discrimination or Harassment. Any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant (or supporter of a participant) in a civil rights grievance proceeding or other protected activity (under this Code).

23. Bystanding.

a. Complicity with or failure of any student to (appropriately) address known or obvious violations of the Code of Student Conduct or law:

b. Complicity with or failure of any organized group to (appropriately) address known or obvious violations of the Code of Student Conduct or law by its members.

24. Abuse of Conduct Process. Abuse or interference with, or failure to comply in, College processes including conduct and academic integrity hearings including, but not limited to:

a. Falsification, distortion, or misrepresentation of information;

b. Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;

c. Attempting to discourage an individual’s proper participation in, or use of, the campus conduct system;

d. Harassment (verbal or physical) and/or intimidation of a member of a conduct proceeding;

e. Failure to comply with the sanction(s) imposed by the campus conduct system;

f. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

Respect
College students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

25. Harm to Persons. Intentionally or recklessly causing physical harm or endangering the health or safety of any person.

26. Threatening Behaviors:

a. Threat. Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.

b. Intimidation. Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.

27. Bullying & Cyber bullying. Bullying and cyber bullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally.

28. Hazing. Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent (and/or) failing to report those acts may also violate this policy.

29. Intimate Partner/Relationship Violence. Violence or abuse by a person in an intimate relationship with another;

30. Stalking. Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear;

31. Sexual Misconduct. Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation (See Sexual Misconduct Policy for further information);

32. Public Exposure. Includes deliberately and publicly exposing one’s intimate body parts, public urination, defecation, and public sex acts.

Responsibility
College students are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes but is not limited to:

33. Alcohol. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by College regulations), being knowingly in the presence of alcohol, or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age. No alcoholic beverages are allowed in the Residence Halls.

34. Drugs. Use, possession, providing, sale, or distribution of narcotics or other controlled substances (illegal drugs) except as permitted by law; or being in the presence of narcotics or other controlled substances in Cornish sponsored housing. The possession or use of marijuana – for any purpose – on college property or at official university functions is prohibited. Therefore, even students with valid documentation under Washington’s medical marijuana law may not possess, store, provide, or use marijuana on college property (including but not limited to residence halls, academic buildings, athletic facilities, and parking lots) or at official college functions, regardless of the location.

35. Prescription Medications. Abuse, misuse, sale, or distribution of prescription or over-the-counter medications.

36. Failure to Comply. Failure to comply with the reasonable directives of College officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.

37. Financial Responsibilities. Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.

38. Arrest. Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any crime (including non-custodial or field arrests) to the Office of Student Life within seventy-two hours of release.

39. Other Policies. Violating other published College policies or rules, including all Residence Hall policies;

40. Health & Safety. Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.)

41. Violations of Law. Evidence of violation of local, state or federal laws, when substantiated through the College’s conduct process.

SECTION 5: OVERVIEW OF THE PROCESS

This overview gives a general idea of how the College’s campus conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of College rules.

Notice: Once notice is received from any source (complainant, RA, 3rd party, online, etc.), the College may proceed with a preliminary investigation and/or may schedule an initial educational meeting/conference with the responding student to explain the conduct process to the responding student and gather information.

A. Step 1: Preliminary Inquiry and/or Educational/Administrative Conference
The College conducts a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to:

1. A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Code of Student Conduct, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code);
2. A more comprehensive investigation, when it is clear more information must be gathered;
3. A formal complaint of a violation and/or an educational conference with the responding student.

When an initial educational meeting/conference is held, the possible outcomes include:
• A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter should be closed and records should so indicate;
• A decision on the allegation, also known as an “informal” or “administrative” resolution to an uncontested allegation (see immediately below);
• A decision to proceed with additional investigation and/or referral for a “formal” resolution.

If a decision on the allegation is made and the finding is that the responding student is not responsible for violating the Code, the process will end. (The party bringing the complaint may request that the Dean of Student Life (or designee) and the Title IX Coordinator reopen the investigation and/or grant a hearing. This decision shall be in the sole discretion of the Dean of Student Life (or designee) and the Title IX Coordinator and will only be granted for extraordinary cause). If the College’s finding is that the responding student is in violation, and the responding student accepts this finding within three days, the College considers this an “uncontested allegation.” The administrator conducting the initial educational conference will then determine the sanction(s) for the misconduct, which the responding student may accept or reject. If accepted, the process ends.

If student accepts the findings, but rejects the sanction, the College will conduct a sanction-only hearing, conducted by a panel, or hearing administrator which/who recommends a sanction to the Dean of Student Life (or designee). The sanction is then reviewed and finalizes by the Dean of Student Life (or designee) and is subject to appeal (see Appeal Review Procedures in Section 7 - pg 60) by any party to the misconduct. Once the appeal is decided, the process ends.
If the administrator conducting the educational conference determines that it is more likely than not that the responding student is in violation, and the responding student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to Step 2.

B. Step 2: Formal Hearing
In a contested allegation, additional investigation may then be commenced and/or a hearing may be held when there is reasonable cause to believe that a rule or rules have been violated. A formal notice of the complaint will be issued, and a hearing will be held before a panel, or a hearing administrator. A finding will be determined and is final except in cases that involve Title IX or other discrimination allegations. In those cases, the hearing results serve as a recommendation to the Dean of Student Life (or designee) and, where appropriate, the Title IX Coordinator, who review and finalize the finding. If the finding is that the responding student is not responsible, the process ends, except for appeal. Applicable appeals options are described below.

C. Step 3: Review and Finalize Sanction(s)
If the student is found in violation(s), sanctions will be recommended by the panel or hearing administrator to the Dean of Student Life (or designee) [and Title IX Coordinator when applicable], who will review and finalize the sanctions, subject to College appeals process by any party to the complaint.

SECTION 6: STUDENT CONDUCT AUTHORITY

A. Authority
The Dean of Student Life is vested with the authority over student conduct by the President of the College. The Dean of Student Life (or designee) manages the student conduct process. The Dean of Student Life (or designee) may appoint administrative hearing/conference and appeals officers as deemed necessary to efficiently and effectively supervise the student conduct process.

The Dean of Student Life (or designee) will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

B. Gatekeeping
No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense,
even if that information is merely a credible witness or a complainant’s statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing.

C. Conflict Resolution Options
The Dean of Student Life (or designee) has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution can be forwarded for formal processing and hearing; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Dean of Student Life (or designee) may also suggest that complaints that do not involve a violation of the Code of Student Conduct be referred for other appropriate conflict resolution.

D. Composition of the Hearing Panel
The Dean of Student Life (or designee) will be responsible for assembling the Hearing Panel according to the following guidelines:
1. The membership of the panel is selected from a pool of at least 3 students, 3 faculty, and 3 staff/administrative members appointed and trained annually by the Dean of Student Life (or designee).
2. For each complaint, a panel will be chosen from the available pool, and is usually comprised of one student, one faculty member, and one staff member or administrator. Availability may determine a different composition for the Panel, and in complaints involving discrimination, sexual misconduct, or other sensitive issues, the Dean of Student Life (or designee) will usually use three administrative/staff members for the panel. The Dean of Student Life (or designee) appoints the non-voting chair of the Hearing Panel, who assures that College procedures are followed throughout the hearing.

E. Administrative Hearing [or Conference] Officers
Administrative Hearing Officers (AHO or ACO) are chosen from a pool of annually trained administrators or staff members selected by the Dean of Student Life (or designee).

F. Panel Pool and the Appeals Panel
Three-member Appeals Panels are drawn from the panel pool, with the only requirement being that they did not serve on the Panel for the initial hearing. Appeals Panels review appeal requests submitted by the Dean of Student Life (or designee). If an all administrative/staff panel is used to hear a sensitive issue, the Appeals Panel will also be comprised of only administrative/staff members. To serve in the panel pool, students must:
1. Be in academic good standing and have completed 15 hours of academic credit with a cumulative GPA of at least 2.0.
2. Be in good standing with the conduct process throughout the semester in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel. A serious history of misconduct could disqualify a student for service.
3. Submit a letter of recommendation from a faculty member or administrator from within the College community.

The Dean of Student Life (or designee) will have final authority to approve all those serving on the panel. The non-voting advisor to the panel is the Dean of Student Life (or designee) with responsibility for training the panel, conducting preliminary investigations, and ensuring a fair process for the party bringing the complaint and responding student. In the event of a resignation from the panel, the Dean of Student Life (or designee) will solicit a replacement from the group from which the representative came. Decisions made, and sanctions imposed, by the panel or an AHO will be final and implemented, pending the normal appeal process. At the discretion of the Dean of Student Life (or designee), implementation of sanctions may be stayed pending review.

G. Interpretation and Revision
The Dean of Student Life (or designee) will develop procedural rules for the administration of hearings that are consistent with provisions of the Code of Student Conduct. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by posting online and/or in the form of written communication. The Dean of Student Life (or designee) may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Code. The Dean of Student Life (or designee) may make minor modifications to
procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the Code of Student Conduct will be referred to the Dean of Student Life (or designee), whose interpretation is final. The Code of Student Conduct will be updated annually under the direction of the Dean of Student Life with a comprehensive revision process being conducted every (3-5) years

SECTION 7: FORMAL CONDUCT PROCEDURE

A. College as Convener
The College is the convener of every action under this code. Within that action, there are several roles. The responding student is the person who is alleged to have violated the Code. The party bringing the complaint, who may be a student, employee, visitor, or guest, may choose to be present and participate in the process as fully as the responding student. There are witnesses, who may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the evidence that the College has obtained regarding the allegations.

B. Group Violations
A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s):
- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the organization or of the organization’s leaders or officers; or
- Were known or should have been known to the membership or its officers.
- Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

C. Amnesty
1. For Complainants: The College provides amnesty to complainants who may be hesitant to report to College officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.
2. For Those Who Offer Assistance: To encourage students to offer help and assistance to others, College pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Dean of Student Life (or designee), amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.
3. For Those Who Report Serious Violations: Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the College are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.

Abuse of amnesty requests can result in a decision by the Dean of Student Life (or designee) not to extend amnesty to the same person repeatedly.

4. Safe Harbor: The College has a Safe Harbor rule for students. The College believes that students who have a drug and/or addiction problem deserve help. If any College student brings their own use, addiction, or dependency to the attention of College officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

D. Notice of Alleged Violation
Any member of the College community, visitor or guest may allege a policy violation(s) by any student for misconduct under this Code.

Notice may also be given to the Dean of Student Life (or designee) and/or to the Title IX Coordinator, when appropriate. Additionally, administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a complainant or a third party, and should be submitted as soon as possible after the offending event occurs. The College has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

The Dean of Student Life or the Title IX Coordinator (or designee) will assume responsibility for the investigation of the alleged violation as described in the sub-section below.

**E. Investigation**
Investigation guidelines are available for reference in the Office of Student Life on the 3rd Floor of MCC. The Dean of Student Life (or designee) will appoint an investigator(s) for allegations under this Code.

**F. Findings**
The following options (1-3) describe how to proceed depending on whether the responding student is found responsible and whether the Responding Student accepts or rejects the findings and/or the sanctions either in whole or in part.

1. **The Responding Student is Found “Not Responsible”**
   Where the responding student is found not responsible for the alleged violation(s), the investigation will be closed. The party bringing the complaint, if any, may request that the Title IX Coordinator and/or Dean of Student Life (or designee), as applicable, review the investigation file to possibly re-open the investigation or convene a hearing. The decision to re-open an investigation or convene a hearing rests solely in the discretion of the Title IX Coordinator or the Dean of Student Life (or designee) in these cases, and is granted only on the basis of extraordinary cause.

2. **The Responding Student Accepts a Finding of “Responsible”…**
   a. The Responding Student Accepts a Finding of “Responsible” and Accepts the Recommended Sanctions.

      Should the responding student accept the finding that they violated College policy, the Investigator will recommend appropriate sanctions for the violation, having consulted with Director of Student Life (or designee) and/or Title IX Coordinator, as appropriate. In cases involving discrimination, recommended sanctions will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the College community. If the responding student accepts these recommended sanctions, the sanctions are implemented by the Dean of Student Life (or designee) and the process ends. There will be a three-day period for review between the date of acceptance and when the resolution becomes final. Should the responding student decide to reject the sanctions within that time period, Option 2b, below, will apply. This outcome is not subject to appeal.

   b. The Responding Student Accepts a Finding of “Responsible” and Rejects the Sanctions Recommended.

      If the responding student accepts the “responsible” findings, but rejects the recommended sanctions, there will be an administrative conference on the sanction, only. Administrative conference procedures are detailed below.

3. **Responding Student Rejects the Findings Completely or In-part**
   a. Responding Student Rejects the Findings Completely
Where the responding student rejects the finding that they violated College policy, a formal hearing will be convened within seven business days, barring exigent circumstances.

At the hearing, the investigator(s) will present their report to the panel, the panel will hear from the parties, and any necessary witnesses. The investigation report will be considered by the panel, which renders an independent and objective finding. Full panel procedures are detailed below.

If the panel finds the responding student not responsible for all violations, the Dean of Student Life (or designee) will timely inform the parties of this determination and the rationale for the decision in writing. This determination is subject to appeal by any party to the complaint. Appeal review procedures are outlined below.

If the panel finds a violation, it will recommend a sanction/responsive action to the Dean of Student Life (or designee), who will confer with the Title IX Coordinator as necessary and, render a decision within seven days of the hearing and timely notify the parties in writing. An appeal of sanction(s) may be filed by any party to the complaint as detailed below.

b. Responding Student Accepts the Findings in Part and Rejects in Part

Where the responding student rejects in part the finding that they violated College policy, there will be a panel hearing solely on the disputed allegations within seven days, barring exigent circumstances. For all findings holding a responding student responsible for a violation, the College will follow the sanctioning process detailed in sub-sections K(8) and K(9), below. If the Panel finds the responding student “Not Responsible” on any of the contested allegations, the process will move to the Sanctioning Phase on only the uncontested allegations, as detailed in sub-sections K(8) and K(9), below.

G. Special Hearing Provisions for Sexual Misconduct, Discrimination and Other Complaints of a Sensitive Nature
All hearings under this sub-section will be conducted by a three member administrative panel drawn from the panel pool. For sexual misconduct, discrimination and other complaints of a sensitive nature, whether the alleged complainant is serving as the party bringing the complaint or as a witness, alternative testimony options may be provided, such as placing a privacy screen in the hearing room or allowing the alleged complainant to testify from another room via audio or audio/video technology. While these options are intended to help make the alleged complainant more comfortable, they are not intended to work to the disadvantage of the responding student.

The past sexual history or sexual character of a party will not be admissible by the other parties in hearings unless such information is determined to be highly relevant by the Panel Chair. All such information sought to be admitted by a party or the College will be presumed irrelevant until a showing of relevance is made, in advance of the hearing, to the Chair. Demonstration of pattern, repeated, and/or predatory behavior by the responding student, in the form of previous findings in any legal or campus proceeding, or in the form of previous good faith allegations, will always be relevant to the finding, not just the sanction. The parties will be notified in advance if any such information is deemed relevant and will be introduced in the hearing.

The party bringing any complaint alleging sexual misconduct, other behavior falling with the coverage of Title IX and/or a crime of violence will be notified in writing of the outcome of a hearing, any sanctions assigned and the rationale for the decision.

H. Notice of Hearing
Once a determination is made that reasonable cause exists for the Dean of Student Life (or designee) to refer a complaint for a hearing, notice will be given to the responding student. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Dean of Student Life (or designee); mailed to the local or permanent address of the student as indicated in official College records; or emailed to
the student’s College-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

1. Include the alleged violation and notification of where to locate the Code of Student Conduct and College procedures for resolution of the complaint; and
2. Direct the responding student to contact the Dean of Student Life (or designee) within a specified period of time to respond to the complaint. This time period will generally be no less than two days from the date of delivery of the summons letter.

A meeting with the Dean of Student Life (or designee) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the responding student may indicate, either verbally or in writing, to the Dean of Student Life (or designee), whether they admit to or deny the allegations of the complaint.

I. Interim Action
Under the Code of Student Conduct, the Dean of Student Life (or designee) may impose restrictions and/or separate a student from the community pending the scheduling of a campus hearing on alleged violation(s) of the Code of Student Conduct when in the sole discretion of the Dean of Student Life a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve College property and/or to prevent disruption of, or interference with, the normal operations of the College. Interim actions can include separation from the institution or restrictions on participation in the community for no more than ten (10) business days pending the scheduling of a campus hearing on alleged violation(s) of the Code of Student Conduct. A student who receives an interim suspension may request a meeting with the Dean of Students (or designee) to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the College may still proceed with the scheduling of a campus hearing.

During an interim suspension, a student may be denied access to College housing and/or the College campus/facilities/events. As determined appropriate by the Dean of Student Life (or designee), this restriction may include classes and/or all other College activities or privileges for which the student might otherwise be eligible. At the discretion of the Dean of Student Life (or designee) and with the approval of, and in collaboration with, the appropriate Department Chairs/Faculty, alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

J. Hearing Options & Preparation
The following sub-sections describe the College’s conduct hearing processes. Except in a complaint involving failure to comply with the summons of the Dean of Student Life (or designee), no student may be found to have violated the Code of Student Conduct solely as a result of the student’s failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Dean of Student Life (or designee), AHO or panel presiding over the hearing.

Where the responding student admits to violating the Code of Student Conduct, the Dean of Student Life (or designee) may invoke administrative hearing procedures to determine and administer appropriate sanctions without a formal hearing. This process is also known as an administrative conference. In an administrative conference, complaints will be heard and determinations will be made by the Dean of Student Life (or designee).

Where the responding student denies violating the Code of Student Conduct, a formal hearing will be conducted. This process is known as a panel hearing. At the discretion of the Dean of Student Life (or designee), a request by one or more of the parties to the complaint for an administrative conference may be considered. Students who deny a violation for which a panel hearing will be held will be given a minimum of three (3) days to prepare unless all parties wish to proceed more quickly. Preparation for a formal hearing is summarized in the following guidelines:

1. Notice of the time, date and location of the hearing will be in writing and may be delivered by one or more of the following methods: in person by the Dean of Student Life (or designee); mailed to the local or permanent address of the student as indicated in official College records; or emailed to the
student’s College-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.

2. If there is an alleged complainant of the conduct in question, the alleged complainant may serve as the party bringing the complaint or may elect to have the College administration serve as the party bringing the complaint forward. Where there is no alleged complainant, or the alleged complainant is unwilling to proceed, the College administration may in its discretion serve as the party bringing the complaint forward.

3. If a responding student fails to respond to notice from the Dean of Student Life (or designee), the Dean of Student Life (or designee) may initiate a complaint against the student for failure to comply with the directives of a College official and give notice of this offense. Unless the student responds to this notice within two days by answering the original notice, an administrative conference may be scheduled and held on the student’s behalf. As a result, the student may be administratively withdrawn from attending classes or a disciplinary hold may be placed on their College account, deeming them ineligible to register for courses or College housing until such time as the student responds to the initial complaint.

4. At least three (3) days before any scheduled formal hearing, the following will occur:
   a. The responding student will deliver to the Dean of Student Life (or designee) a written response to the complaint;
   b. The responding student will deliver to the Dean of Student Life (or designee) a written list of all witnesses for the College to call at the hearing;
   c. The responding student will deliver to the Dean of Student Life (or designee) all physical evidence the student intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Dean of Student Life (or designee) can arrange for its presence;
   d. The party bringing the complaint will deliver to the Dean of Student Life (or designee) a written list of all witnesses for the College to call at the hearing;
   e. The party bringing the complaint will deliver to the Dean ofStudent Life (or designee) all items of physical evidence needed at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Dean of Student Life (or designee) can arrange for its presence;
   f. The party bringing the complaint and the responding student will notify the Dean of Student Life (or designee) of the names of any advisors/advocates who may be accompanying the parties at the hearing.

5. The Dean of Student Life (or designee) will ensure that the hearing information and any other available written documentation is shared with the parties at least three (3) days before any scheduled hearing. In addition, the parties will be given a list of the names of all the panelists in advance. Should any party object to any panelist, that party must raise all objections, in writing, to the Dean of Student Life (or designee). Hearing officers will only be unseated if the Dean of Student Life (or designee) concludes that their bias precludes an impartial hearing of the complaint. Additionally, any panelist who feels they cannot make an objective determination must recuse themselves from the proceedings.

K. Panel Hearing Procedures

The Dean of Student Life (or designee) will appoint one panelist as the Chair for the hearing. The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student’s responsibility to notify the Dean of Student Life (or designee) no less than three (3) days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum three (3) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled. If the party bringing the complaint fails to appear, the complaint may be dropped unless the College chooses to pursue the allegation on its own behalf, as determined by the Dean of Student Life (or designee).

The Dean of Student Life (or designee), the Chair and the Panel will conduct panel hearings according to the following guidelines:

1. Hearings will be closed to the public.
2. Admission to the hearing of persons other than the parties involved will be at the discretion of the panel chair and the Dean of Student Life (or designee).

3. In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the Dean of Student Life (or designee) may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.

4. The parties have the right to an advisor/advocate of their own choosing, not including attorneys. Typically advisors are members of the campus community. The advisor may not make a presentation or represent the party bringing the complaint or responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair and suggest questions to their advisee.

5. The party bringing the complaint, the responding student, and the panel will have the privilege of questioning all present witnesses and questioning all present parties by routing their questions through the Chair. Unduly repetitive witnesses can be limited at the discretion of the (Chair and/or the Dean of Student Life, or designee).

6. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the panel and the Dean of Student Life (or designee). Formal rules of evidence are not observed. The (Panel Chair and/or the Dean of Student Life, or designee) may limit the number of character witnesses presented or may accept written affidavits of character instead.

7. All procedural questions are subject to the final decision of the Dean of Student Life (or designee) or Panel Chair.

8. After a panel hearing, the panel will deliberate and determine, by majority vote, whether it is more likely than not that the responding student has violated the Code of Student Conduct. The Dean of Student Life (or designee) will be present and available as a resource during all deliberations. Once a finding is determined, if the finding is that of a policy violation, the panel will determine an appropriate sanction(s). The Dean of Student Life (or designee) is responsible for informing the panel of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student.

9. The Dean of Student Life will consider the recommendations of the panel, may make appropriate modifications to the panel’s report and will then render a decision and inform the responding student and party bringing the complaint (if applicable by law or College policy) of the final determination seven (7) days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person by the Dean of Student Life (or designee); mailed to the local or permanent address of the student as indicated in official College records; or emailed to the student’s College-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.

10. There will be a single verbatim record, such as an audio recording, for all panel hearings. Deliberations will not be recorded. The record will be the property of the College and maintained according to the College’s record retention policy.

L. Conduct Sanctions
One or more of following sanctions may be imposed upon any student for any single violation of the Code of Student Conduct:

1. Warning: An official written notice that the student has violated College policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the College.

2. Restitution: Compensation for damage caused to the College or any person’s property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.

3. Fines: Reasonable fines may be imposed.

4. Community/College Service Requirements: For a student or organization to complete a specific supervised College service.
5. Loss of Privileges: The student will be denied specified privileges for a designated period of time.

6. Confiscation of Prohibited Property: Items whose presence is in violation of College policy will be confiscated and will become the property of the College. Prohibited items may be returned to the owner at the discretion of the Dean of Student Life (or designee) and/or Campus Police.

7. Behavioral Requirement: This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.

8. Educational Program: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.

9. Restriction of Visitation Privileges: May be imposed on a resident or non-resident student. The parameters of the restriction will be specified.

10. College Housing Probation: Official notice that, should further violations of Residence Life or College policies occur during a specified probationary period, the student may immediately be removed from College housing. Regular probationary meetings may also be imposed.

11. College Housing Reassignment: Reassignment to another College housing facility. Residential Life personnel will decide on the reassignment details.

12. Housing Suspension: Removal from College housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to College housing may be specified. Under this sanction, a student is required to vacate College housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Housing and Residence Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for College housing, the student must gain permission from the Director of Housing and Residence Life (or designee). This sanction may include restrictions on visitation to specified buildings or all College housing during the suspension.

13. Housing Expulsion: The student’s privilege to live in, or visit, any College housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.

14. College Probation: The student is put on official notice that, should further violations of College policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.

15. Eligibility Restriction: The student is deemed “not in good standing” with the College for a specified period of time. Specific limitations or exceptions may be granted by the Dean of Student Life (or designee) and terms of this conduct sanction may include, but are not limited to, the following:
   a. Ineligibility to hold any office in any student organization recognized by the College or hold an elected or appointed office at the College; or
   b. Ineligibility to represent the College to anyone outside the College community in any way including: participating in the study abroad program, attending conferences, or representing the University/College at an official function, event or intercollegiate competition as a player, manager or student coach, etc.

16. College Suspension: Separation from the College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Student Life (or designee). During the suspension period, the student is banned from college property, functions, events and activities without prior written approval from the Dean of Student Life (or designee). This sanction may be enforced with a trespass action as necessary. (This sanction will be noted as a Conduct Suspension on the student’s official academic transcript)

17. College Expulsion: Permanent separation from the College. The student is banned from university property and the student’s presence at any College-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. (This sanction will be noted as a Conduct Expulsion on the student’s official academic transcript).

18. Other Sanctions: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Dean of Student Life (or designee).

The following sanctions may be imposed upon groups or organizations found to have violated the Code of Student Conduct:
One or more of the sanctions listed above; and/or
Deactivation, de-recognition, loss of all privileges (including status as a College registered
group/organization), for a specified period of time.

M. Parental Notification
The College reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

N. Notification of Outcomes
The outcome of a campus hearing is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or forcible or nonforcible sex offense, the College will inform the alleged complainant/party bringing the complaint in writing of the final results of a hearing regardless of whether the College concludes that a violation was committed. Such release of information may only include the alleged student’s/responding student’s name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX only, the rationale for the outcome will also be shared with all parties to the complaint in addition to the finding and sanction(s).

In cases where the College determines through the student conduct process that a student violated a policy that would constitute a “crime of violence” or nonforcible sex offense, the College may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:

1. Arson
2. Assault offenses (includes stalking)
3. Burglary
4. Criminal Homicide—manslaughter by negligence
5. Criminal Homicide—murder and nonnegligent manslaughter
6. Destruction/damage/vandalism of property
7. Kidnapping/abduction
8. Robbery
9. Forcible sex offences
10. Non-forcible sex offences

O. Failure to Complete Conduct Sanctions
All students, as members of the College community, are expected to comply with conduct sanctions within the timeframe specified by the Dean of Student Conduct (or designee) or Administrative Hearing Conference Officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the College. In such situations, resident students will be required to vacate College housing within 24 hours of notification by the Dean of Student Life (or designee), though this deadline may be extended upon application to, and at the discretion of, the Dean of Student Life (or designee) and Residence Life. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Dean of Student Life (or designee).

P. Appeal Review Procedures
Any party may request an appeal of the decision of the Panel/Administrative Conference by filing a written request to the Dean of Student Life (or designee), subject to the procedures outlined below. All sanctions imposed by the original hearing body remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

Grounds for Appeal Requests
Appeals requests are limited to the following grounds:
1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
3. The sanctions imposed are substantially outside the parameters or guidelines set by the College for this type of offense or the cumulative conduct record of the responding student.

Appeals must be filed in writing with the Dean of Student Life (or designee) within five (5) business days of the notice of the outcome to the hearing, barring exigent circumstances. Any exceptions are made at the discretion of Dean of Student Life (or designee) and, when appropriate, the Title IX Coordinator.

The Dean of Student Life (or designee) will share the appeal by one party with the other party (parties) when appropriate under procedure or law (e.g., if the responding student appeals, the appeal is shared with the complainant, who may also wish to file a response, request an appeal on the same grounds or different grounds). The Dean of Student Life (or designee) will refer the request(s) to the College’s designated Appeal Review Officer. The Dean of Student Life (or designee) will also draft a response memorandum to the appeal request(s), based on the Appeal Review Officer’s determination that the request(s) will be granted or denied, and why. All request-related documents are shared with all parties prior to submission to the Appeal Review Officer.

The Appeal Review Officer will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. They may consult with the Dean of Student Life (or designee) and/or Title IX Coordinator on any procedural or substantive questions that arise.

If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. If the appeal has standing, the Appeal Review Officer determines whether to refer the appeal to the Appeals Panel or to remand it to the original decision-maker(s), typically within 3-5 business days. Efforts should be made to use remand whenever possible, with clear instructions for reconsideration only in light of the granted appeal grounds. Where the original decision-maker may be unduly biased by a procedural or substantive error, a new panel will be constituted to reconsider the matter, which can in turn be appealed, once. Full hearings by the Appeals Panel are rarely used. Where new evidence is presented or the sanction is challenged, the Appeals Review Officer will determine if the matter should be returned to the original decision-maker for reconsideration or if it should be reviewed by the Appeals Panel with instruction on the parameters regarding institutional consistency and any applicable legal guidelines. In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. The Appeals Panel must limit its review to the challenges presented.

On reconsideration, the Appeals Panel or original decision-maker may affirm or change the findings and/or sanctions of the original hearing body according to the permissible grounds. Procedural (or substantive) errors should be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the student’s cumulative conduct record.

All decisions of the Appeals Panel are to be made within five (5) days of submission to the Panel and are final, as are any decisions made by the original hearing body, Dean of Student Life (or designee) or Title IX Coordinator as the result of reconsideration consistent with instructions from the Appeal Review Officer.

The Appeals Panel
Three-member Appeals Panels are drawn from the hearing panel pool, with the following requirements to serve:
1. they did not serve on the Panel for the initial hearing
2. they were not involved in the investigation in any way
3. they have been properly trained in appeals procedures

If the institution allows for students to serve in the panel pool, they must:
1. Be in academic good standing and have completed 15 hours of academic credit with a cumulative GPA of at least 2.0.
2. Be in good standing with respect to the conduct process throughout the term in which they serve. Good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the panel, as well as not currently being on any probation. A serious history of misconduct could disqualify a student for service.

The Appeal Review Officer will have final authority to approve all those serving on the panel. The parties may challenge a panelist(s) on the basis of potential bias, and any panelist who cannot render an impartial decision must recuse themselves. The Appeals Review Officer will make the determination as to the validity of any challenge or need for recusal. In the event of a recusal from the panel, the Appeals Review Officer will solicit a replacement from the pool of panelists.

The Dean of Student Life (or designee) serves as the non-voting advisor to the panel, with responsibility for training the panel, conducting preliminary investigations, and ensuring a fair process for the complainant and responding student.

The presumptive stance of the College is that all decisions made and sanctions imposed by the original decision-maker are to be implemented during the appellate process. At the discretion of the Dean of Student Life (or designee), and in consultation with the Title IX Coordinator when necessary, implementation of sanctions may be stayed pending review only in extremely exigent circumstances. This does not include proximity to graduation, end of term, or exams. Instead, it refers to an overwhelming likelihood, as determined by the Appeals Review Officer and Dean of Student Life (or designee), in consultation, that the appeal would result in a reversal of the finding and/or substantial modification of the sanctions.

Other Guidelines for Appeals
- All parties will be timely informed seven (7) work days of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original decision-maker for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal; Witnesses may be called if necessary.
- Appeals are not an opportunity for appeals panelists to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

Q. Disciplinary Records
All conduct records are maintained by the College for seven (7) years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, which are maintained indefinitely.
APPENDIX B

CORNISH COLLEGE OF THE ARTS STUDENT
SEXUAL MISCONDUCT POLICY & PROCEDURE

Introduction

Cornish College of the Arts strives to create a respectful, safe, and non-threatening environment for its students. This Sexual Misconduct Policy applies to all students of Cornish College of the Arts and is designed to promote the well-being of individuals and the community as a whole.

Sexual Misconduct Policy

Cornish College of the Arts affirms the values of respect, responsibility, and caring between all persons. Sexual offense, rape, acquaintance rape and sexual assault, will not be tolerated. Behavior of this nature is inconsistent with our values, and is a violation of the Code of Student Conduct, College policy and state and federal law. Students or employees committing a sexual offense may be prosecuted under the Washington State Criminal Code (Title 9A RCW) and/or disciplined under the Code of Student Conduct. This policy sets forth the resources available to students, describes prohibited conduct, and establishes procedures for responding to sexual misconduct incidents that include sexual assault, sexual harassment and other unwelcome behaviors as explained below. This policy identifies prohibited behavior for two important reasons: first, so that victims of prohibited behavior can easily recognize what happened to them as misconduct and comfortably seek assistance; and second, so that all students are aware of these expectations and can make appropriate decisions, knowing there will be consequences for violating this policy. The College makes this policy readily available to all students and other members of the College community and provides periodic education to students regarding sexual misconduct. The Division of Student Life, Counseling Office, Wellness & Health Promotion, Campus Safety & Security, and community agencies offer sexual misconduct education and information upon request. Creating a respectful, safe and non-threatening environment is the responsibility of all members of the college community and Cornish encourages students and student organizations to take advantage of these educational opportunities and to learn about this policy.

Policy Scope and Jurisdiction

Scope

This policy covers all Cornish students, and in particular students who are:

- Victims of any form of sexual misconduct, including sexual assault and sexual harassment, by any other person (student, employee, or others outside of the college community);
- Accused of engaging in behavior prohibited by this policy.

The term “student” includes all persons taking courses at the College, either full-time or part-time, pursuing undergraduate studies. Persons who withdraw or take a leave of absence after allegedly violating The Code, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered “students”. The Code of Student Conduct applies at all locations of the College.

Jurisdiction

This policy covers on-campus and off-campus conduct, as those terms are described below.

On-Campus Violations: The campus includes the geographic confines of the college, including its land, institutional roads and buildings and leased premises of the College (such as student housing).

Off-Campus Violations: Off-campus violations that represent a clear and distinct interest of the College may be subject to disciplinary sanctions. For example, sexual misconduct and harassment are within the college’s interests when the behavior:
• Involves conduct directed at or by a College student or other member of the College community (e.g., private house party, outside employment);
• Occurs during a College-sponsored event (e.g., field trip, social or educational function, college-related travel, internship and/or service learning experience);
• Occurs during an event of a student organization;
• Occurs during a Study Abroad program or other international travel; or
• Poses a disruption or threat to the College community.

Confidentiality
Cornish College of the Arts is committed to creating an environment that encourages students to come forward if they have experienced any form of sexual misconduct. The College works to safeguard the identity and privacy of students who seek help or who report sexual misconduct. However, people in different positions, have different obligations with regard to confidentiality. Under Washington law, communications with some individuals are confidential. Students should always confirm whether confidentiality applies to the communication. Generally, confidentiality applies when a student seeks services from the following persons:
• Psychological counselor (Including Counselors in the Cornish Counseling Office)
• Personal attorney;
• Religious/spiritual counselor.

Any other College employee cannot guarantee confidentiality though information is disclosed only to select officials who have an essential “need to know” in order to carry out their College responsibilities. As is the case with any educational institution, the College must balance the needs of the individual student with its obligation to protect the safety and well-being of the community at large. Therefore, depending on the seriousness of the alleged incident, further action may be necessary, including a campus security alert. However, further action would never contain any information identifying the student who brought the complaint.

Sexual Misconduct

Sexual misconduct is a broad term encompassing any non-consensual behavior of a sexual nature that is committed by force or intimidation or that is otherwise unwelcome. The term includes sexual assault, sexual exploitation, sexual intimidation, and sexual harassment as those behaviors are described later in this section.

Sexual intimacy requires that all participants consent to the activity. Consent between two or more people is defined as an affirmative agreement—through clear actions or words—to engage in sexual activity. The person giving the consent must act freely, voluntarily, and with an understanding of his or her actions when giving the consent. Lack of protest or resistance does not constitute consent, nor does silence mean consent has been given. Relying solely on non-verbal communication can lead to misunderstanding. Persons who want to engage in sexual activity are responsible for obtaining consent—it should never be assumed. A prior relationship or prior sexual activity is not sufficient to demonstrate consent.

Consent must be present throughout the sexual activity—at any time, a participant can communicate that he or she no longer consents to continuing the activity. If there is confusion as to whether anyone has consented or continues to consent to sexual activity, it is essential that the participants stop the activity until the confusion can be clearly resolved.

In addition, under Washington law the following people are unable to give consent:
• Persons who are asleep or unconscious;
• Persons who are incapacitated due to the influence of drugs, alcohol, or medication;
• Persons who are unable to communicate consent due to a mental or physical condition;
• Minors under the age of 16.

Sexual misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors. It can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can occur between members of the same or different sex and can also occur
while individuals are fully clothed. Sexual misconduct includes, but is not limited to, the following examples of prohibited conduct:

**Sexual Assault**

Sexual assault is an extreme form of sexual misconduct and represents a continuum of conduct from forcible rape to nonphysical forms of pressure that compel individuals to engage in sexual activity against their will. Examples of sexual assault under this policy include, but are not limited to, the following behaviors when consent is not present:

- Sexual intercourse (vaginal, anal, oral);
- Oral sex;
- Rape or attempted rape;
- Penetration of an orifice (anal, vaginal, oral) with the penis, finger, or other object;
- Unwanted touching of the genitals, buttocks, breast, or other body part;
- Coercion or forceful efforts to make someone else touch one’s genitals, buttocks, breast, or other body part;
- Inducing consent through drugs or alcohol;
- Engaging in sexual activity with a person who is unable to provide consent due to the influence of drugs, alcohol, or other condition.

**Sexual Exploitation**

Sexual exploitation involves taking non-consensual sexual advantage of another person, even though the behavior might not constitute one of the other sexual misconduct offenses. Examples can include, but are not limited to, the following behaviors:

- Invading sexual privacy;
- Prostituting another student;
- Recording a non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Knowingly transmitting an STD or HIV to another student;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation;
- Engaging in voyeurism – Voyeurism involves both secretive observation of another’s sexual activity and secretive observation of another for personal sexual pleasure.

**Sexual Harassment**

Sexual harassment is a form of discrimination. Sexual harassment can include unwelcome behavior (verbal, written, physical) that is directed at someone because of that person’s sex, gender, or gender identity and meets either of the following criteria:

- Submission or consent to the behavior is believed to carry consequences for the student’s education or employment.
  - Examples can include pressure to engage in sexual behavior to further the student’s education or employment; real or perceived threat that rejecting the behavior would carry a negative consequence for the student.
- The behavior creates a hostile, intimidating or demeaning environment that is sufficiently severe, pervasive and objectively offensive to substantially interfere with or deny participation in a student’s educational activities and benefits or employment opportunities.
  - Examples can include persistent efforts to develop sexual relationship; bullying/cyber-bullying of a sexual nature or for a sexual purpose; stalking; unwelcome commentary about an individual’s body or sexual activities; unwanted sexual attention; repeated and unwelcome sexually-oriented teasing, joking or flirting; verbal abuse of a sexual nature. Comments or communications could be verbal, written or electronic.
Determination as to whether the alleged conduct constitutes sexual harassment should take into consideration all of the circumstances, including the context in which the alleged incidents occurred.

**Reporting Sexual Misconduct, Including Sexual Assault and Sexual Harassment**

In addition to supporting individual students affected by sexual misconduct, the College takes all incidents seriously and has a responsibility to address misconduct. When sexual misconduct involves criminal behavior, students are strongly encouraged to report the situation to law enforcement. The Dean of Academic Services and Title IX Coordinator or the Dean of Student Life will assist the student in notifying Campus Safety & Security or local law enforcement if the student so requests. An incident/witness report can be completed even if the student has not decided whether to take legal action. Nonetheless, students are always free to report and are encouraged to share instances of such behavior regardless of whether or not they choose to press formal criminal charges.

Students are strongly encouraged to report incidents of, or share information about, sexual misconduct as soon as possible. This is true even if the student with a complaint or a witness may have concern that his or her own alcohol or drug use, or other prohibited activities were involved. The College/Office of Student Life will not pursue disciplinary violations against a student with a complaint or a witness for his or her improper use of alcohol or drugs if the student is making a good faith report of sexual misconduct.

The College strongly encourages prompt reporting of complaints and information rather than risking any student’s well-being. Since the College can take action only if the College is made aware of the behavior, if a College administrator becomes aware of a complaint or other violation of this policy, the administrator should bring the information to the Dean of Academic Services and Title IX Coordinator or the Dean of Student Life so that concerns are heard and services can be offered to the affected students. Although there is no time limit on the reporting of formal charges with the College, the College may ultimately be unable to adequately investigate if too much time has passed or if the accused student has graduated. Factors that could negatively affect the College’s ability to investigate include the loss of physical evidence (e.g., prompt medical examinations are critical to preserving the physical evidence of sexual assault), the potential departure of witnesses, or loss of memory.

In all cases, the Dean of Academic Services and Title IX Coordinator or the Dean of Student Life strives to respond promptly and effectively by investigating the allegations and addressing the effects of the conduct. Typically, investigations can take approximately sixty (60) calendar days following receipt of the complaint. Factors that could impair the timing of the investigation include the complexity and severity of the conduct, the number and availability of witnesses, or the need to identify and acquire physical or other evidence.

The College strongly encourages students to report concerns to either or both of the following offices:

- For emergencies, contact 911.
- For non-emergencies, or if criminal behavior is involved, students are encouraged to contact Cornish Safety & Security by telephone at 206.726.5038 or in person 3rd floor, MCC. Contacting Cornish Safety & Security does not mean you must pursue charges. Cornish Safety & Security can advise you of your options and can also preserve evidence while you consider your options.

To seek assistance and support, or to report misconduct, contact the Dean of Academic Services and Title IX Coordinator at 206.726.5021 or the Dean of Student Life (3rd floor, MCC, 206.726.5111, jhekkel@cornish.edu).

- In all situations, the College’s goals are to provide a prompt and effective response and to treat the student who reports misconduct with sensitivity and fairness, while also ensuring the accused individual receives due process if any disciplinary action is to be imposed.
- For complaints against other students, the Code of Student Conduct governs the complaint, investigation, and adjudication process through the Office of Student Life. See Student Rights & Responsibilities: A Code of Conduct.
- For complaints against faculty or staff, the investigation and adjudication will be handled by the College’s Human Resources Office.
In situations where an accused student faces both a disciplinary complaint and a criminal charge, the College reserves the right to move forward with disciplinary investigation and adjudication processes while the criminal process is proceeding.

**Disciplinary Procedures - On-Campus Sexual Misconduct**

The accused and the accuser will both be notified of the charges, and the coordinating hearing officer will set a date for a hearing.

- The accuser and the accused will have the right to bring witnesses and others to be present at the hearing. Individuals from outside the College community, including legal representation, will not be permitted to speak unless testifying as a witness to the incident in question. The accused and the accuser will be entitled to the same opportunities to have others present during the proceedings, and both the accused and the accuser will be informed of the outcome of the hearing, including any sanctions imposed.

- Both the accused and the accuser in a sexual misconduct case may make an appeal to the Provost of any decision rendered by the Dean of Student Life. The appeal must be by written letter and, unless an extension is expressly provided in writing by the Dean of Student Life, received within five (5) working days of the original decision. The Provost may choose to meet with the accused and/or the accuser or may choose to make a decision based upon the record of the original hearing, and will notify both parties within a reasonable time period (typically five working days) of the outcome. The decision of the Provost is final.

- The accused and the accuser of sexual misconduct offenses may receive assistance through the Dean of Student Life in changing academic schedules and on-campus living arrangements.

**Retaliation**

The College prohibits retaliation against an individual for making a complaint of sexual misconduct (including sexual assault and sexual harassment), for resisting such behavior, or for otherwise using or participating in the complaint resolution process. Prohibited behavior includes any form of intimidation, threats, or harassment and includes retaliatory behavior by the individual accused of misconduct or her/his friends, family or other persons acting in support of or on behalf of the accused. Acts of retaliation are cause for separate disciplinary action. Concerns of retaliation can be communicated to the Dean of Academic Services and Title IX Coordinator at 206.726.5021 or the Dean of Student Life (3rd Floor, MCC, 206.726.5111, jhekkel@cornish.edu) or Campus Safety & Security at 206.726.5038.

**False Complaints**

The College also prohibits an individual from knowingly filing a false complaint or making misrepresentations of sexual misconduct (including sexual assault and sexual harassment). However, a complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct or sexual harassment. Acts of knowingly filing false complaints are cause for separate disciplinary action.

**Immediate Actions by the College**

The Dean of Student Life and Campus Safety & Security may take immediate interim actions to protect the safety of the College community, to enable students with complaints and witnesses to continue studies, and to ensure the integrity of an investigation. These actions may include:

- Interim suspension of an accused student;
- Issuances of a no-contact notice;
- Modification of class or work schedules;
- Establishment of alternate interim housing arrangements.

**Resources and Services for Students**

Campus and community services are available to students even in the absence of a College or criminal report. The College strongly encourages students to seek assistance to care for themselves emotionally and physically through confidential crisis intervention, health care, and counseling. As students tend to their
health, they should keep in mind that medical examinations are time-sensitive, and are critical in preserving evidence of sexual assault so that options can be considered at a later time.

**Campus Resources**
*Cornish Counseling Office*

Students can meet with a confidential mental health counselor.
3rd Floor, Main Campus Center, Room 308, 206.726.5027 or 206.726.5047

If a student would like to talk with someone after hours or on a weekend/holiday when Student Counseling Services is not open, the student may call the Crisis Line (206.461.3222 or toll-free at 866.427.4747)

**Campus Safety & Security**

Contacting Safety & Security does not mean a student must pursue criminal charges. Campus Safety & Security can advise students of their options, help preserve evidence while they consider options, and assist students in safety planning.
3rd Floor, MCC, 206.726.5038

**Dean of Student Life**
The Dean of Student Life can assist a student in filing formal complaints or, if the student is not ready to file a formal complaint, the Dean will work with him or her to address their concern(s). The Office of Student Life can also assist the student in notifying Campus Safety & Security and/or local law enforcement, if the student so requests, or referring the student to resources such as counseling or a confidential advocate.
3rd Floor, MCC, 206.726.5003

**Title IX Coordinator**
The Dean of Academic Services & Registrar (Adrienne Bolyard) has been designated as the College’s Title IX Coordinator to handle inquiries regarding non-discrimination and harassment policies and complaint procedures.
206.726.5021

**Community Resources**
*Seattle Police Department Emergency phone*
911

*Harborview Center for Sexual Assault*
206.521.1800

*Seattle Crisis Clinic (24 hour access)*
206.461.3222 or toll-free at 866.427.4747

*Domestic Violence 24-Hour Hotline*
1-800.562.6025

*King County Sexual Assault Resource Center*
1.888.998.6423

*Countywide Social Service Referral*
dial 211

**NON-DISCRIMINATION & HARASSMENT POLICIES**

Cornish admits students of any race, color, gender, religion, national and ethnic origin, disability, sexual orientation, veteran status, or age to all the rights and privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, gender, religion, national or ethnic origin, disability, sexual orientation, veteran status, or age in administration of its
educational policies, admissions policies, scholarship and loan programs and other school administered programs.

**Discriminatory Harassment**
Harassment is a verbal or physical conduct that embarrasses, denigrates, or shows hostility toward a person because of his or her race, color, gender, religion, national or ethnic origin, disability, sexual orientation, veteran status or age. Harassment may be subtle or overt, but it is intolerable in whatever form it takes. Examples of harassment are the following: verbal abuse; racial, ethnic, and religious epithet slurs or jokes; (graffiti) remarks written or drawn on walls or other structures); obscene gestures; and hazing. Even derogatory remarks between friends may be deemed overt acts of discrimination.

**Sexual Harassment**
Cornish maintains a strict policy prohibiting sexual harassment in any form, including verbal and physical sexual harassment. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or any other visual, verbal, or physical conduct of a sexual nature under the following circumstances:
When submission to such conduct is made an explicit or implicit term or condition of employment or enrollment;
When submission or rejection of such conduct by an individual is used as a basis for an employment or enrollment decision affecting such individual; or
When such conduct has the purpose or effect of substantially interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive environment. Please refer to full Student Sexual Misconduct policy in Appendix B.

**Local, State, and Federal Laws Concerning Civil And Human Rights**
Cornish complies with all local, state and federal laws concerning civil and human rights. Educational programs, admissions, housing, and employment practices are free of any type of discrimination based on race, color, gender, religion, national or ethnic origin, disability, sexual orientation, veteran status, or age (Titles VI and VII of the Civil Rights Act of 1964). Discrimination on the basis of sex is prohibited by Title IX of 1972 Education Amendments. Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as amended prohibit discrimination on the basis of disability. The Age Discrimination Act of 1975 prohibits age discrimination.

**Filing A Discrimination Or Harassment Complaint**
Students who feel that their rights have been violated due to discrimination or harassment (including sexual harassment) should seek assistance from Adrienne Bolyard, the Dean of Academic Services who serves as the Title IX coordinator or Jerry Hekkel, Dean of Student Life. The Dean of Academic Services can be reached at 206.726.5021 or abolyard@cornish.edu. Jerry Hekkel, the Dean of Student Life can be reached at 206.726.5111 or jhekkel@cornish.edu. Cornish reserves the right to pursue all sexual harassment reports filed, whether verbally or in writing, regardless of the complainant’s decision to pursue charges.