

STUDENT CODE OF CONDUCT

NOTES ABOUT THE CODE OF CONDUCT

Acceptance of admission to Lewis & Clark College implies your acceptance of the College's rules and regulations and agreement to abide by them.

The Conduct Matrix provides an overview of Code violations, judicial boards, and potential sanctions associated with violation levels.

If you have questions about this Code, please consult the Dean of Students Office.

All College policies have been crafted over time by students, faculty, and staff to balance freedom and responsibility and to provide standards for the orderly operation of this educational community.

Because the published version of the *Pathfinder* is updated annually, the policies section of the *Pathfinder* is current as of the publication date (mid-summer).

From time to time, the College modifies policies, procedures, programs, office locations, and personnel. The college may, at its discretion, make appropriate modifications, with or without notice. Changes will appear in the *Pathfinder Online* at www.lclark.edu/~stlife.

Questions about policies and procedures should be directed to the Dean of Students Office.

I. INTRODUCTION

- A. The Conduct Code which follows sets out fundamental notions of responsible freedom which provide a safe and supportive learning environment. Further, it is essential as part of the College's implicit contract with students, just as the College Catalog and other published policies represent mutual expectations.

The Lewis & Clark College Student Conduct Code sets standards which are necessary to accomplish the College's mission. College regulations are available to all members of the College community to provide general notice of prohibited conduct.

- B. Conduct occurs in the context of a community of scholars which is dedicated to personal and academic excellence. Joining this community obligates each member to observe the principles of mutual respect, personal and academic integrity, civil discourse, and responsible decision making. Personal choices regarding conduct occur in both private and public settings. When private choices become public, and those choices are a violation of the College's Code of Conduct, College staff will respond. Students are encouraged not to place student para-professionals or other College staff members in a position where such an interaction is necessary.

Most members of the Lewis & Clark community act in a mature manner consistent with the benchmarks of mutual respect, civil discourse, appreciation of differences, and responsible choices. However, it is necessary to protect the many from the few who may choose to act in an irresponsible manner.

- C. Related to the practical matter of adjudicating student misconduct cases, this written Code is essential. Student misconduct charges need to be clearly presented relative to the violation of particular standards. Without the existence of clearly defined, written standards for community behavior, there is no "benchmark" by which to present formal charges. In short, charges must involve violations of listed rules, and the College must follow written procedures.
- D. The Code not only describes those standards in some detail, it also delineates a disciplinary process which is built on principles of fundamental fairness, which include the following:
1. written charges of what rule(s) have allegedly been violated in sufficient detail to allow a defense,
 2. an opportunity to address the issue(s) before an unbiased person or judicial body,
 3. a timely, written decision based on the greater weight of the evidence presented,
 4. a right of appeal, based upon alleged violations of defined process.
- E. Residential students bear an additional responsibility not only for their individual conduct but also for the conduct of their guests (student or non-student) in their residence hall living space. Students may be accountable to both civil authorities and to the College for acts which constitute violations of law and of this Code.

- F. Students assume key positions of responsibility in the College judicial system to contribute skill and insight to the resolution of disciplinary cases. Because of the nature of the contractual relationship between students and the College, final authority in disciplinary matters is vested in the College administration, which will take appropriate and necessary action to protect the safety and well-being of this educational community. At the residential level, authority is vested in the Resident Director and the Dean of Students.

College staff and faculty work closely with student leaders in judicial matters, most notably with the ASLC Chief Justice, the student Peer Review Board, the student chair of the College Honor Board, and representatives on the Honor Board, and College Review Boards.

- G. Principles governing adjudication of alleged academic misconduct are as follows:
1. Academic penalties (grades) shall be imposed only by faculty members (course instructor).
 2. Because academic dishonesty is also a violation of the Student Code of Conduct, disciplinary penalties (probation, suspension, or dismissal) shall be imposed only by the Dean of Students or designate, upon recommendation from the College Honor Board, or when the Board cannot meet, upon recommendation from the faculty member.
- H. In lieu of, or in addition to, disciplinary action, the College also reserves the right to impose fines, take legal action, deny housing privileges, and impose other penalties as may be deemed appropriate. Further, admission of a student to the College for any semester does not imply re-enrollment in any succeeding academic semesters.
- I. Parking and traffic violations are processed in accordance with procedures established by the Office of Transportation & Parking.
- J. The Code is a living document, subject to annual review and change in consultation with students, staff, and faculty. This Code was initially developed by Stoner and Cerminara in the *Journal of College and University Law*, Vol. 17, No. 2., 1990. It was authored as a model for both public and private colleges and universities, so that written conduct codes could withstand the test of judicial scrutiny. Portions of the Lewis & Clark Student Code of Conduct were initially published in 1994, with revisions made each year, through efforts of students and staff. The academic integrity policy and procedures were integrated into the 1996/97 code, following adoption by the faculty and by the Student Academic Affairs Board in spring, 1996. The Student Conduct Matrix was designed in 1997 by students and staff to streamline this process and make it more understandable.

Student Conduct Matrix

The Matrix is divided into three levels of violation(s), with a description of the referral process, potential sanctions, and formal tracking of disciplinary action associated with each level. Educational sanctions for similar violations will be similar across residence halls (and for non-residential students), with some variability possible depending on the circumstances surrounding the violation as well as the choices students make when interacting with College staff (student paraprofessional and professional).

Alcohol and Other Drug Education

Most Code violations involve underage use and/or abuse of alcohol, noise, and the use of marijuana. As noted in the Matrix, violations involving alcohol or other drugs will prompt participation in an appropriate education program, the focus of which is on lifestyle risk reduction.

A Note About Marijuana and Other Illicit Drugs

Manufacture of marijuana (e.g. a marijuana grow in a student closet) is defined as a felony crime by Oregon statute, as are possession of more than an ounce of marijuana and possession/use of other illicit drugs.

Residence Life Staff Conduct Interventions

Generally, the initial College staff member to intervene with alleged student misconduct in the residence halls is the student para-professional, the Resident Assistant (RA). Should the RA need assistance in resolving a situation, he/she will call the Resident Director on Duty or the Campus Safety Office.

Campus Safety Officers in Residence Halls

Campus Safety officers may be contacted by hall staff (either by RA or RD) for support if it appears that additional assistance is necessary (e.g. if staff have reason to believe that illegal contraband may be present in a room; if the student or students are not cooperative with residence life staff, etc). Should Campus Safety officers be called to a scene, the residence life staff will yield authority to the Campus Safety officer for problem resolution.

Should it become necessary to enter a student room to resolve a conduct situation, the officer will knock, announce the presence of a Campus Safety officer, and then enter the room accompanied by a residence life staff member. Should a room search become necessary, the officer and residence life staff member(s) will follow College policy as outlined in the Room Search policy.

Campus Safety also has a liaison relationship with each residence hall cluster, and an assigned officer is available to discuss hall issues, safety programming, and campus-wide concerns.

Should you have questions about the Student Conduct Matrix or the Student Code of Conduct, please contact your RD, RA, the ASLC Chief Justice, or the Dean of Students.

II. DEFINITIONS

- A. The term "College" means the College of Arts & Sciences, Lewis & Clark College. Students attending the Graduate School of Professional Studies and Northwestern School of Law, Lewis & Clark College, are not subject to this Code of Conduct.
- B. The term "student" includes all persons taking courses at the College, both full-time and part-time studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the College are considered "students."
- C. The term "faculty member" means any person hired by the College to conduct classroom activities.

- D. The term “College official” includes any person employed by the College performing assigned administrative, para-professional, or professional responsibilities.
- E. The term “ASLC” refers to the Associated Students of Lewis & Clark College. All students matriculated in the College of Arts & Sciences and the Institute for the Study of American Language and Culture are members of the student association.
- F. The term “member of the College community” includes any person who is a student, faculty member, College official or any other person employed by the College. A person’s status in a particular disciplinary situation shall be determined by the Dean of Students or designate.
- G. The term “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College.
- H. The term “organization” means any number of persons who have complied with the formal requirements for College registration.
- I. The term “Resident Director” means any person hired by the College to provide overall leadership, management, and supervision of a College owned residence hall or cluster of residence halls.
- J. The term “judicial body” means any person or persons authorized by the College administration and/or through established student government processes to determine whether a student has violated the Code and to impose or recommend imposition of sanctions.
- K. The term “judicial officer” means the Dean of Students (or designate). The Dean is that person designated by the College to be responsible for the administration of the Code, in cooperation with judicial bodies and the Residence Life staff (Resident Directors, Resident Assistants). Because Code violations are also violations of the residence hall contract, the Resident Director for each residence hall cluster is authorized to serve in this capacity for alleged Code violations which occur in their respective residence area.
- L. The term “designate” refers to any professional staff member(s) who have been appointed by the Dean of Students to be responsible for Code administration.
- M. The terms “ASLC Chief Justice” and “College Honor Board Chair” refer to students chosen annually by student-defined processes to serve as chair of the ASLC Peer Review Board and College Honor Board, respectively, during term of office.
- N. The term “policy” is defined as the written regulations of the College as found in, but not limited to, the Student Handbook (*Pathfinder or Pathfinder Online*), Residence Life Handbook (*Settling In*), residence hall contract, and the *College Catalog*.

III. JUDICIAL AUTHORITY

(Also See Current ASLC Bylaws)

- A. The Dean of Students or designate, serving as College Judicial Officer, shall determine which judicial body shall be authorized to hear each case. The Dean of Students or designate will consult with the ASLC Chief Justice or College Honor Board Chair regarding case disposition, as appropriate.
- B. The Dean of Students or designate, in consultation with the ASLC Chief Justice, the Peer Review Board, the College Honor Board, and other interested students, faculty, and College officials, shall develop policies for the administration of the judicial program and procedural rules for the conduct of hearings, consistent with provisions of this Code.
- C. Decisions made by a judicial body shall be final, pending the normal appeal process, unless it is determined that the body has not adhered to all aspects of this Code and/or that the outcome is inconsistent with the Student Conduct Matrix. In this event, the Dean of Students reserves the right to re-examine the case and impose sanctions that comply with the Matrix.
- D. A judicial body may be designated as arbiter of disputes within the student community in cases which do not involve a violation of the Code. All parties must agree to arbitration, and to be bound by the decision with no right of appeal.

IV. JURISDICTION

Generally, College jurisdiction and discipline shall be limited to student conduct which occurs on College premises or which threatens the College community and/or the pursuit of its objectives.

Participants on overseas and off-campus programs are expected to act in accordance with College rules and regulations but assume added responsibility to the group and to the laws and customs of the host country. Rules of Conduct for program participants are enumerated in the written Program Release and Agreement signed by each participant.

V. VIOLATION OF LAW AND COLLEGE DISCIPLINE

- A. College disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of this Code, for example, if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
- B. When a student is charged by federal, state or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a judicial body under this Code, however, the College may advise off-campus authorities of the existence of the Code and of how such matters will be handled internally within the College community. The College will cooperate fully with law

enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by the criminal courts for the rehabilitation of student violators.

- C. Individual students, staff, and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

VI. DEAN OF STUDENTS

The Dean of Students Office coordinates the efforts of students and staff members in matters involving student discipline. The responsibilities of the office include:

- A. Determination of the disciplinary charges to be filed pursuant to this Code.
- B. Interviewing and advising parties involved in disciplinary proceedings.
- C. Training and advising judicial boards.
- D. Reviewing the decisions of judicial boards.
- E. Maintenance of all student disciplinary records.
- F. Development of procedures for conflict resolution.
- G. Monitoring of educational sanctions.
- H. Collection and dissemination of research and analysis concerning student conduct.
- I. Submission of timely statistical reports to the Office of Campus Safety for dissemination, reporting the number of cases referred to the office, the number of cases resulting in disciplinary action, and the range of sanctions imposed.

VII. JUDICIAL BODIES

Hearings or other proceedings as provided in the Code may be held before the following individuals or boards:

- A. Dean of Students—in matters of alleged violations of the Code, the Dean will contact the student regarding the allegation(s). This contact may be in written form if the student does not contest the allegation, and may include defined sanctions consistent with the level of violation as noted in the Student Conduct Matrix. Should the student contest the charge(s), the Dean may handle the case administratively or may consult with the ASLC Chief Justice regarding case adjudication.
- B. ASLC Peer Review Board (consisting of appointed students, chaired by the ASLC Chief Justice)—In matters of alleged conduct violations, the PRB may adjudicate the case at the joint discretion of the Dean of Students and the Chief Justice of ASLC.

The PRB also acts as a mediating body for disputes between students that fall outside of the scope of this Code, as well as the final arbiter of conflicts that involve the ASLC Bylaws.

- C. College Review Boards (consisting of at least one student, one faculty member, and one staff member) may be appointed by the Dean of Students or designate to adjudicate alleged code violations under the following circumstances:
 - 1. when alleged code violations involve faculty and/or staff members as victims,
 - 2. when alleged code violations are felony crimes under Oregon statute,
 - 3. when other boards are unable to obtain a quorum or are unable to hear a case,
 - 4. when conduct violations are defined as Level 2 or 3 in the Conduct Matrix.
 - 5. at the discretion of the Dean of Students or designate.
- D. The College Honor Board serves these purposes:
 - 1. To adjudicate all cases of alleged academic dishonesty, including alleged violations of provisions regarding the responsible use of academic technology.
 - 2. To impose disciplinary sanctions and/or recommend sanctions to the Dean of Students as noted in this Code.
 - 3. To advise and consult with academic and administrative officers in matters related to academic integrity standards, policies, and procedures.
- E. The Sexual Misconduct Review Board is composed of specially trained administrators and staff, three of whom will be selected to hear a case of alleged violation of the Sexual Conduct Policy.
- F. At the discretion of the Dean of Students or designate, cases involving alleged assault, intimidation, or other matters posing an immediate threat to the campus community, may be handled by the Dean of Students or designate, independent of judicial board action.

VIII. MEMBERSHIP OF BOARDS AND REMOVAL OF BOARD MEMBERS

- A. Members of the ASLC Peer Review Board are selected in accordance with ASLC bylaws.
- B. Members of College Review Boards are selected by the Dean of Students or designate. Each board includes student, staff, and faculty representation.
- C. The College Honor Board consists of three voting students and one non-voting student chair nominated by the ASLC VP for Student Academic Affairs, and subject to approval by Student Council and the Dean of the College; three faculty members (one from each division) appointed by the Dean of the College, and the Dean of Students or designate, who serves as a non-voting Board advisor.

- D. Student members of any judicial board who are charged with any violation of this Code or with a criminal offense may be suspended from their judicial positions by the Dean of Students or designate during the pendency of the charges against them. Students found responsible for any such violation or offense may be disqualified from any further participation in the College judicial system by the Dean of Students or designate. Additional grounds and procedures for removal may also be set forth in the bylaws of the various judicial boards.
- E. Should any voting member of the College Honor Board be in a position which may suggest a potential conflict of interest in a specific case, the member will be replaced for that hearing by action of the Honor Board chair in the case of student members and by the Dean of the College in the case of faculty members.
- F. Members of the Sexual Misconduct Review Board are selected in accordance with the Sexual Conduct Policy. Board membership may be challenged as outlined in the Sexual Conduct Policy.

IX. CASE REFERRALS

Any person may refer a student or a student group or organization suspected of violating this Code to the Dean of Students Office. Persons making such referrals are required to provide information pertinent to the case and will normally be expected to provide a written statement and/or appear before a judicial body as the complainant.

X. CHARGES/HEARINGS

- A. Any member of the College community may file charges against any student for misconduct. Charges shall be prepared in writing and directed to the Dean of Students or designate. Any charge should be submitted as soon as possible after the event takes place, preferably within five calendar days.
- B. The Dean of Students or designate may conduct an investigation (or request conduct of an investigation by other College officials) to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Dean of Students or designate. Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the Dean of Students or designate may later serve in the capacity of judicial advisor to the applicable judicial body.
- C. All charges shall be presented to the accused student in written form. A time shall be set for a hearing, not more than fifteen calendar days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the Dean of Students or designate.
- D. Judicial body hearings shall be conducted according to the following guidelines:
 - 1. Hearings shall be conducted in private, unless both the accused student(s) and the complainant(s) agree to an open hearing.

2. Admission of any person to the hearing shall be at the discretion of the chair of the judicial body.
 3. In hearings involving more than one accused student, the chair of the judicial body may permit the hearings concerning each student to be conducted separately.
 4. The complainant and the accused may be accompanied by advisors. The complainant and/or the accused is responsible for presenting his or her own case. Comments from advisors may be requested from the judicial body chair.
 5. The complainant, the accused, and the judicial body shall have the privilege of presenting witnesses, subject to questioning by the judicial body.
 6. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a judicial body at the discretion of the chair.
 7. All procedural questions are subject to the final decision of the chair of the judicial body, in consultation with the Dean of Students or designate.
 8. After the hearing, the judicial body shall determine (by majority vote) whether the student has violated each section of the Code for which the student is charged.
 9. The judicial body's determination shall be made on the basis of whether it is "more likely than not" that the accused student violated the Code.
 10. There shall be a single verbatim record, such as a tape recording, of all hearings before a judicial body. The record shall be the property of the College and will be maintained in the Office of the Dean of Students.
 11. Except in the case of a student charged with failing to obey the summons of a judicial body or College official, no student may be found to have violated the Code solely because the student failed to appear before a judicial body. In all cases, the evidence in support of the charges shall be presented and considered.
- E. In the case of alleged academic dishonesty, the following procedures are taken to resolve cases:
1. Should a faculty member (course instructor) have reason to believe that a student has committed an act of academic dishonesty, the faculty member will consult in private with the accused student to demonstrate evidence of the alleged violation, providing the student an opportunity to explain the incident.
 2. Before this meeting, the faculty member will be encouraged to consult informally with the Dean of Students to ascertain whether other such reports have been made about the accused student. The Dean of Students will maintain a confidential record of these informal reports.
 3. If the faculty member finds the student responsible for the alleged violation(s), the faculty member will assign a penalty grade and notify the Honor Board Chair, who will forward the report form in a timely manner to the Registrar, Dean of Students, and Dean of the College. The faculty member and the student(s) must each acknowledge the initial meeting in writing by signing the report form, and each will receive a copy of the form, which advises the student and the faculty member of a formal hearing before the College Honor Board.

4. The College Honor Board will hear the case in accordance with written procedures, and disciplinary sanctions, if any, will be imposed or recommended by the College Honor Board to the Dean of Students.
 5. A disciplinary sanction is an educational tool designed to send a clear message regarding violation of College policy. Sanctions should relate to the nature of the dishonesty, with stronger sanctions imposed for more aggravated or repeated misconduct. Sanctions of probation, suspension, and dismissal require the additional approval of the Dean of Students.
 6. If the College Honor Board exonerates the student, the Honor Board chair will request that the faculty member remove the penalty grade. Should the faculty member be unwilling to do so, the Honor Board chair will request a review of the case by the Dean of the College, who will have the authority to make a final determination.
 7. When the penalty grade is an "F" for the course, the faculty member will notify the Registrar that the student may not drop or withdraw from the class. A failing grade may also be imposed in a course taken C/NC as an exception to the general grading practice. The Registrar will record an NG (no grade) pending resolution of deliberations regarding academic integrity. The Registrar will not formally record the failing grade until after the date for the student hearing, or to appeal a hearing decision. Students appealing a decision shall be permitted to attend and fully participate in the course until the case is resolved.
- F. Sexual Misconduct Review Board hearings shall be conducted in accordance with guidelines established in the Sexual Conduct Policy.

XI. SANCTIONS

- A. The following sanctions may be imposed by Resident Directors in the residence hall jurisdiction or by judicial bodies when any student is found responsible for Code violation.
1. Warning—A notice in writing to the student that the student is violating or has violated institutional regulations.
 2. Loss of Privileges—Denial of specified privileges for a designated period of time.
 3. Fines—Previously established and published fines may be imposed.
 4. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 5. Discretionary Sanctions—Work assignments, service to the College, or other related discretionary assignments.
 6. Educational classes to be paid by fee assessed to violator. Fee may be paid directly or through community restitution.
- B. The following sanctions may be recommended by Resident Directors or judicial bodies for imposition to the Dean of Students or designate.
1. Conditional Disciplinary Probation: A written reprimand which places the student's participation in College activities in a provisional status. Probation may exclude the student from participation in co-curricular activities in which the student represents the College (e.g. varsity athletics and club sports, elected student office, debate, musical and dramatic groups). Probation may include mandatory counseling and

includes the probability of more severe disciplinary sanctions if the student further violates College regulation(s) during the probationary period.

2. Residence Hall Suspension: Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Because the College maintains a two year residency requirement, a residence hall suspension carries with it a suspension from the College, if the student has not completed the two year residency requirement. Conditions for readmission may be specified.
 3. Residence Hall Expulsion: Permanent separation of the student from the residence halls.
 4. Unconditional Probation: Immediate invocation of College suspension, should additional violation(s) of College policies occur during a specified period of time. Includes the provisions of a disciplinary probation.
 5. Disciplinary Suspension: Separation of the student from the College for a definite or indefinite period of time after which the student is eligible to return. Conditions for readmission may be specified. At the discretion of the Dean of Students, or designate, a College trespass order will be in effect for the period of the suspension. A suspension may be deferred to the end of a term at the discretion of the Dean of Students or designate.
 6. College Dismissal—Permanent separation of the student from the College.
- C. More than one of the sanctions listed above may be imposed for any single violation.
- D. Other than College dismissal, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential disciplinary record.
- E. The following sanctions may be imposed upon groups or organizations:
1. Those sanctions listed above.
 2. Deactivation—Loss of all privileges, including College recognition, for a specified period of time.
- F. Following the hearing, the judicial body shall advise the accused in writing of its determination and of the sanction(s) imposed, if any.
- G. Interim Suspension—In certain circumstances, the Dean of Students or designate may impose a College or residence hall suspension prior to the hearing before a judicial body.
1. Interim suspension may be imposed only:
 - a) to ensure the safety and well being of members of the College community or preservation of College property;
 - b) to ensure the student's own physical or emotional safety and well being;
 - c) if the student poses a definite threat of disruption of or interference with the normal operations of the College.

2. During the interim suspension, students shall be denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Dean of Students or designate may determine to be appropriate.

XII. APPEALS

- A. A decision reached by a judicial body may be appealed within five (5) school days to the Dean of Students or designate. Such appeals shall be in writing and shall be delivered to the Dean of Students or designate. College Honor Board appeals shall be made in writing, within 5 school days, to the Dean of the College. Appeals of decisions reached by the Dean of Students acting as the judicial body shall be directed to the Provost.
- B. An appeal shall be limited to one or more of the following purposes:
 1. To determine whether the original hearing/conduct meeting was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
 2. To determine whether the decision reached regarding the accused student was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Code occurred.
 3. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
 4. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.
- C. If an appeal is upheld by the Appellate, the written decision will be communicated to the original judicial body for action, if appropriate.

XIII. STUDENT GROUPS AND ORGANIZATIONS

- A. Student groups and organizations may be charged with violations of this Code.
- B. A student group or organization and its officers may be held collectively or individually responsible when violations of this Code by those associated with the group or organization have received the tacit or overt consent or encouragement of the group or organization or of the group's or organization's leaders, officers, or spokespersons.
- C. The officers or leaders or any identifiable spokespersons for a student group or organization may be directed by the Dean of Students or designate to take appropriate action designed to prevent or end violations of this Code by the group or organization or by any persons associated with the group

or organization who can reasonably be said to be acting in the group's or organization's behalf. Failure to make reasonable efforts to comply with the Deans directive shall be considered a violation of this Code, both by the officers, leaders, or spokespersons for the group or organization and by the group or organization itself.

- D. Sanctions for group or organization misconduct may include revocation or denial of recognition or registration, as well as other appropriate sanctions.
- E. Requests for appeals must be submitted in writing to the Dean of Students (or designate) within five business days from the date of the letter notifying the respondent of the original decision. Failure to appeal within the allotted time will render the original decision final and conclusive.
- F. The imposition of sanctions will normally be deferred during the pendency of appellate proceedings, at the discretion of the Dean of Students.

XIV. DISCIPLINARY FILES AND RECORDS

- A. The formal hearing process prompts creation of a discipline file in the Office of the Dean of Students. The file will contain information related to the incident as well as the following:
 - 1. Any written statements from earlier documents bearing the name of the student violator which have been maintained at the residence hall director level.
 - 2. Copies of letters written by Resident Directors, Resident Assistants, or other College staff regarding prior disciplinary matters.
 - 3. The verbatim taped record (if applicable) of the hearing and any subsequent correspondence related to the case.
 - 4. Materials related to sanctions.
 - 5. Other reports at the discretion of the Dean of Students or designate.
- B. Case referrals may result in the development of a disciplinary file in the name of the respondent, which will be voided if the respondent is found not responsible of the charges.
- C. Any written materials submitted before or during the hearing will be added to the file.
- D. Accused students involved in disciplinary processes may review the contents of this confidential file, and may contest anything in the file in writing.
- E. Disciplinary records of students whose sanctions are imposed without the necessity of formal action by the Dean of Students or designate will be destroyed at graduation of the student.
- F. Disciplinary records of students whose sanctions are imposed through formal action by the Dean of Students will be maintained for five years. If a trespass order is in effect with a sanction, the record of such an order will be maintained in the disciplinary file.
- G. Disciplinary files will be maintained permanently in the event of dismissal.

- H. Disciplinary records of students who have not yet responded to charges will remain active. Once they have responded, the records are retained in accordance with the procedures above.
- I. Disciplinary records may be voided by the Dean of Students or designate for good cause, upon written petition of student(s). Factors to be considered in review of such petitions shall include:
 - 1. the present demeanor of the student.
 - 2. the conduct of the respondent subsequent to the violation.
 - 3. the nature of the violation and the severity of any damage, injury, or harm resulting from it.
- J. Disciplinary files are treated as “educational records” under the provisions of the *Family Education Rights and Privacy Act (Buckley Amendment)* and may be viewed only by those who “need to know” such information in the conduct of their official duties. Content of the file may be released to others only with the express verbal or written consent of the student whose name is on the file. The file is maintained in the Dean of Students Office, separately from the permanent student file which is maintained in the Office of the Registrar.

XV. INTERPRETATION AND REVISION

- A. Any question of interpretation regarding the Code shall be referred to the Dean of Students or designate for final determination.
- B. This Code shall be reviewed annually under the direction of the Dean of Students or designate, who will consult with the ASLC Chief Justice, College Honor Board chair, Peer Review Board members, and other students, faculty, and staff in review and revision of the Code of Conduct, the Academic Integrity Policy and Procedures, and the Sexual Conduct Policy which are incorporated into the Code.
- C. Changes to the Code recommended through this consultative process are subject to approval by the Dean of Students.

Last revised July, 2002