APPENDIX A

Student Code of Conduct: Student Rights & Responsibilities

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 Student Code of 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 behavior 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 behavioral expectations below, campus conduct proceedings are used to assert and uphold the Student Code of 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 Student Code of 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 student, 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**

Students acting in their capacity as student employees, 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**

Students have 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 Office of Student Life.

**SECTION 2: JURISDICTION**
Students are responsible for having read and abiding by the provisions of the Student Code of Conduct.

The Student Code of Conduct and the student conduct process apply 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 Student Code of 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 Student Code of 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 Student Code of 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 Student Code of Conduct committed against them by members of the College community.
There is no time limit on reporting violations of the Student Code of 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 Student Code of Conduct who withdraws or initiates a leave of absence prior to the resolution of an alleged violation or completion of a sanction must have their case resolved prior to returning to the college.

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

VIOLATIONS OF THE LAW

Alleged violations of federal, state and local laws may be investigated and addressed under the Student Code of 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 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 College conduct process and must comply with all sanctions that are imposed.

BEHAVIORAL 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 as outlined in the College academic policies.

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 Student Code of Conduct.

5. **Trust.** Violations of positions of trust within the community.
6. **Taking of Property/Stolen Property.** Intentional and unauthorized taking of College property or the personal property of another, including goods, services and other valuables. 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:

7. **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.

8. **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, and/or damage and/or destruction of property.

9. **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.

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

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

12. **IT and Acceptable Use.** Violating the College Acceptable Use and Computing Policy.

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

14. **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.**

15. **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.
16. **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; and/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.

17. **Animals.** Animals, with the exception of animals that provide assistance (service animals, emotional support animals as approved by the Disability Resource Center and pets as outlined in the Resident Handbook), are not permitted on campus except as permitted by law.

18. **Wheeled Devices.** Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted inside College buildings, including the residence hall. 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 sustain 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:

19. **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.

20. **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) and/or creation of a hostile environment that is sufficiently severe, pervasive (or persistent) and/or 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.

21. **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 grievance proceeding or other protected activity under this code.
22. **By standing.** Complicity with or failure of any student to appropriately address known or obvious violations of the Student Code of Conduct or law and/or complicity with or failure of any organized group to (appropriately) address known or obvious violations of the Student Code of Conduct or law by its members.

23. **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 College conduct process; f) influencing, or attempting to influence, another person to commit an abuse of the College conduct process.

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

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

25. **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.

26. **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.

27. **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.

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

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

30. **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 in Appendix B of Student Handbook).
31. **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:

32. **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. Use, possession, provision, sale, or distribution of alcoholic beverages except as permitted by law and by College policy.

33. **Drugs**. Use, possession, provision, 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 on Cornish-controlled property. The possession or use or marijuana, for any purpose, on College-controlled property or at official College functions is prohibited. Therefore, even students over twenty-one (21) years of age and/or students with valid documentation under Washington’s medical marijuana law may not possess, store, provide, or use marijuana on College-controlled property (including but not limited to the residence hall, academic buildings, and parking lots) or at official College functions, regardless of the location.

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

35. **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.

36. **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.

37. **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.

38. **Other Policies**. Violating other published College policies or rules, including but not limited to, all Residence Hall policies.

39. **Health & Safety**. Creation of health and/or safety hazards including, but not limited to, dangerous pranks, hanging out of or climbing from/on/in windows, balconies, or roofs.
40. Violations of Law. Evidence of violation of local, state or federal laws, when substantiated through the College’s conduct process.

OVERVIEW OF THE PROCESS

This overview gives a general idea of how the College’s 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 College conduct process and all applicable timelines commence with notice to an administrator of a potential violation of College policy.

A. STEP 1: An incident occurs and a report is written indicating a student has allegedly violated the Code of Student Conduct. If there is reasonable cause to believe a policy has been violated, a Hearing Administrator is assigned to hear the case. In some cases, additional fact-finding may take place to determine reasonable cause prior to the assignment of a case to the Hearing Administrator.

B. STEP 2: A Notification of Hearing letter is sent electronically to the student at their Cornish email address by the Hearing Administrator. The letter informs the student of the allegation(s), the date, time and location of the administrative hearing and of the student’s rights and responsibilities. The student is instructed that if the student desires to have witnesses testify at the hearing they must respond to the Hearing Administrator within 24 hours of the notification. The student has an option of an administrative hearing with only the Hearing Administrator or a Hearing Board. If the student prefers a Hearing Board, they must respond to the Hearing Administrator within a 24 hour period to indicate this choice.

C. STEP 3: A hearing is held. 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 Title IX Coordinator, who reviews and finalizes the finding.

If the student is found responsible for violation of the Student Code of Conduct, sanctions will be determined by the Hearing Administrator and/or the board, or the Title IX Coordinator when applicable, who will review and finalize the sanctions, subject to the College appeals process by any party to the complaint.

If the finding is that the student is not responsible for violation of the Student Code of Conduct, the process ends, except for appeal. Applicable appeals options are described below.
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 officers 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.

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 statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing.

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 an administrative 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 Student Code of Conduct be referred for other appropriate conflict resolution.

**Composition of the Hearing Board**

The Dean of Student Life (or designee) will be responsible for assembling the Hearing Board according to the following guidelines:

1. The membership of the board 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. As required, a board will be chosen from the available pool, and is usually comprised of one student, one faculty member, and one staff member/administrator. Availability may determine a different composition for the board, and in complaints involving discrimination, sexual misconduct, or other sensitive issues, the Dean of Student Life (or designee) might use three College employees for the Hearing Board. The Dean of Student Life (or designee) appoints the Hearing Board Administrator, a non-voting member and Chair of the Hearing Board, who assures that College procedures are followed throughout the hearing.
Administrative Hearing Officers
Administrative Hearing Officers are chosen from a pool of College employees who have been trained and selected by the Dean of Student Life (or designee).

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 Student Code of 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 the 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 Student Code of Conduct will be referred to the Dean of Student Life (or designee), whose interpretation is final. The Student Code of 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.

FORMAL CONDUCT PROCEDURES

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 are investigators and/or fact-finders whose role is to present the allegations and share the evidence that the College has obtained regarding the allegations.

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.

Amnesty

1. **For Complainant**
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, the College pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Administrative Hearing Officer, 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.

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. 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.

Investigation
The Dean of Student Life /Title IX Coordinator (or designee) will assume responsibility for the investigation of the alleged violation and will appoint an investigator(s) for allegations under this code.

Findings
Findings are based on a preponderance of evidence standard, that is, is it more likely than not that a violation occurred. Students are either found responsible or not responsible for violation the code.

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 Hearing Board drawn from the board pool, under the supervision of a Hearing Board Chair. 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 Hearing Board 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 Hearing Board 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.

Notice of Hearing
Once a determination is made that reasonable cause exists, the Administrative Hearing Officer sends the Hearing Notification to the student’s College-issued email account. Students will be given a minimum of three (3) days to prepare for the hearing unless all parties wish to proceed more quickly.

**Interim Action**
Under the *Student Code of Conduct*, the Dean of Student Life (or designee) may impose restrictions and/or separate a student from the community pending the scheduling of an administrative hearing on alleged violation(s) of the *Student Code of Conduct* when 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 an administrative hearing on alleged violation(s) of the *Student Code of 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 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, coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

**Failure to Appear**
Except in a complaint involving failure to comply with the summons of the Administrative Hearing Officer, no student may be found to have violated the *Student Code of 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 Administrative Hearing Officer or Hearing Board presiding over the hearing.

If a responding student fails to respond to notice from the Administrative Hearing Officer (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 (2) 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.
Preparation for Hearing
At least two (2) business days before any scheduled formal hearing, the following will occur. In extenuating circumstances, the Administrative Hearing Officer or responding student may request less than two (2) business days.

1. The responding student and the complainant will deliver to the Administrative Hearing Officer a written list of all their witnesses for the College to call at the hearing.

2. The responding student and complainant will deliver to the Administrative Hearing Officer all physical evidence they intend to use or have present at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Administrative Hearing Officer can arrange for its presence.

3. The responding student and the complainant will notify the Administrative Hearing Officer of the name of the support person who will be accompanying them to the hearing.

4. The Administrative Hearing Officer will ensure that the hearing information and any other available written documentation is shared with the parties at least three (3) business days before any scheduled hearing. In addition, the parties will be given a list of the Administrative Hearing Officer and/or Hearing Board members in advance. Should any party object to any Administrative Hearing Officer and/or Hearing Board Member, that party must raise all objections, in writing, to the Administrative Hearing Officer. The Administrative Hearing Officer 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 Administrative Hearing Officer or Hearing Board Member who feels they cannot make an objective determination must recuse themselves from the proceedings.

Hearing Board Procedures
The Administrative Hearing Officer will serve as a non-voting member and 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 Administrative Hearing Officer within 24 hours of receiving the hearing notification 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 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 Hearing Administrator and the Board will conduct board hearings according to the following guidelines:

1. Hearings will be closed to the public.
2. Admission to the hearing of persons other than the individuals involved will be at the discretion of the Administrative Hearing Officer and/or the Dean of Student Life (or designee).

3. The parties have the right to an advisor/advocate of their own choosing. 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 Administrative Hearing Officer and suggest questions to their advisee.

4. The individual(s) bringing the complaint, the responding student, and the Hearing Board will have the privilege of questioning witnesses by routing their questions through the Administrative Hearing Officer. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the board and the Administrative Hearing Officer. The Administrative Hearing Officer may limit the number of character witnesses presented or may accept written affidavits of character instead.

5. All procedural questions are subject to the final decision of the Administrative Hearing Officer.

6. After a board hearing, the board will deliberate and determine, by majority vote, whether it is more likely than not that the responding student has violated the Student Code of Conduct. The Administrative Hearing Officer 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 board will recommend an appropriate sanction(s). The Administrative Hearing Officer is responsible for informing the board of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student.

7. The Administrative Hearing Officer will consider the recommendations of the board, then render a decision on sanctions and inform the responding student (and complainant, when appropriate) of the final determination within seven (7) days of the hearing. The Hearing Outcome Notification will be delivered to the student's College-issued email account. Once emailed such notice will be presumptively delivered. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to both parties simultaneously, meaning without substantial delay between the notifications to each.

**Conduct Sanctions**
These are examples of sanctions that may be imposed upon any student for violations of the Student Code of 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 and/or Campus Safety & Security.

7. **Behavioral Requirement**: This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, reflection paper, alcohol assessment, 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. **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.

10. **College Housing Reassignment**: Reassignment within College housing. Housing & Residence Life personnel will decide on the reassignment details.
11. **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 Dean of Student 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 Dean of Student Life.

12. **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.

13. **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.

14. **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: Ineligibility to hold any office in any student organization recognized by the College or hold an elected or appointed office at the College.

15. **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 may be noted as a Conduct Suspension on the student’s official academic transcript.

16. **College Expulsion**: Permanent separation from the College. The student is banned from college 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).

17. **Other Sanctions**: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense by the Administrative Hearing Officer, with approval of the Dean of Student Life.
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.

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 non-forcible 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 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 non-forcible 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 non-negligent manslaughter
6. Destruction/damage/vandalism of property
7. Kidnapping/abduction
8. Robbery
9. Forcible sex offences
10. Non-forcible sex offences

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 Administrative Hearing 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, though this deadline
may be extended upon application to, and at the discretion of, the Dean of Student 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).

**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.

**Appeal Process**
A student may appeal a sanction to the Dean of Student Life by letter within five working days of their receipt of the Hearing Outcome Letter. **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.

Disciplinary sanctions remain in effect during the appeal process.

The Dean of Student Life may make a direct decision on the appeal, or remand the decision back to an investigator for further consideration. The decision of the Dean of Student Life is final.

**S. Approval and Implementation**
This Student Code of Conduct was approved on August 19, 2016 and updated on September 29, 2017.