

The Code of Community Responsibility

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Disclaimer

The provisions of this document do not constitute a contract, express or implied, between Colby-Sawyer College and any student applicant, student's family, faculty or staff member. Colby-Sawyer College reserves the right to change the policies, procedures, rules, regulations, and information (to include but not limited to COVID-19 policies) in this document at any time. When situations arise that require changes to this document, notifications will be made to the college community. This document is a general information publication only, and it is not intended to, nor does it contain all regulations that relate to students. The most recent Code of Community Responsibility can be found at <https://www.colby-sawyer.edu/code-of-conduct>.

Introduction

Colby-Sawyer College seeks to balance the needs and the rights of the individual with the welfare of the community. Students are expected to conduct themselves in a manner that is consistent with the values embraced by the college community and reflected in the college's policies, contracts, rules and regulations, including the Code of Community Responsibility (Code). Students do not lose their rights as citizens of or visitors in this country when they become members of the Colby-Sawyer College community. Conversely, they do not shed these responsibilities.

One way the college seeks to teach student responsibility is by holding them accountable for their behavior that does not align with the college's values and expectations. This Code is intended to describe behaviors that are not acceptable in this college community. This document also contains the process by which unacceptable behavior may be addressed (including the types of sanction that may be imposed). Procedural rules consistent with the Code will be developed as necessary from time to time so that fundamental fairness may prevail.

Notice of Non-Discrimination – Under institutional policy, as well as under state and federal law (including Title IX of the Education Amendments of 1972 and the Age Discrimination Act), Colby-Sawyer College does not discriminate in its hiring or employment practices or its admission practices on the basis of race or ethnicity; color; national origin; religion; age; mental or physical disability; parental, family or marital status; veteran status; or sex (including pregnancy or related conditions, sexual orientation, genetic information, gender identity or gender expression). Further, Colby-Sawyer College prohibits sex discrimination in any education program or activity that it operates.

The college recognizes that harassment related to an individual's sex, sexual orientation, gender identity, or gender expression can occur in conjunction with misconduct related to an individual's race, color, ethnicity, national origin, religion, age, or disability. Targeting individuals on the basis of these characteristics is also a violation of the college policy. Under these circumstances, the college will coordinate the investigation and resolution efforts outlined in these policies as well as the Code of Community Responsibility (for students) and Employee Handbook (for employees), to address harassment related to the targeted individual's sex, sexual orientation, gender identity, or gender expression together with the conduct related to the targeted individual's race, color, ethnicity, national origin, religion, age, or disability.

For information and policies specific to the college's **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** refer [here](#).

For Information and policies and reporting procedures for the college's **Bias Related Protocol** refer [here](#).

Purpose

The need for community members to resolve conflicts is recognized by the college as an opportunity for individual growth, and a time to affirm the Code. Maintaining a balance between the individual and the community is a continual process that requires insight, sensitivity, and diligence on the part of each member of the college. Colby-Sawyer students are expected to read and understand the college's policies and procedures, the student conduct hearing process and procedures, and their student conduct hearing rights and responsibilities as outlined throughout the Code.

Part I: Definitions

The following selected terms are defined in effort to facilitate a more thorough understanding of the Code. This list is not intended to be a complete list of all the terms referenced in the Code. A member of the Department of Citizenship Education, the vice president of student development and dean of students, or their designee shall make the final determination on the definition of any term(s) found in the Code.

1. **“Appellate Board” or “Appeal Board”** is a group of trained faculty, staff, and students of the Colby-Sawyer College Community who will consider an appeal that has been submitted by a student. A decision will be made as to whether or not the appeal meets specific criteria for an appeal to be granted.
2. **“Business day”** is any day, Monday through Friday between the hours of 8 a.m. and 5 p.m. that the college is open.
3. **“Coercion”** refers to the use of pressure and/or oppressive behavior, including express or implied threats of harm and/or intimidation, which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome activity or behaviors (including but not limited to sexual activity). A person’s words or conduct amount to coercion if they wrongfully impair the other’s freedom of will and ability to choose whether or not to engage in activity or behaviors (including but not limited to sexual activity). For information specific to the **college’s Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** refer [here](#).
4. **“Colby-Sawyer community members”** refers to students, faculty, staff, or trustee members, and contracted employees of the college.
5. **“College”** means Colby-Sawyer College (CSC).
6. **“College official”** is an individual employed by CSC who has administrative or professional responsibilities.
7. **“College property” or “College premises”** refers to all land, buildings, facilities, athletic fields, walkways, and other property in the possession of or owned, used or controlled by the college (including adjacent streets and sidewalks).
8. **“Complainant”** is an individual who submits an allegation that a person violated the Code.
9. **“Conflict of interest”** refers to persons who will be prohibited from serving as a hearing officer or board member if a reasonable person could conclude that the person’s involvement would likely constitute a conflict of interest by compromising any portion of the investigatory process, review process, and/or any decision process. Some examples that would create a conflict of interest are, but are not limited to; (1) they have personal knowledge about the facts that are going to be considered as evidence throughout any portion of the process; (2) they have served as an support person to the reporting third party, the complainant, and/or the respondent in connection with the alleged policy violation; (3) they or a member of their immediate family have an interest (financial or otherwise) in the outcome of the case in question; and/or (4) an objective and reasonable person would question their impartiality or bias. When in question, the hearing board coordinator will make the final determination if a bias exists. In the event that the hearing board coordinator makes such a determination, the person in question will be replaced with another person to carry out the function(s). The hearing board coordinator’s decision will be final. In cases that the hearing board coordinator is alleged to have some impartiality or bias, the director of Citizenship Education, the vice president of student development and/or dean of students, or their designee will make the final determination regarding impartiality or bias and any required reassignment. The college reserves the right to select an impartial investigator, reviewer, or decision maker from outside the college in the event no-one from within the institution is comfortable or able to serve in such a role.
10. **“Consent”** refers to voluntary, informed, un-coerced agreement through words or actions freely given, which

could be reasonably interpreted as a willingness to participate in mutually agreed-upon sexual acts or behaviors (including but not limited to sexual acts). Consensual activity happens when each partner willingly and affirmatively choose to participate. For information specific to the college's **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** refer to [here](#).

11. **"Faculty and Staff member"** refers to any person employed by the college to educate/teach/conduct classroom activities, learning, or facilitate out of classroom experiences.
12. **"Hearing"** refers to a forum for addressing alleged conduct policy violations.
13. **"Hearing Coordinator"** refers to a college official designated by the vice president of student development and dean of students to advise hearing board members, complainants, and respondents on procedural issues, the hearing process, and policies as outlined in the Code.
14. **"Hearing Board" and "Hearing officers"** refers to a group of trained faculty, staff, and students who will review all of the facts of the case and make a determination as to whether or not a student did or did not violate the Code. An appropriate sanction will be determined if a violation has occurred.
15. **"Incident Report/Statement"** refers to information which explains the circumstances relating to the alleged violation of any policy outlined in the Code.
16. **"Incapacitation"** refers to the state in which an individual's perception or judgement is so impaired that the individual lacks the cognitive capacity to make or act on conscious decisions. The use of drugs or alcohol can cause incapacitation. An individual who is incapacitated (and therefore unable to consent), where an individual know or ought to reasonably to have understood that the individual is incapacitated, may constitute violation of the college's Code **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** located [here](#).
17. **"Club" and "Organization"** is defined as a group, organization, or association (such as a fraternity, sorority, association, corporation, order, society, corps, club, or service, social, or similar group, or a team, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution. For inquiries/details specific to formally recognized student Clubs and Organizations visit **Student Activities Office** Web page [here](#). For inquiries/details specific to Athletic Clubs, and Student Recreational Sports visit **Colby-Sawyer College Recreational Sports Department** Web page [here](#). For inquiries/details specific to formally recognized Athletic Teams visit the Athletic Web Page [here](#). For inquiries/details specific to formally recognized Academic Organizations visit the Colby-Sawyer College Catalog [here](#).
18. **"Policy"** is defined as the written regulations, standards, and student conduct expectations adopted by the college and found in, but not limited to; the Code of Community Responsibility; the on-campus housing contract; the off- campus college owned or lease contract; the Catalog; and other publicized college notices or documents.
19. **"More likely than not" or "Preponderance of the Evidence"** is the standard that every board member, and hearing officer will use while deciding whether or not a student violated the college's Code. Would a reasonable person (the hearing officer or hearing board member), looking at all of the information presented by the complainant, find that it is more likely than not (at least 51%) that the respondent(s) violated college policy(s)?
20. **"Relevant"** refers to information or matters related to the policy the student is alleged to have violated. For information specific to the college's **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** refer to [here](#).
21. **"Respondent"** is any student accused of violating any policy at the college.

22. **“Student” or “Student community member”** means any person, who has been admitted, enrolled in a course(s), or attending a college program (including undergraduate learners, professional and graduate studies, which includes graduate students, associate degree students, professional undergraduate students, and/or any other community member taking curricular courses or opportunities). This also includes a person enrolled in other study programs through the college (i.e. graduate and professional studies student categories who study on/or off campus, student abroad).
23. **“Student conduct file”** refers to the printed, written, electronic file that may include, but not limited to incident reports/statements, correspondence, academic transcripts or schedules, witness statements, and student conduct history.
24. **“Support person”** is a faculty and/or staff member of the college community who is chosen by the complainant (and/or respondent). This person may accompany the complainant or respondent to support the student during the hearing process.
25. **“Third Party”** refers to any other participant in the process who makes a report on behalf of someone else.
26. **“Witness”** means any person or college community member who has direct knowledge of the incident. Character witness testimony is considered irrelevant and will not be permitted.

Part II: Conduct

The Code applies to students and their registered clubs or organizations. Throughout this document the term *student* will refer to the student as an individual and to a registered student club or organization as a single entity. Registered student clubs and organizations may be held accountable either through the Student Activities Department, Recreational Sports Department club sports, athletics, or the conduct process as outlined in this Code. The officers or the leaders of a student club or organization may be expected to represent the club or organization during the student conduct process. Nothing in this Code shall preclude holding certain members of a club or organization accountable for their individual acts when an alleged violation of the Code occurs.

A. Jurisdiction of Colby-Sawyer College

1. Each student shall be responsible for their conduct from the time of admission through the completion of a degree or program requirements (e.g. formal degree is awarded). This includes conduct before classes begin and after classes end, as well as time between semesters even if their conduct is not discovered until after the degree is awarded. If a student withdraws or separates from the college prior to a conduct hearing, the case will be considered pending. Students may not continue in any program offered by the college until the disciplinary process is concluded.
2. If a student withdraws or separates from the college during a time that an earlier sanction was imposed, the student’s file and sanction(s) will be placed in pending status until the time the student re-enrolls at the college. Once the student re-enrolls to the college, the previously imposed sanction at the time of withdrawal or separation will resume. For example, if a student is on *disciplinary probation* at the time of withdrawal or separation from the college, the *disciplinary probation* will be placed on hold until they return. At the time of return, the student will be placed on the *disciplinary probation* for the duration of the sanction. For further information pertaining to student conduct records, refer to [Part IV.B](#).
3. Generally, the college jurisdiction shall be limited to student conduct that occurs on college premises or in connection with college-sponsored or supervised events, programs, and activities (including students enrolled in off-campus internships, study abroad programs, and athletic events). However, the college may apply the Code to students whose misconduct may have an adverse impact on the college community, its

members, and/or the pursuit of its objectives regardless of where such conduct occurs.

The following examples describe on and off-campus acts that may be addressed through the student conduct process:

- driving under the influence of alcohol or drugs;
- physical assault;
- sexual misconduct;
- sale and/or distribution of illegal substances; and
- damage and/or vandalism.

These examples are illustrative in intent and should not be regarded as all-inclusive. If a department member of Citizenship Education, the vice president of student development and dean of students, or their designee determine that an alleged act of on or off-campus misconduct falls within the jurisdiction of the college, the case will be referred to the Department of Citizenship Education for resolution.

* For information specific to the college's **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** refer to [here](#).

4. College student conduct proceedings may be initiated against a student charged with conduct that potentially violates both the criminal law and Colby-Sawyer College Code policy. In this case any violations must result from the same factual situation. This may constitute a Code violation without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under the Code may be carried out prior to or simultaneously with civil or criminal proceedings at the discretion of the Department of Citizenship Education, the vice president for student development and dean of students, or their designee. The college cooperates with law enforcement and other agencies in the enforcement of laws on campus that involve students. This includes providing information requested by subpoena or otherwise permitted by law.

Decisions or sanctions imposed under the Code shall not be subject to change due to criminal charges arising out of the same facts.

B. Conduct Policies

As members of the college community, students have obligations to uphold the Code as well as to obey federal, state, and local laws. A member from the Department of Citizenship Education, the vice president of student development and dean of students, or their designee shall make the final determination on what constitutes a potential violation of the Code.

The following list of behaviors is intended to represent the types of acts that constitute violations of the Code. Although the list is extensive, it should not be regarded as all-inclusive. All college students are responsible for knowing and observing all college policies and procedures.

1. **Abuse of the college's student conduct process**, including but not limited to:
 - a. Disruption or interference with the orderly conduct of student conduct proceedings. This also applies to

any witness failing to attend a hearing they have been called in to attend and/or providing false or inaccurate information throughout the process.

- b. Falsification, distortion, or misrepresentation of information to a college investigator. This includes, but is not limited to; a non-college community member investigator and/or law enforcement official, student conduct hearing officer, or hearing forum.
 - c. Influencing or attempting to influence another person to commit an abuse of the student conduct system.
 - d. Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
 - e. Attempting to intimidate or retaliate against a member of the hearing forum, a student conduct hearing officer, or any participant prior to, during, and/or after a student conduct proceeding.
 - f. Institution of a student conduct code proceeding in bad faith.
 - g. Failure to comply with the sanction(s) imposed under the Code.
2. **Abuse of Computer Facilities and Resources:** Allegations or violations of the **Information Technology** policies can be found [here](#).
 3. **Abuse of Mailroom:** Allegations or violations of the **Mailroom** policies can be found here: [Colby-Sawyer College Mailroom](#).
 4. Violations of the **Academic Honesty:** Allegations or violations of Academic Honesty and the policy procedures associated with academic honesty can be found in the [Colby-Sawyer College Catalog](#), available on the college's website.
 5. **Alcohol and Other Drugs:** All students are expected to know and abide by college policies governing the use of alcohol and other drugs. Refer to [Appendix A](#) of this document for policies associated with alcohol and other drugs.
 6. **Damage and/or Vandalism** is defined as the intentional or reckless involvement in behavior which results in or presents a strong probability of damage and destruction of college property, personal property, or public property. Individuals may also be charged with Disorderly Conduct or Disruption if the operation of the college is affected as a result of the damage or vandalism.

For Residential Education policies and procedures for Residence Hall Damage and Vandalism, visit the **Department of Residential Education** policy Web page [here](#).

7. **Dishonesty:** Honesty is a foundation for positive relationships that allow for learning to occur. When student(s) make dishonest representations to the college or its officials, it is a violation of the Code. These violations can occur in and out of the classroom. Examples of dishonesty outside the classroom include, but are not limited to: (i) Using another person's college ID or parking permit or knowingly permitting another to use one's college ID or parking permit; (ii) knowingly furnishing false information to a college official; (iii) forgery (falsifying a signature or any document for fraudulent purposes). For **Academic Honesty policies and procedures** refer to the [Colby-Sawyer College Catalog](#).
8. **Disorderly Conduct and/or Disruptive Behavior** is defined as participating in or inciting other(s) to behave in disruption or obstruction that has a negative impact on college activities, including but not limited to: teaching, research, events, student conduct proceedings, the living and learning environment; or other college sponsored activities, on or off-campus; or of other non-college activities when the conduct occurs on college property/premises; or of the living environment, on or off-campus; or by unauthorized use of electronic equipment.
9. **Endangering behavior** includes, but is not limited to; conduct that threatens or endangers the health or

safety of any person including one's self by intimidation, humiliation, or physical contact.

10. **Failure to comply** is defined as uncooperative behavior which includes, but is not limited to; uncooperative behavior and/or failure to comply with a reasonable request of a college official and/or law enforcement officer, providing false information, and/or failure to identify oneself to a college official and/or law enforcement officer.
11. **Fire Safety:** The setting of or participation in unauthorized fires; the possession or use of fireworks, the unauthorized or improper possession, use, removal, or disabling of fire safety equipment and warning devices; failure to follow standard fire safety procedures or evacuation procedures; or interference with firefighting equipment or personnel.

For **Residence Hall Fire Safety** policies visit the **Department of Residential Education** policy Web page [here](#).

For **Outdoor Wood-Fueled Fire Pit** policy visit the **Department of Campus Safety** policy webpage [here](#).

12. **Guest/Host:** Colby-Sawyer College students are responsible at all times for the behavior and property of their guests (non-student and student). Students are also responsible for ensuring their guests (non-student and student) are familiar with and observe all policies outline within Code. The host of a guest who violates the Code may be charged with conduct violation(s) committed by their guest. Any guests who are visiting campus including Colby-Sawyer College owned or leased buildings at any time must register with Campus Safety immediately upon arrival and no later than the start of residential quiet hours. The host of a non- student guest will be deemed to be in violation of this policy if they fail to properly register any non- student guest or for failing to accompany that non-student guest while the guest is on campus.

For college's policies and procedures specific to the Student/Non-Student Guests/Hosts, Visitors visit the **Department of Campus Safety, Guest Policy** page [here](#).

13. **Harming behaviors** which includes, but is not limited to; physical assault or abuse, responding to a true threat of or actual physical assault or abuse with true threat of or actual physical assault or abuse, intentional acts that violate the college's interim non-contact order instructions/parameters or other similar directives issued or imposed by the vice president of student development and/or dean of students or their designee, and bullying or harassment. For the purposes of the Code, bullying is considered a form of harassment.

Harassment is the severe or repeated use by one or more students of a written, verbal, or electronic expression, or a physical act, gesture, or any combination thereof, directed at another individual that has the effect of: causing physical or emotional harm to the individual and or their property; placing the individual in reasonable fear of harm to the individual and/or their property; or infringing on the rights of other college community members to participate in the programs, activities, and mission of the college. Harassment shall include, but is not limited to; a written, oral, or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity, gender expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

Bullying means the repeated use of a written, verbal, or electronic communication, or a physical act or gesture by one or more individuals, repeatedly directed at another individual that: (i) Causes physical or emotional harm or damage to property, (ii) places the target of such behavior in reasonable fear of harm

to self, or of damage to property (iii) creates a hostile environment or otherwise infringes on the rights of such individual, or (iv) substantially disrupts the education process.

In determining whether an act constitutes harassment and/or bullying, a member from the Department of Citizenship Education, the vice president of student development and dean of students, and/or their designee will consider the full context of the conduct, giving due consideration to the protection of the college climate, individual rights, freedom of speech, academic freedom and advocacy. Not every act that might be offensive to an individual or a group constitutes harassment and/or a violation of the Code.

14. **Hazing** is defined as any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons), against another person or persons, regardless of the willingness of such other person or persons to participate, that-
- is committed during an initiation into, an affiliation with, or the maintenance of membership in, a *student organization; and
 - causes or creates a risk, above the reasonable risk encountered during participation in the college or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury, including[1]
 - whipping, beating, striking, electronic shocking, placing harmful substances on someone's body, or similar activity.
 - causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity.
 - causing, coercing, or otherwise inducing another person to perform sexual acts.
 - any activity that places another person in reasonable fear of bodily harm using threatening words or conduct.
 - any activity against another person that includes a criminal violation of local, State, or Federal law; and
 - any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, or Federal law.

*Under the Stop Campus Hazing Act, a "student organization" is defined as a group, organization, or association (such as a fraternity, sorority, association, corporation, order, society, corps, club, or service, social, or similar group, or a team, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution." This definition encompasses formal groups recognized by the college and informal groups that may not have official recognition.

For complete review of the **Hazing** policy and reporting procedures, visit the **Campus Safety** web page [here](#).

15. **Indecent Exposure and Lewdness:** Fornicating, exposing your genitals, public urination or defecation, or performing any other act of lewdness under circumstances that the alleged offender should know will likely cause affront or alarm.
16. **Parking:** Students, guests, or employees who wish to have a vehicle on campus must register their vehicle(s) in order to avoid penalties (including but not limited to, fines; for students - referral to the formal student conduct process etc.). Students, Faculty and/or Staff hosting guests should obtain a visitor parking tag from the Campus Safety Office located in James House. Please notify Campus Safety if you discontinue using a registered vehicle. For more information on the Parking policy visit the **Department of Campus Safety** Web page [here](#).
17. **Residential Education:** Allegations or violating of Residential Education policies can be found [here](#). Examples of Residential Education policies include but are not limited to information found in housing contracts signed by students, other policies outlined throughout Residential Education's webpage pertaining

to expectations of residing and visiting these campus facilities etc.

18. **Retaliation** is defined as acts or attempts to retaliate or seek retribution against the complainant, respondent, or any individual or group of individuals involved in the student conduct process. Retaliation includes but is not limited to:

- intimidation,
- verbal or physical threats,
- harassment,
- coercion* For information specific to the college's **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** refer to [here](#).
- intentional acts that violate the college's interim non-contact orders or other similar directives issued or imposed by the vice president of student development and/or dean of students or their designee;
- or other adverse action.

It is a violation of college policy to retaliate in any way against an individual or a group because the individual or group of individuals reported an allegation of a policy violation. The college recognizes that retaliation can take many forms, may be committed by an individual or a group against an individual or a group, and that a respondent can also be the subject of retaliation by the complainant or a third party. The college will take responsive action to any report of retaliation and may pursue disciplinary action as appropriate. An individual reporting a violation of policy is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

19. **Service Animals and/or Emotional Support Animals:** The college recognizes the importance of *Service Animals* as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of *Emotional Support Animals* under the Fair Housing Act (FHA) that provide physical and/or emotional support to individuals with disabilities. Colby-Sawyer is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate their full-participation and equal access to the College's programs and activities. Colby-Sawyer is also committed to allowing Emotional Support Animals necessary to provide individuals with disabilities an equal opportunity to use and enjoy college housing. Colby-Sawyer will not retaliate against any person because that individual has requested or received a reasonable accommodation in college housing, including a request for an Service/Emotional Support Animal. Colby-Sawyer reserves the right to amend this policy as circumstances require. For college's policies and procedures specific to Service Animal/Emotional Support Animal visit the **Access Resources Department** policy/procedure Web page [here](#). For access to the college's policies specific to *pets* in the Residence Halls visit the **Department of Residential Education** Web page [here](#).
20. **Sexual Misconduct** – College's **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** includes but is not limited to policies such as; sex or gender discrimination, sexual harassment, sexual violence to include domestic violence, dating violence, sexual assault, sexual exploitation and stalking, and/or cyber-stalking that is not covered by Title IX but is covered by the college. For information specific to the college's **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** refer to [here](#).
21. **Smoking and/or Vaporizing** - College owned and leased buildings and curtilage are considered tobacco free. Smoking, vaping, and/or the use of tobacco products are prohibited within 20 feet of any college - owned or leased building or curtilage. In all cases the right of the nontobacco user to a smoke-free environment will take precedence over the tobacco user's desire to use tobacco.
22. **Title IX Sexual Harassment** For policy and procedure pertaining to the college's Title IX Sexual

Harassment policies and procedure, refer to the **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** refer to [here](#).

23. **Theft** is defined as the taking of property belonging to the college, a college service (i.e., the Dining Hall and computer facilities and resources), a college community member, or a non-college community member. Examples of theft include, but are not limited to; intentional taking of or willful concealment of stolen property; receiving or possessing stolen property from another person; mislaid or lost property; or shoplifting.

(For Information Technology policies specific to Abuse of Computer Facilities and Resources visit the **Department of Information Technology** Web page [here](#).

24. **Unauthorized use or entry** is defined as any unauthorized entry or use of any college owned, college leased, or college controlled buildings or property.
25. **Violation of any college policy, rule, or regulation** published or posted in hard copy, available electronically on the college website, or distributed via email.
26. **Violation of the On-Campus and Off- Campus Housing Contract, policies, rules or regulations.**
27. **Weapons, Firearms, Fireworks, Projectiles, Etc.:** the college prohibits the possession of dangerous weapons. Except for those persons specifically exempted under the college's weapons, firearms, fireworks, projectile, Etc. policy or otherwise explicitly authorized by the college's director of Campus Safety to have a weapon, no one may possess, carry, use, transport, store, or otherwise have in their custody or control – however temporary – any weapon while on college owned or controlled property or at any college sanctioned event, wherever situated.

For the college's weapons, firearms, fireworks, projectiles, etc. policy visit the **Department of Campus Safety** Web page [here](#).

Part III: Student Conduct Process and Procedures

Note: that Part III: Student Conduct Process and Procedures: A-F of this document refers to all allegations *EXCLUDING* allegations of **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Procedures** located [here](#).

A. Allegations

1. Any person (from either within the college community or a visiting guest of the college) may file a report regarding a student or registered student organization or club alleging misconduct. All student conduct activity commences with filing of an incident report or submitting a statement that explains the alleged violation of the Code. Reports may be filed with the vice president of student development and dean of students, the Department of Residential Education, or the Department of Campus Safety.
2. All Incident reports/statements regarding alleged violations of the Code are reviewed by a member of the Department of Citizenship Education, and/or the vice president of student development and dean of students, or their designee.
3. A member of the Department of Citizenship Education, and/or the vice president of student development and dean of students, or their designee shall review the incident report/statement and determine if a complaint alleges or addresses a potential violation of the Code.
4. A department member of Citizenship Education, and/or the vice president of student development and dean of students, or their designee may assign the case to a hearing board or a hearing officer depending on allegations and circumstances surrounding the incident or refer the case for informal resolution.

5. The college reserves the right to conduct informal conversations with student(s) surrounding student conduct concerns and potential student conduct activity without filing an Incident Report. The college will not take formal student conduct action unless an Incident Report is filed, notification is provided to the student(s) and the hearing process is offered in accordance with the procedures outlined in this document.
6. In cases of an “anonymous reporting”, no filing of an Incident Report, or where there is not enough information provided to substantiate for formal student conduct policy violation complaint, the vice president of student development and dean of students, or their designee may refer the case for informal resolution. The informal resolution includes a meeting between student(s) and professional staff member(s) pertaining to the alleged student conduct concern(s). At the conclusion of the informal resolution meeting, the accused student will receive a written document that outlines the topics, themes, and behaviors/concerns that were discussed during the meeting, any support systems available (as applicable), and the college’s expectations of students for moving forward. Informal resolutions are not a formal conduct hearing process.

B. Student Conduct Formal Hearing Process

1. Colby-Sawyer College may use a variety of different hearing forums for resolution. A department member from Citizenship Education, and/or the vice president of student development and dean of students, or their designee will determine which hearing forum will be utilized depending on allegations, circumstances surrounding the incident. All forms of hearings aim to resolve cases impartially and treat all individuals involved in the process with respect and objectivity.
2. Student conduct process, which includes the hearing process and sanction compliance takes priority over all other non-academic college activities. If a student does not attend their hearing or submits a statement waiving their right to attend the hearing, the hearing officer or the board’s hearing coordinator will submit a plea of *not responsible* on behalf of the student and the hearing officer or hearing board will make a decision based on any and all information provided at the time of the hearing (Incident Reports, statements, any other information provided by respondents, complainants, witnesses etc.) using the *more likely than not* standard.
3. **Waiving the right to attend a hearing:** Students have the option of accepting responsibility for the alleged violation(s) in writing and having sanctions assigned in absentia. If a student waives the right to attend the hearing and accept responsibility for alleged violation(s) the student must submit in writing that they are waiving their right to attend the hearing and are taking responsibility for alleged violation(s). This written document must be submitted to the author of the student’s hearing notification letter **no less than 24hours prior the start time of the scheduled hearing**. Any student who waives their right to attend their hearing and takes responsibility for alleged violations will be notified of the decision and assigned sanctions (if appropriate) in a reasonable amount of time. Failure to attend a scheduled meeting or hearing after appropriate notification or waiving their right to attend the hearing will not be a basis for an appeal.
4. **Witnesses** may be called to the hearing by the hearing officer, hearing board, and/or coordinator. The hearing officer, hearing board, and/or coordinator have the authority to determine the appropriateness and number of witnesses who may be called. Witnesses called by the hearing officer, hearing board, and/or coordinator are required to appear. Refusal or failure to appear may result in being charged with *abuse of the college’s student conduct process* and/or *failure to comply* which may result in conduct system sanctioning. Witnesses who withhold information or intentionally mislead an investigator, hearing officer and/or hearing board will also likely result in being formally charged with “abuse of the

college's student conduct process" which more likely than not will result in conducts system sanctioning.

Respondents and complainants may request witnesses to attend their hearing. This request must be submitted in writing to the assigned hearing officer or assigned board's coordinator (the author of the letter of notification) **no later than 48 hours prior** to the scheduled start time of the hearing. It is at the discretion of the assigned hearing officer, hearing board members, and/or hearing coordinator to call in any respondent and complainant's witness(s).

5. **Support person** for all hearings **excluding** cases specific to the college's **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures**. A complainant or respondent may have a staff or faculty member assist as a support person. A support person may confer with the complainant or respondent during the hearing, but may not interfere with, advocate for or speak in place of the involved party. Disruptive behavior by a support person will result in their removal from the hearing. Non-college members, including legal counsel are not permitted to serve as a support person, with the exception of cases involving **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures**, which is located [here](#).

C. Student Conduct Hearing Forums

1. **One on One Hearing:** A department member from Citizenship Education and/or the vice president of student development and dean of students will designate and train college officials who are authorized to serve as a hearing officer for One on One Hearings. Hearing officers may conduct hearings on an alleged violation of the Code and may impose a sanction that could range from a written warning, educational assignment, fines or restitution, housing contract revocation/visitation revocation, suspension, or dismissal for findings of responsibility as appropriate.
2. **Hearing Boards:** Student conduct hearing boards may bring several people together in an effort to allow for full consideration of an allegation that a student has violated the Code. The hearing participants may include the investigator, respondent(s), complainant(s), witnesses, and the members of the hearing forum, the hearing board coordinator, and a support person for each respondent and complainant. The different forms of hearing boards are Community Council Hearing Board, Administrative Hearing Board, and Title IX Sex-Discrimination and Sexual Harassment Hearing Board. All decisions made by hearing boards are determined by majority vote.
 - a. **Community Council Hearing Board:** This board is comprised of at least three Colby-Sawyer students. A student will serve as a chair for the hearing. All student board members are provided with six hours of training and are expected to participate in weekly hearings to hear and review cases, make findings, and assign sanctions. Community Council Hearing Board membership is open to students who have generally achieved sophomore, junior, or senior standing, and have been enrolled at the college for at least one semester. Community Council Hearing Boards may be assigned cases of alleged student conduct violations that could result in sanctioning from a written warning, educational assignment, fines or restitution, or housing contract revocation/visitation revocation.

Board Coordinator: Community Council Hearing Boards will have a hearing board coordinator. The hearing board coordinator is a college official designated by the vice president of student development and dean of students to coordinate hearing board members, complainants, and respondents through the procedures, the hearing process, and policies as outlined in the Code. Board Coordinator(s) are not

members of the hearing board and do not have influence with decisions made by the hearing board.

- b. **Administrative Hearing Board:** Administrative Hearing Boards are comprised of at least three members of the college community, generally (excluding cases alleging violations of the college's Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures) two faculty and staff members and at least one student. A staff/faculty member will serve as a chair for the hearing. All board members are provided with six hours of training so they are prepared to hear and review cases, make findings, and assign sanctions as appropriate. Typically, Administrative Hearing Boards will be given cases of alleged student conduct violations that could result in sanctioning from written warning, educational assignment, fines or restitution, housing contract revocation/visitation revocation, suspension, or dismissal for findings of responsibility as appropriate.

Board Coordinator: Administrative Hearing Boards will have a hearing board coordinator. The hearing board coordinator is a faculty or staff member designated by the vice president of student development and dean of students to coordinate hearing board members, complainants, and respondents on procedural issues, the hearing process and policies as outlined in the Code. Board coordinator(s) are not members of the hearing board and do not have influence with decisions made by the hearing board.

- c. **Title IX Sex Discrimination and Sexual Harassment Hearing Board:** For information about hearing boards for the college's Title IX Sex Discrimination and Sexual Harassment Hearing Board, visit the **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** located [here](#).
- d. For **Institutionally Established Sexual Misconduct Hearing Process** for Allegations Against Students, Institutionally Established Grievance Procedures for Allegations Against Employees, and the college sexual misconduct hearing board information refer to this [link](#).

D. Hearing Process

An essential component of any form of hearing is to determine and weigh of the facts that pertain to the allegation(s). A hearing is not a time to call into question a student's character, but rather to examine the student's behavior. Therefore, character references are not permitted. It is important that personal impact statements and other information pertinent to the allegation(s) against a student be presented clearly and factually. All participants are expected to be respectful of each other's role in the hearing process and to conduct themselves according to the direction of the hearing forum. In an effort to be as fair as possible to the complainant and respondent, student conduct procedures may be modified. In certain cases, such as allegations of harming behaviors, endangering behaviors, retaliation, or hazing, the complainant in the case will be informed of the findings of the charge(s) and any associated sanctions that may be imposed specific to the charge(s). For allegations specific to the college's **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** refer [here](#) for further information. Support and privacy of all of those potentially involved in the hearing process must and will be taken into consideration. This may include, but is not limited to, alteration of the hearing room setup, or the use of video conferencing, or by other electronic means.

1. A hearing will usually be held within fifteen (15) days of incident reports/statements alleging a student conduct violation being submitted to the Department of Citizenship Education.

2. A hearing officer or hearing board shall conduct the hearing in accordance with the procedures listed below. When a college official serves as the hearing officer in a One on One Hearing, that *hearing officer* may be referred to as the *chair* or *hearing forum*. Specific hearing forums may adopt additional procedures that are inconsistent with the provisions of the Code:
 - a. Formal rules of process, procedure, and/or technical rules of evidence, that are applied in criminal or civil court, are not used in these proceedings.
 - b. A hearing shall be conducted in private in accordance with the process outlined throughout this document.
 - c. Allowing a person into the hearing room shall be at the discretion of the chair of the hearing forum. The chair and/or hearing coordinator shall have the authority to discharge or to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.
 - d. When a hearing involves more than one respondent, the chair or hearing coordinator may at their discretion hold a separate hearing for each student.
 - e. If a respondent or complainant, after receiving notification **at least 24 hours prior** to the scheduled start date and time of the hearing, does not appear for a hearing the hearing will proceed without the student present.
 - f. Except as directed by the chair, the support person shall limit their role in a hearing to that of an coordinator to the respondent or complainant. The support person shall not speak for the respondent or complainant and not speak to the board. Refer to the *support person* section for guidelines and procedures ([Part III.B.5](#)).
 - g. The hearing officer and/or hearing coordinator may arrange for witnesses to present relevant information to the hearing forum. Witnesses will provide information and answer questions from the hearing officer and/or hearing board members or hearing officer.
 - h. Questions may be suggested to the chair of the hearing by a respondent or complainant. All questions from the respondent or complainant shall be directed to the chair of the hearing. Questions of whether information will be received and asked shall be at the discretion of the chair. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Please refer to [Part III.B.4](#) for further information specific to *witnesses*.
 - i. Relevant records, exhibits, and written statements (including student impact statements) should be provided during the investigating stage of the process. Any additional information may be accepted for consideration by the hearing officer, hearing board coordinator, or hearing board at its discretion as long as such information was provided in accordance with the Code.
 - j. Any information (to include, but not limited to acts of dishonesty) presented by a student during a hearing that indicates a potential violation of the Code may be investigated and will likely be addressed at a future time through a separate process.
 - k. A department member of Citizenship Education, the vice president for student development and dean of students, and/or their designee will review the final investigation report/incident report to determine whether the investigation was conducted in a fair, impartial, and reliable manner. In conducting this review, the department member of Citizenship Education, the vice president for student development and dean of students, and/or their designee may accept or reject the investigation report/incident report in whole or in part. If the department member of Citizenship Education, vice president for student development and dean of students and/or his/her designee rejects the final investigation report/incident report, the case will be referred back to the investigating

office to re-initiate investigation.

- l. After the information gathering portion of the hearing concludes, the hearing officer or hearing board shall determine whether the respondent has violated a section of the Code on the basis of whether a reasonable person would find that it is *more likely than not* (e.g. the preponderance of the evidence standard) that the respondent violated the Code.
 - m. When a student respondent has been found “responsible” of a violation, the hearing officer or board shall review the student’s student conduct history prior to imposing the appropriate sanction(s). If a student has prior conduct policy violation, this information will be taken into account when sanctions are assigned.
 - n. All procedural questions are subject to the final decision of the hearing officer/chair of the hearing.
 - o. The hearing officer (for a *One on One Hearing*) or board coordinator (for a board) will send the decision letter on behalf of the hearing board that relays the decisions from the hearing to the respondent and appropriate college officials.
 - p. In cases involving harming behaviors, endangering behaviors, retaliation, and/or policies outlined in the **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures**, the hearing officer (for a One on One Hearing) or board coordinator (for a board) will notify the complainant the findings and any associated sanctions pertaining to the findings of responsibility for these charges of the respondent(s).
 - q. The college reserves the right to consult with the college attorney when deemed necessary. The college also reserves the right to request the college attorney be present for any portion of the hearing process.
3. The college reserves the right to choose to audio or video record student conduct hearings. If the college chooses to record a hearing, the college will maintain the audio recordings until the completion of the appeal process. Participants are prohibited from making their own recordings in any way. Upon written request to a department member of Citizenship Education or the vice president of student development and dean of students a respondent or complainant (if applicable) may listen to the audio recording on the college premises with a designated department member of Citizenship Education, vice president of student development and dean of students, and/or their designee.

E. Student Conduct Hearing Rights

The respondent(s) and complainant(s), if applicable, shall have the **right to**:

- a. Be notified of all alleged violations by means of the student address (assigned college mailing address, residence hall address via. hand delivery, permanent address, college email, or in person).
- b. In all student conduct proceedings, the respondent shall be presumed *not responsible* until it is determined that a violation of the college’s student conduct policies occurred using the more likely than not also referred to as the *preponderance of the evidence standard*.
- c. Review the completed incident report and any associated statements that will be used at the hearing.
- d. Request a meeting with a member from the Department of Citizenship Education to discuss questions or concerns pertaining to the Code and/or the hearing process.
- e. A reasonable period of time to prepare for a hearing (**no less than 48 hours prior to the start of the hearing**).
- f. Request a delay of a hearing due to extenuating circumstances. The decision to grant or deny any such request is within the discretion of the Director of Citizenship Education, hearing coordinator, and/or the vice president of student development and dean of students. Such request must be made no less than

24 hours prior to the scheduled start time of the hearing.

- g. Be informed of any person's name that submits/reports information that alleges misconduct and/or submits a complaint alleging misconduct.
- h. Be informed of the identity of witnesses who have been called and requested to present information at the hearing.
- i. Be present and participate throughout the fact gathering portion of the hearing process. The deliberation and sanctioning phase of the hearing are private and will be closed.
- j. Be notified of the finding(s) of a hearing and assigned sanctions (if appropriate).
- k. In cases involving harming behaviors, endangering behaviors, hazing, retaliation, and/or policy violations outlined in the **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures**, complainant(s) will be notified of the findings and any associated sanctions pertaining to the findings of responsibility for these charges of the respondent(s).
- l. Present witnesses and incident witness statements not included in the incident reports and other statements when deemed appropriate and relevant by the hearing board, hearing board coordinator, or hearing officer. This information will need to be disclosed to the hearing officer (if a One on One Hearing) or to the hearing coordinator (if hearing is assigned to a board) no less than 24 hours prior to the start of the hearing. The hearing officer, hearing board chair and/or the hearing board coordinator will make the determination whether or not to call the witness in to the hearing and/or review the information provided in the additional statements. If a witness is called to the hearing the witness will provide information to and answer questions from the hearing board members or hearing officer. Questions may be suggested to the chair of the hearing by a respondent or complainant. All questions will be directed to the chair of the hearing rather than to the individual directly. Questions of whether potential information will be received and asked shall be at the discretion of the chair and/or hearing coordinator. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Please refer to [Part III.B.4](#) for further information specific to *witnesses*.
- m. Request modifications of the hearing structure. Modifications request may include a partition panel during the hearing so as not to directly view the complainant/respondent, or the use of technology, such as a phone or Skype/Zoom etc.
- n. To request an accommodation in accordance with the American with Disabilities Amendment Act (ADAAA), refer to the *accommodation for Student with Disabilities* section ([Part IV.A](#)) for specific parameters and procedures. Request for an accommodation through Access Resources **must be made 24 hours prior** to the start of the hearing.
- o. Challenge participation of a specific hearing officer or board member in the event a conflict of interest is present. Refer to *conflict of interest* portion of the Code ([Part I.9](#)).
- p. Present a personal or community impact statement specific to the incident and/or allegations to the hearing forum or hearing officer. A community impact statement is an account in the student's own words of the *effect* of the incident. The student may, for example, have suffered a physical injury, be affected psychologically, or be at a loss financially. Character statements will not be permitted during the hearing.
- q. Have a support person during all phases of the conduct process. A student should select a support person whose schedule allows attendance at the scheduled date and time of any meeting and/or hearing because delays will likely not be allowed due to the scheduling conflicts of a support person. Refer to *support person* section ([Part III.B.5](#)) for the support policy on support person.

- r. Remain silent at the hearing. In the event a respondent chooses to remain silent, it should be noted that the hearing officer or hearing board will proceed with the hearing and make a determination of the case based on any and all information that is present at the time of the hearing.
- s. To appeal. In cases involving harming behaviors, endangering behaviors, hazing, retaliation and/or policy violations outlined in the **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures**, complainant(s) will be afforded the same opportunity to submit and appeal as a respondent. Refer to the *Appeals* portion of the Code ([Part III.G](#)) for information, policies and procedure for submitting an appeal. For information specific to the **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** refer to [here](#).

F. Sanctions

Sanctions serve an important role in shaping a safe and positive community, while also holding a student accountable for their violations. Sanctions are designed to restore safe and positive environments, deter repeat violations, assist those impacted by the misconduct, reaffirm community expectations, to connect students with appropriate resources, and provide educational and reflective opportunities for students.

Students who are found to be responsible for violating the Code will be assigned appropriate sanctions based on the nature of the violation, the severity of the violation, the student's conduct history, and/or other criteria as determined by the hearing officer or hearing board. Sanctions are typically based on precedent set by other similar cases. However, no two cases or students are exactly the same and sanctions may vary for seemingly similar incidents. Hearing officers and hearing board members are trained to determine appropriate sanctions.

If a party is found to have violated this policy, the Hearing Board/Hearing Officer will determine appropriate remedies/sanctions for the policies the respondent was found responsible for violations.

Parties are always welcome to propose sanctions that the party believes will be most helpful while considering the purpose of sanction(s). Parties should talk to the assigned hearing coordinator for helpful tools/guides that will best assist with submitting a self-purposed sanction(s). All sanction(s) (including self-purposed sanctions) will be assigned at the discretion of the hearing board and/or hearing officer. Any sanctions being imposed will be included in the written determination letter ("Findings Letter"). See below for Sanctions.

1. The following sanctions may be imposed on any student found to have violated any college policy. This is not an exhaustive list of sanctions. Although sanctions may be imposed individually, most often findings of responsibility will result in various combinations to ensure the educational essence is emphasized throughout this process.

Educational focus type sanctions example (applies to all students):

- a. **Warning:** A letter that informs the student that they violated college policy and a notice that another violation will likely result in a more severe sanction which could include a college probation, suspension, or dismissal.
- b. **Restitution:** Reimbursement for damage to, destruction of, or misappropriation of, college property or any property of any member of the college community. The student may also be required to provide service appropriate to the violation (e.g. cleaning/repairing a vandalized area etc.).

- c. **Educational Programs and Assignments:** The student is required to complete a project and/or assignment specifically relevant to the policy violation(s). Some examples of educational programs and assignments are but not limited to: informative/research paper or presentation; reflection paper; bulletin board; appointments with Baird Health and counseling and/or outside counseling service at the students cost; anger management training; and 3rd Millennium Classroom Alcohol or Marijuana Course.
- d. **Fines:** A sum of money, independent of restitution, assessed against an individual. Fines are to be paid through the Colby-Sawyer Storefront located on the Financial Services [Web page](#). Refer to the findings letter for specifics on how to pay the fine.
- e. **Behavioral Agreement/Contract:** A statement of agreement between the student and a hearing forum or college official (1) acknowledging the infraction(s) of the Code, (2) identifying a behavior/action plan, and (3) agreeing to the specified consequence(s) of failure to adhere to the behavior/action plan.
- f. **Mentorship Meet-Up:** The student meets with a designated college official for the purpose of receiving support and mentorship to aid in the student's well-being, growth and development.
- g. **Loss of Privileges:** The removal of certain student privileges, including but not limited to the following: the privilege to host guest on campus; the privilege to host guest in the student's assigned residence halls space or other college buildings; the privilege to have stereos or other sound equipment in your residence hall space; the privilege to participate in extra-curricular activities such as activities on campus or hosted by the college; participation in senior week activities; the privilege to participate in a club activity or dance; or the privilege to apply to reside in certain residence hall spaces such as college housing.
- h. **Administrative Non-Contact Order** is a sanction imposed to discontinue intentional/unwanted contact between two parties. In the past, some students have had questions pertaining to the specific criteria for how an Administrative Non-Contact Order works.
- i. **One-Way Administrative Non-Contact Order** is a sanction imposed against one person (i.e. Respondent OR Complainant), preventing said person having intentional/unwanted contact with another party.

Traditional Residential Students (to include residential students who reside in college housing):

- j. **Disciplinary Probation** is a designated period during which additional behavior in violation of college regulations will likely constitute grounds for further disciplinary action. The hearing officer or forum will determine the length of the sanction and determine if there are particular conditions and/or restrictions attached to the status. Further violations of the Code could result in sanctioning which includes, but is not limited to: housing contract probation; housing contract revocation; suspension; or dismissal from the college. During this probationary period a student's scholarship may be affected. For questions about whether scholarships are affected, the student should contact the [Financial Aid Office](#). Any student who falls under the college's residency requirement whose housing has been revoked for disciplinary reasons is required to pay the room and board portion of the housing contract as long as they are enrolled at the college. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- k. **Housing Contract Probation** is defined as a designated period during which additional behavior in violation of college regulations will constitute grounds for more serious disciplinary action. The hearing officer or forum will determine the length of the probation and determine if there are particular conditions and/or restrictions attached to the status. Further violations of the Code could result in sanctioning which includes, but is not limited to: housing contract revocation; suspension; or dismissal

from the college. During this probationary period a student may be ineligible for college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. For questions about whether scholarship(s) are affected, the student should contact the Financial Aid Office. Any student who falls under the college's residency requirement whose housing has been revoked for disciplinary reasons is required to pay the room and board portion of the housing contract as long as they are enrolled at the college. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action. The hearing officer or forum will determine the length of the probation and determine if there are particular conditions and/or restrictions attached to the status. Further violations of the Code could result in sanctioning which includes, but is not limited to: housing contract revocation; suspension; or dismissal from the college. During this probationary period a student may be ineligible for college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. For questions about whether scholarship(s) are affected, the student should contact the [Financial Aid Office](#). Any student who falls under the college's residency requirement whose housing has been revoked for disciplinary reasons is required to pay the room and board portion of the housing contract as long as they are enrolled at the college. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

- l. **Housing Contract Revocation:** Housing contract revocation is defined as a designated period during which a student is prohibited from living or visiting in college owned or leased residence halls and buildings. Further violations of the Code could result in sanctioning which includes, but is not limited to: permanent housing contract revocation; suspension; or dismissal from the college. The hearing officer or forum will determine the length of the revocation and determine if there are particular conditions and/or restrictions attached to the status. During this time of housing contract revocation, a student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. Questions about whether scholarship(s) are affected, the student should contact the [Financial Aid Office](#). Any student who falls under the college's residency requirement whose housing has been revoked for disciplinary reasons is required to pay the room and board portion of the housing contract as long as they are enrolled at the college. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- m. **College Housing Properties Contract Revocation:** If a student living in college housing is found responsible for a policy violation that would typically result in Housing Contract Probation, it is likely that they will lose the privilege of living in the college housing property and will be provided the option to return to housing on-campus at the discretion of the college. Examples of incidents that could result in this revocation could include, but is not limited to, policy violations in the following areas: alcohol; disorderly conduct; failure to comply; occupancy/trespassing; drugs; endangering behaviors; harming behaviors; weapons/firearms; and hazing. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

Non-Residential Students (Commuter Students):

- n. **Visitation probation** is defined as a designated period during which additional behavior in violation of college regulations will constitute grounds for further disciplinary action to include but not limited to; visitation revocation; suspension; or dismissal. The hearing officer or board will determine the length of the probation and determine if there are particular conditions and/or restrictions attached to the

status. This probation does not limit a student in regards to where they can visit. During this probationary period, it is expected that the student will become fully knowledgeable about the Code of Community Responsibility and not violate the policies set forth in the document. During this time of visitation probation, a student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. Questions about whether scholarship(s) are affected, the student should contact the [Financial Aid Office](#). Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

- o. **Visitation restriction** is defined as a designated period during which additional behavior in violation of college regulations will constitute grounds for more serious disciplinary action including, but not limited to: visitation revocation of college housing; and/or suspension or dismissal from the college. The hearing officer or forum will determine the length of the restriction and determine if there are particular conditions and/or restrictions attached to the status. This visitation restriction means that a student may only visit college owned or leased residential buildings between the hours of 7 a.m. – 7 p.m., Friday, Saturday and 7 a.m. – 9 p.m. Sunday, Monday, Tuesday, Wednesday, and Thursday. To visit the residential building non-residential student is required to be with a residential student at all times and must follow the same guidelines as any other guest of Colby-Sawyer College. Non-residential students on this restriction may not register as an overnight guest. During this time of visitation restriction, a student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. Questions about whether scholarship(s) are affected, the student should contact the [Financial Aid Office](#). Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- p. **Visitation revocation** means that a student may NOT visit college owned or leased residential buildings. If for any reason a student who has had his or her visitation privileges revoked believes they need to enter a residential building that is owned or leased by Colby-Sawyer College, that student must receive explicit permission by a professional department member from the Department of Residential Education, Campus Safety, Citizenship Education, or the vice president/dean of students. If the student receives permission to enter a college owned or leased residential building, that student must be accompanied by a professional department member from Residential Education or Campus Safety. Violations of this revocation will more than likely result in an extension of the revocation period and/or further disciplinary action to include suspension or dismissal. During the time that a student's visitation privilege has been revoked, a student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. For questions about whether a scholarship is affected, the student should contact the [Financial Aid Office](#). Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- q. **Probationary Suspension:** is defined as the highest level of probationary status, which will remain in place for a designated period of time. The hearing officer or board will determine the length of the probation and determine if there are particular conditions and/or restrictions attached to the status. Any violation(s) of specified policies, regardless of seriousness, which occurs during the probationary suspension period, will more than likely result in immediate activation of the suspension or dismissal from Colby-Sawyer College. During this probationary period the student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated

- programs. For questions about whether a scholarship is affected, the student should contact the [Financial Aid Office](#). Any student who falls under the college's residency requirement whose housing has been revoked for disciplinary reasons is required to pay the room and board portion of the housing contract as long as they are enrolled at the college. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- r. **Suspension:** Suspension from Colby-Sawyer College means separation from the college for a specified period of time after which the student may re-enroll or re-apply for re-admission. A suspended student is subject to arrest for trespass and is not allowed on college grounds without the prior written authorization by the vice president of student development and dean of students, the director of Campus Safety, or their designee. In order to be eligible for readmission, the student must complete all portions of assigned the sanctions that the hearing officer or forum may additionally assign and be cleared by the Department of Citizenship Education. During the time of the suspension a student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. For questions about whether a scholarship is affected, the student should contact the [Financial Aid Office](#). Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
 - s. **Dismissal** is a permanent separation from the college with no opportunity to re-enroll or re-apply for re-admission. A dismissed student is subject to arrest for trespass and is not allowed on college ground without prior authorization from the vice president of student development and dean of students, the director of Campus Safety, or their designee. If for any reason the student believes they need to enter Colby-Sawyer College property or Colby-Sawyer sponsored events after the date and time of their dismissal, the student must receive explicit permission from the vice president and dean of students, the director of Campus Safety, or their designee. If the student receives permission to enter Colby-Sawyer College property or college sponsored event, the student must be accompanied by a professional department member from Residential Education or Campus Safety. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
2. The following sanctions may be imposed upon registered student club and/or organization:
 - a. The sanctions listed above in [Part III.F.1](#), "a" through "g".
 - b. Loss of club/organization recognition: Loss of all college privileges for a designated period of time. Loss of club/organization recognition for more than two consecutive semesters requires an organization to re-apply for college recognition. Conditions for future recognition may be specified.
 3. **Aggravated Violations:** If a student is responsible for violation of any college policy that is directed toward an individual or group due to race, ethnicity, ancestry, national origin, religion, gender, sexual orientation, gender identity, gender expression, age, physical or mental disabilities, including learning disabilities, intellectual development, disorders, and past/present history of mental disorder the hearing officer or hearing forum may increase the sanctions. See Non-Discrimination policy.
 4. **Good Standings Status Vs. Non-Good Standings Status (specific to student conduct)** — Good Standings status is a status that indicates that a student is eligible to participate in all activities, clubs, organizations; student internship and other academic or student developmental programs (i.e. study abroad etc.); be awarded grants or funds for certain programs (i.e. Bold Internship Grant); be eligible to receive certain annual academic awards etc. A student is presumed to be *in good standing* unless the student forfeits that status by established misconduct. A student is considered to be *not in good standing* when the student has

been found responsible for a student conduct policy violation and as a result is serving a sanction of housing contract probation, visitation probation, housing contract revocation, visitation revocation, probationary suspension, suspension, or dismissal. Failure to maintain disciplinary good standing may result in exclusion from participation in privileges, extracurricular activities and awards.

G. Appeals

Appeal process: The purpose of the appeal process is to ensure that all students, clubs and organizations are treated fairly throughout Colby-Sawyer College's conduct hearing process. For this policy, when the term student is used, it may also be referring to a club or organization. In cases involving harming behaviors, endangering behaviors, hazing, retaliation, and/or policies outlined in the Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures, both the respondent(s) and complainant(s) may file an appeal in accordance with this policy and process. For prohibited conduct and definitions specific to the college's Sex-based Discrimination and Sex-based Harassment Policy and Grievance Procedures, please refer to the **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** located [here](#).

1. A respondent and/or complainant (if applicable) who has participated in the hearing process may file an appeal that demonstrates appropriate basis for an appeal that is based on the student conduct hearing process (to include hearings with a hearing officer or hearing board). All appeals must be completed and submitted by the respondent and/or complainant (if applicable) involved in the hearing process and also participated in the hearing process. Appeals submitted by any person other than the student who is appealing, such as a support person and/or some other representative, will not be reviewed and will be automatically denied.
2. All appeals must demonstrate one or both of the following criteria and the student must explain in detail each basis of appeal:
 - a. new information that was not available and/or known at the time of the hearing, which would likely have had a significant effect on the outcome of the hearing. This new information will be considered only if it is clear that the evidence could not have been known by the student(s) at the time of the original hearing; and/or
 - b. procedural error, in that the hearing was not conducted in accordance with the procedures prescribed by the Colby-Sawyer College Code and the procedural error must have impaired a student's right to a fair hearing;

Information that **is not considered sufficient criteria for an appeal or a reasonable claim of an appeal**, by way of illustration, but not limitation, includes:

- a. disagreement with the finding and/or sanction of a hearing forum;
- b. failure to appear at an appropriately scheduled hearing; and/or
- c. failure to comply with a sanction.

An appeal is limited in scope. The purpose of an appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of college's rules has occurred.

3. For an appeal specific to a One on One hearing, Community Council Hearing Board, and/or Administrative Hearing Board, all appeals will be reviewed by an Appellate Board that is comprised of at least three (3) board members who were not original participants of the board or hearing. All members of the Appellate Board have been trained in the Code and Hearing Process and are actively involved in the hearing process

as a Community Council Hearing Board Member, an Administrative Hearing Board Member, and/or hearing officer. In some cases, the Director of Citizenship Education, the vice president for student development and dean of students, and/or their designee may direct a department member of Citizenship Education to review the appeal individually without a board. If this occurs, the department member of Citizenship Education selected to review the appeal will be a department member that did not serve as the hearing officer for a one on one hearing or serve as the hearing board's coordinator assigned to the original case/hearing.

4. The record on appeal is limited to a review of the written appeal document submitted by the appellant(s), the written record of the incident in question, any other documentation or information gathered or reviewed at the hearing, an interview with the original hearing officer or the coordinator of the hearing board, and any alleged "new information" in an appeal based, in whole or in part, or a claim of "new information," as described above in [Part III.G.2. "a"](#).
5. The appeal review meeting is considered closed unless the Appellate Board or designated department member from Citizenship Education reviewing the appeal requests the respondent and/or complainant (if applicable) to attend the appeal review meeting to explain any possible "new information". The decision to request the respondent and/or complainant (if applicable) to attend is at the discretion of the Appeal Board coordinator, and/or the Appeal Boards, or designated department member of Citizenship Education who is reviewing the appeal.
6. If the appeal is granted, the student will receive written notification from the appeal board hearing coordinator or department member of Citizenship Education who conducted the review that the appeal was accepted. This notification will be generally made 5-10 business days from the date of the decision. The Appellate Board or the designated department member from Citizenship Education who reviews the appeal can take one of the following actions:
 - a. If the appeal is based on new information that was not available at the time of the hearing the matter will be referred to the hearing officer(s), Community Council Hearing Board, Administrative Hearing Board, Sexual Misconduct Hearing Board, or Title IX Sex Discrimination and Sexual Harassment Hearing Board which originally heard the case to allow for consideration of the new information.
 - b. If the appeal indicates procedural error, the matter will be referred to a new hearing officer(s), Community Council Hearing Board, Administrative Hearing Board, Sexual Misconduct Hearing Board, Title IX Sex Discrimination and Sexual Harassment Hearing Board that has not heard the case to allow for reconsideration of the results of the original finding(s).
7. If the appeal is not granted, the student will receive written notification from the coordinator of the board or the hearing officer that the appeal has been denied. In the event an appeal is denied the decision made by the hearing board or the department member of Citizenship Education who reviewed the appeal and sanction(s) assigned will remain in effect. This notification will generally happen within 5-10 business days from the decision of the appeal review.

In cases involving harming behaviors, endangering behaviors, and/or policy violations outlined in the **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** complainant(s) will be notified of the findings of the respondent(s). For information specific to the **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** refer to [here](#).

The decision of an Appellate Board or the department member of Citizenship Education who reviewed the

appeal cannot be appealed.

Sanctions are effective as of the date of the letter advising the student of the finding of responsibility and sanction (the “findings letter”). All appeals must be submitted five (5) days from the written delivery date of the findings letter.

8. Instructions for submitting an appeal:

- a. The student who wishes to appeal must contact the Department of Citizenship Education by email indicating an intent to appeal, you will then be sent instructions on how to properly appeal and provided with the *Electronic Appeal Form* as an attachment to the email (**This is not an appeal, this is only requesting instructions on how to properly appeal**).
- b. All appeals must be completed on the *Electronic Appeal Form*. Any section completed outlined in the Electronic Appeal Form may not exceed 2,500 words.
- c. Once the student receives the instructions and the *Electronic Appeal Form* and has reviewed the Appeal Process outlined in this document, the completed *Electronic Appeal Form* must be submitted within five (5) days of written delivery of the decision of the hearing forum via email to the appeals email address: studentconduct@colby-sawyer.edu where it will be forwarded and reviewed by an Appellate Board or by a designated department member for Citizenship Education.

Part IV: Accommodations for Students with Disabilities, Student Conduct File Maintenance and Review, Notifications, Publications, Refund Policy, and Interim Administrative Action

A. Accommodations for Students with Disabilities

By federal law, a person with a disability is a person who: 1.) has a physical or mental impairment; 2.) is regarded as having such an impairment, which substantially limits one or more major life activities such as self-care, walking, seeing, hearing, speaking, breathing, or learning.

A student requesting an accommodation to any portion of the student conduct process to include but not limited to, the investigation, prehearing meetings, hearing, follow up meetings etc. must follow the appropriate process for requesting an accommodation through the college’s Access Resources Department, which can be located here. The department member from the Access Resources that approves any such request will need to notify the appropriate department member the student is working with the student that the accommodation has been reviewed, approved and shall be followed. To contact the **Access Resources Department** visit their Webpage [here](#).

Reasonable accommodations depend upon the nature and degree of severity of the documented disability. While the Americans with Disabilities act of 1990 requires the priority consideration be given to the specified methods requested by the student, it does not imply that a particular accommodation must be granted if it is deemed not reasonable and other suitable techniques are available.

B. Student Conduct File Maintenance and Review

Student conduct files shall not be released to parties outside the college unless there is written consent from the student. However certain information from the files may be provided to individuals within or outside the college

who have legitimate legal or educational interest in obtaining a student's conduct file. If required to release records in compliance with a legal/court order or subpoena, the college will show due diligence in attempting to notify the student prior to complying as permitted by said order. Refer to the federal Family Educational Rights and Privacy Act of 1974 (FERPA) policy located with the college's [Registrar's Office](#).

The Department of Citizenship Education retains disciplinary records in accordance with the following criteria.

1. If a student is found not responsible for a violation of the Code of Community Responsibility, the record pertaining to the disciplinary proceeding will be shredded when the student withdraws or graduates from Colby-Sawyer College.

Student conduct records with findings of not responsible will not be disclosed to other agencies or institutions inquiring about student conduct. These records kept for the purpose of appropriate record maintenance only. Any findings of not responsible are not and will not be considered by any hearing officer or hearing board for any subsequent hearings that may occur.

2. Records of minor disciplinary action (e.g., warning letter, fines \$50 and under) are kept on file until the student withdraws or graduates from the college.
3. Records of fines \$50 or more will be kept on file until the complete cost of the fine has been paid in full.
4. Records of general disciplinary action (e.g., behavioral agreement, disciplinary probation, housing contract probation, probationary suspension, and removal from housing) are kept on file for seven years.
5. Records of major disciplinary action (i.e., suspension, dismissal) are maintained permanently in the Department of Citizenship Education.

C. Student Official Transcript Notations

Transcript notations: Any student conduct or **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** cases that result in a sanction of *suspension* will be noted on the student's official transcript for as long as the *suspension* is in effect. Any cases that results in a sanction of *dismissal* will be noted on the student's official transcript which is held with the college's Registrar's Office. With the exception of Students who withdraw pending a hearing of cases where a student is alleged to have violated the college's endangering behavior, hazing, acts of retaliation a notation of *withdrawal pending a conduct hearing* will be noted on their transcript. For information specific to the **Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures** refer to [here](#).

Request for Suspension or Withdrawal Pending a Hearing Transcript Notation Removal

Students may request (in writing) that *suspension* notations and *withdrawal pending a hearing* notations be removed from their academic transcript. Such request may be granted at the discretion of the vice president of student development and dean of students or designee.

Request specific to Suspension Transcript Notations:

In order to have a student conduct suspension notation removed from the student's academic transcript, the student must complete all of the requirements of the assigned sanction associated with the disciplinary case in question. If the student has been involved in subsequent disciplinary incident(s) prior to such request, notation removal will not be considered until any subsequent matter(s) is resolved and any sanctions assigned for subsequent matter are fulfilled.

Factors that the vice president of student development and dean of students or designee will consider prior to the removal of suspension notation will include, but is not limited to: (a) The present demeanor of the student; (b) The student's conduct subsequent to the violation; (c) The nature of the specific violation associated with the suspension, including the issue of premeditation and/or the severity of any resulting damage, injury, or harm to self or others.

To submit a petition for a notation to be removed, students must include the following:

1. A brief description of the incident and sanction imposed specific to the suspension.
2. A reflection on the petitioning student's actions, how those actions have affected the petitioning student and others, and how the petitioning student might respond if faced with a similar situation in the future.
3. An account of petitioning student's behaviors since the incident (for example: academic performance from other institutions, extracurricular activities, community service, etc.).
4. An explanation of why the petitioning student believes they would be a good candidate for a record notation to be removed.
5. Any supporting materials (letters of recommendations, proof of community service, etc.).

Request specific to Withdrawal Pending Transcript Notations:

In order to have *withdrawal pending a student conduct hearing* notations removed from the student's academic transcript, the students must submit the following in their request (in writing):

1. A brief description of the allegations against the petitioning student at the time of withdrawal.
2. A reflection on the petitioning student's actions, and how those actions have affected the petitioning student and others.
3. An account of petitioning student's behaviors since the time of withdrawal (for example: academic performance from other institutions, extracurricular activities, community service, etc.).
4. An explanation of why the petitioning student believes they would be a good candidate for this notation to be removed.
5. Any supporting materials (letters of recommendations, proof of community service, etc.).

All requests can be sent to:

Robin Davis - Vice President for Student Development and Dean of
Students Colby-Sawyer College
541 Main Street, New London, NH 03257

E-mail: rdavis@colby-sawyer.edu

Generally, the record will NOT be removed from the academic transcript if the record involves any of the following: policy violations of endangering behaviors, retaliation, sexual misconduct, hazing, conduct which leads to the death or serious physical injury to another person, and Sex Discrimination, Harassment, and Sexual Misconduct policies.

Decisions made by the vice president for student development and dean of students or designee are considered final and there are not further actions that can be taken.

D. Parental Notification Policy

The college considers student conduct records to be part of a student's educational record, and as such the college complies with all applicable legislation, including but not limited to the Family Educational Rights and Privacy Act (FERPA). Further, the college's primary relationship is with its students, and not with their parents or guardians.

However, the college recognizes that parents or guardians maintain an interest in their students' behavior while at college. Parents or guardians may play a positive role in preventing further misconduct. Therefore, the college may notify the parents or guardians of a dependent student who is placed on housing contract probation, housing contract revocation, probationary suspension, suspended, or is dismissed from the college. The college also reserves the right to notify the parents or guardians of any dependent student under the age of twenty-one who has been found responsible for violating any drug or alcohol policies. Notification may be deferred at the discretion of the vice president of student development and dean of students or their designee and/or a department member from the Department of Citizenship Education.

This notification is intended as a means to encourage communication between students and their parents or guardians to provide the greatest level of support for the student. Regardless of whether notification has occurred, the college's priority and obligation is to correspond and otherwise conduct business directly with students, and not through parents, guardians, or any other third party.

E. Withholding Grades, Diplomas, and Students Official Transcripts

The college reserves the right to withhold grades, diplomas or transcripts until all student conduct matters are resolved (to include completion of appeal process), restitution made, or fines paid.

F. Police Notification

As per the Memorandum of Understanding (MOU) between Colby-Sawyer College and the New London Police Department (NLPD), there are times when the college must notify NLPD of alleged conduct violations. Please contact the **Department of Campus Safety** at cssafety@colby-sawyer.edu for more specific information concerning these parameters.

G. Conduct Violation Publicity

In accordance with Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, commonly known as the Clery Act and Public Law 101-542, The Campus Security Act of 1990, as amended, Colby-Sawyer College reserves the right to publish, or otherwise communicate information about alleged violations of the Code, as well as alleged violations of public laws, including investigations in progress as specified by, but not limited to the provisions of the aforementioned law. Please go to the **Campus Safety** Web page [here](#): to review the Annual Security Report and Annual Fire Report located under the Clery Act tab at the top of the page.

H. Refund Policy for Student Conduct Cases

No refunds for tuition, fees, or room and board are given for violations of the Code and/or other student conduct/disciplinary matters. Some examples of sanctioning that this refund policy applies to are, but not limited to, findings that result in the loss of housing, suspension, or dismissal of a student.

I. Interim Administrative Actions

In certain circumstances, the vice president of student development and dean of students and/or their designee, may impose an interim administrative action(s) such as, but not limited to, an interim non-contact order, interim restrictions for clubs/organizations/college sponsored activities or events, or sporting teams, interim residence hall removal or relocation, and/or interim suspension prior to a conduct hearing. Interim administrative restrictions are effective immediately without prior notice. Such actions may be taken when, in the professional judgment of the college official, a threat of imminent harm to persons or property exists.

Any interim administrative actions taken neither are a part of the hearing process or are the actions taken formal student conduct sanctions. It is taken in an effort to protect the safety and well-being of the respondent, of others, of the college, or of property. An interim administrative action is preliminary in nature; it is in effect only until a hearing for the alleged policy violation(s) occurs and a final outcome is rendered. Interim administrative actions imposed by the vice president for student development and dean of student or his/her designee and are not subject for appeal.

For the Supportive Measures specific to the college's **Sex-based Discrimination and Sex-based Harassment Policy and Grievance Procedures**, refer to [here](#).

Part V: Interpretation and Revision

1. Any question of interpretation regarding the Code shall be referred to the Department of Citizenship Education for final determination. You may contact the Department of Citizenship Education at citizenship@colby-sawyer.edu.
2. The Code shall be reviewed at least every three (3) years under the direction of the vice president for student development and dean of students.

Appendix “A”: Alcohol and Drugs

Expectations regarding Alcohol and Drugs

The college recognizes its duty to educate students, faculty, and staff members concerning the significant problems surrounding the misuse of alcohol and other drugs. The abuse and illegal use of alcohol and other drugs is detrimental to scholastic endeavors, enjoyable social activity, personal growth, and the welfare of the campus community.

Individual Responsibility Statement for Alcohol and Drug policies

All members of the Colby-Sawyer community are expected to be familiar with and abide by college policies governing the use of alcohol and other drugs. Members of the college community, as well as visitors and guests, are legally responsible and also responsible to the college if their behavior, with respect to alcohol or other drug use, jeopardize themselves, the safety or welfare of any person, or result in damage to property. Alcohol or drug consumption is not a valid excuse for inappropriate behavior. Behavior resulting from intoxication, or any chemical substance which causes or can be expected to cause harm to any person, damage to property, or disruption to the college environment is not acceptable and will be dealt with directly through the policies and procedures outline throughout the Code, other relevant college policies, and/or the appropriate federal, state, or local law(s).

Refer to “Annual Security Report” as distributed annually by the Department of Campus Safety, which can be found [here](#), for information about campus resources and New Hampshire State Laws regarding alcohol and illicit drug use as well as information about the Drug-Free Schools and Communities Act of 1989 (Public Law 101-226).

Alcohol: Alcohol Expectations, Resources, and Policies

Alcohol Policies

Confiscated alcohol will be disposed of by authorized college personnel (i.e., Campus Safety officers, Residential Education staff, etc.). Colby-Sawyer College authorized personnel have the right to question and receive clarification from any person regarding containers or rooms that may contain an alcoholic beverage.

If you are under 21

Underage possession of alcohol:

- Underage persons may not possess alcohol.
- Underage students who possess alcohol containers with any amount of alcohol will be considered in possession of alcohol.
- Underage students are prohibited from possessing and displaying alcohol containers. [NH Rev Stat § 179:10 \(2007\)](#)

Underage consumption of alcohol:

Underage persons may not consume alcohol. The determination of whether or not an underage student has/has not consumed alcohol will be based upon:

1. a campus safety officer or law enforcement officer administering a Field Sobriety Test (FST);
2. a campus safety officer or law enforcement officer administering a Alcohol Screening Test (AST) i.e. alcohol saliva screening test (Alco Saliva Screen Test/ASST), Portable Breath Test (PBT) etc.); or
3. based on college official’s physical observation, odor, and need not rely on any mechanical, electrical or chemical sobriety instrument.

New Hampshire State Law prohibits underage persons to internally possess alcohol. Any underage person found to be possessing alcohol internally will also be charged with Underage consumption of alcohol. [NH Rev Stat § 179:10 \(2007\)](#)

Policies that limit the amount and location of alcohol consumption for those over 21 also apply to students under 21 and will serve as additional violations if applicable.

Students aged 21 years old or over and alcohol expectations and policies:

Persons of legal age (21 years old or older) may possess or consume alcohol in residence hall student rooms where at least one of the assigned room and residents is of legal age and present. Persons of legal age may purchase and consume alcoholic beverages in a licensed campus area during college-sponsored events.

The following are prohibited behaviors:

Alcohol use during Vacation Housing Periods:

Persons of legal age may not possess or consume alcohol during temporary housing periods. For example, student under a temporary housing contract for reasons such as, but not limited to: pre-season sports, holidays, time between end of semester and beginning of next semester etc.

For exceptions to this policy refer to the Department of Residential Education Vacation Housing policy located [here](#).

Any student under the age of 21 who violates the Alcohol during Vacation Housing Periods policy will be charged with Underage consumption/possession of alcohol and Alcohol during Vacation Housing Periods along with any other possible policy violations that may apply.

Supplying Alcohol to Minors:

Persons of legal age may not buy, sell, provide, furnish, barter, or exchange alcoholic beverages under any circumstances to/with minors.

New Hampshire also has a Party Host Liability Law. Students should be familiar with their responsibilities under this law. For more information refer to [NH Rev Stat § 644:18 \(2004\)](#)

Persons of legal age when allowing an underage person to consume alcohol in the legal aged person's assigned living space will more than likely be charged with Supplying alcohol to minors.

Open Containers:

Consumption of alcohol and open containers of alcoholic beverages are prohibited in all common or public areas unless at a college sponsored event. Students consuming alcohol in private rooms with the doors open will more than likely be considered consuming alcohol publicly.

Any student under the age of 21 who violates the open container policy will be charged with Underage consumption or possession of alcohol and Open Container along with any other possible policy violations that may apply.

Excessive Possession of Alcohol:

Persons of legal age may not possess more than any one of the following:

- 30, 12-ounce containers of beer or equivalent;
- 20, 12-ounce wine coolers;
- 12, 12-ounce mixed alcoholic packaged beverages;
- one half gallon of wine; or
- 1.75 liters of distilled spirits.

Any student under the age of 21 who violates the Excessive Possession policy will be charged with Underage consumption/possession of alcohol and Excessive Possession along with any other possible policy violations that may apply.

High Risk Consumption:

A student may not drink alcohol in a high risk manner or to the point of intoxication. Any student may not knowingly serve another to the point of intoxication, regardless of age. Behavioral symptoms associated with excessive consumption or intoxication may include: impaired motor skills, difficulty communicating, vomiting, glazed/red eyes, the smell of alcohol on one's breath, verbal and physical aggressiveness, destructive or disruptive behavior, and engaging in any behavior that may endanger oneself or others. The determination of high risk drinking or an intoxicated state will be based upon:

1. a campus safety officer or law enforcement officer administering a Field Sobriety Test;
2. a campus safety officer or law enforcement officer administering a Alcohol Screening Test (AST) with results of .08 BrAC or above i.e. alcohol saliva screening test (Alco Saliva Screen Test/ASST), Portable Breath Test (PBT) etc.); or
3. based on college official's physical observation, odor, and need not rely on any mechanical, electrical or chemical sobriety instrument.

Students who comply with a Campus Safety Officer's or Law Enforcements request to perform any Alcohol Screening Test and whose results reveal a Breath Alcohol Content (BrAC) of .08 with the use of a PBT or above or whose results reveal a above .08 or above with the use of a Alco Saliva Screen Test may have the option to participate in the college's [H.O.P.E. Program](#).

A Student who does not comply with a Campus Safety Officer's or Law Enforcement's request to perform any Alcohol Screening Test will be referred to the New London Police Department as per the Memorandum of Understanding (MOU) between Colby-Sawyer College and the New London Police Department. This student will also likely be charged with Colby-Sawyer College's Failure to Comply policy.

Prohibited Alcohol:

Persons may not possess or consume grain alcohol on the college's owned or leased property. Some examples include, but are not limited to, Moonshine, Everclear, etc.

Any student under the age of 21 who violates the Prohibited Alcohol policy will likely be charged with Underage consumption/possession of alcohol and Prohibited Alcohol along with any other possible policy violations that may apply.

Common Sources of Alcohol:

Persons of legal age may not possess any common source(s) of alcohol on college owned or leased property. Common

sources are only permitted at college sponsored events where the event has received authorization from the Department of Student Activities or the college's events coordinator. Some examples of "common sources of alcohol" could include but not limited to:

- kegs;
- party balls;
- bars – multiple containers of alcohol; and
- alcoholic punches – a homemade beverage consisting of wine or spirits mixed with fruit juice soda, water, etc. and/or served from a common container.

Any student under the age of 21 who violates the Common Sources of Alcohol policy will be charged with Underage Consumption or Possession of alcohol and Common Sources of Alcohol along with any other possible policy violations that may apply.

Drinking Practices that Promote Intoxication/Drinking Games:

Drinking practices that promote intoxication and any paraphernalia that support drinking practices are not allowed. Drinking games are contests or practices in which participant(s) encourage or require participant(s) to consume alcohol. Drinking game paraphernalia could include cards, dice, or board games in the presence of alcohol. Some examples of Drinking Practices that Promote Intoxication could include, but are not limited to:

- Funneling;
- Card games that promote alcohol consumption: "Kings," "Power Hour," "Up and Down the River," etc.;
- "Flip Cup";
- "Pong", "Beer Pong", "Beirut", "Water Pong";
- "Quarters"; and
- Movie drinking games, song drinking games, name games, etc.

Any student under the age of 21 who violates the Drinking Practices that Promote Intoxication/Drinking Games policy will be charged with Underage consumption/possession of alcohol and Drinking Practices that Promote Intoxication along with any other possible policy violations that may apply.

Operating a Motor Vehicle

Students are prohibited from operating motor vehicles while under the influence of alcohol or drugs. [NH Rev Stat § 265-A:2 \(2013\)](#)

Failure to Register a Social Function:

Social events involving or serving alcohol must be registered with at least one person of legal age to consume alcohol and have one designated non-drinking person (sober host) responsible for monitoring the behavior of guests at the event. Only persons of legal age may register a social function. It is expected that all residence who are participants in the social function abide by all college policies including those specified on the Social Function form for the duration of the social function.

For information about registering a social function within a residence halls space, contact **Residential Education** at residential@colby-sawyer.edu. For access to the Social Function Form refer [here](#).

Campus Pub Policy

The campus pub, Galligan's Pub, at Lethbridge Lodge opened in February 2015 in collaboration with the Brewing Science class and offering a menu of locally sourced produce. The pub is managed by college employees and operates in conjunction with college's outsourced food services company. Galligan's Pub is open to students, faculty, staff, alumni and their guests. Galligan's Pub provides a comfortable environment to socialize and promote social responsibility. Pub service includes local beers, wines, and non-alcoholic beverages. The day and hours of operation may vary and will be posted on Colby-Sawyer displays.

The campus pub is a privilege and the college reserves the right to withdraw serving alcohol if inappropriate behavior or illegal drinking occurs.

To consume alcohol at the campus pub:

- must be 21 years of age;
- must provide identification if requested. A valid driver's license, an identification card issued by a department of motor vehicles, an armed services identification card, or a valid passport are acceptable forms of identification.
- Must drink responsibly. Individuals are responsible for the behavior of their guest(s) and to insure that underage guests, including students do not sample or drink an alcoholic beverage. Any unfinished alcohol beverage must be left at the bar. If drinking at a table, any remaining alcohol must be given to the Pub staff.

Alcohol Management:

The Galligan's Pub is licensed to provide beer and wine during hours of operation. Any alcohol consumed at the college pub must be sourced directly from the college pub, and not brought in by an independent source unless licensed to do so.

The campus pub employs the following controls to assure compliance to legal requirements.

- Video cameras/recorders are located in the campus pub to record behaviors.
- Representatives from the New Hampshire State Liquor Commission, law and fire officials have the right to be on the premise of the campus pub at any time and act with legal authority.
- Any person who uses or attempts to use false identification for the purposes of acquiring alcohol at the campus pub will likely be prohibited access to the campus pub when alcohol is being served.
- Drinking games are not permitted in the pub.
- Pub staff will monitor alcoholic consumption levels and will deny alcohol service if intoxication or inappropriate behaviors are apparent.
- Pub staff will provide drinks and confirm the person to be of age to consume alcohol.
- Alcoholic drinks must be consumed in the 1st floor great room of the campus pub unless a special function permits consumption elsewhere

Drugs

Definition

Controlled drugs are defined by law as those having stimulant, depressant, or hallucinogenic effects upon the higher functions of the central nervous system and having potential for abuse or for physiological and psychological dependence or both. Controlled drugs are classified as: amphetamines, barbiturates, cannabis (marijuana), cocaine, morphine-type, hallucinogenic, and other stimulant and depressant drugs, excluding alcohol, nicotine, and caffeine. Synthetic drugs (synthetic marijuana, bath salts and the like) are also prohibited (possession of or by ingestion) at Colby-Sawyer College and New Hampshire state law.

Students who are suspected of possessing, using, or distributing synthetic drugs will be referred to an *Administrative Hearing Board* and face suspension or dismissal from the college. As per the college's Memorandum of Understanding (MOU) with the New London Police Department, information related to synthetic drug possession and use will be forwarded to the New London Police Department.

The following are prohibited behaviors:

The sale or distribution of drugs is interpreted as the:

- transaction;
- exchange;
- gift or offer of; and/or
- prescription, administration, and dispensation of drugs as defined above.

The manufacture of drugs is interpreted as the:

- compounding;
- mixing;
- cultivating, growing;
- processing and/or preparing of controlled drugs.

Students who are suspected of manufacturing or distributing drugs will be referred to an *Administrative Hearing Board* and face suspension or dismissal if found responsible. As per the college's memorandum of understanding with the New London Police Department, information relating to the possible manufacture or distribution of drugs will be forwarded to the New London Police Department.

The possession of drugs is interpreted as:

- having drug under control;
- controlling any premises or vehicle where a controlled drug is illegally kept or deposited; and/or
- aiding, assisting, or abetting a person, knowing that such a person is illegally in possession of a controlled drug.

As per the college's Memorandum of Understanding (MOU) with New London Police Department, possession of 7grams or more of marijuana, baggies, various measured out bundles, a scale, cash or a combination of the aforementioned is enough reasonable suspicion to charge a student with distribution. To access the Memorandum of Understanding with New London Police Department, contact **Campus Safety** at cssafety@colby-sawyer.edu.

The use of drugs is interpreted as:

- ingesting or inhaling controlled drugs;
- ingesting or inhaling another person's prescription drugs; or
- using over the counter medication or products in ways or for purposes other than their intended use.

The possession of drug paraphernalia, which is interpreted as paraphernalia which supports, facilitates, or disguises the use of drugs. Drug paraphernalia could include bongos, clips, pipes, toilet paper rolls with fabric softener on them, modified soda bottles, etc.

Operating a Motor Vehicle

Students are prohibited from operating motor vehicles while under the influence of alcohol or drugs. [NH Rev Stat § 265-A:2 \(2013\)](#)

Federal Drug Trafficking Penalties

Colby-Sawyer College students, employees, visitors and guests are responsible for informing themselves of federal and state laws prohibiting the use, possession, manufacture or sale of controlled drugs. The federal and state laws concerning controlled drugs are supported by Colby-Sawyer College. The college will not interfere with the legal prosecution of anyone who is apprehended using drugs. Drug violations may be either misdemeanor or felony offenses. For more information regarding Alcohol/Drug Laws please refer to the Annual Security Report which can be found [here](#).

Sanctions for College Alcohol of Drug Policy Violations

The purpose of sanctions is to educate students and strengthen the community. When students violate the Code of Community Responsibility, one or more of the following sanctions may be imposed. Sanctions may include but are not limited to:

- Disciplinary Probation
- Educational Program or Service Project
- Restitution
- Fine
- Behavioral Agreement
- Loss of Privileges
- Housing Contract Probation or Suspension
- Probationary Suspension
- Suspension
- Dismissal

Resources On & Off Campus

On Campus

Refer to [H.O.P.E.](#) and [alcohol education programs](#) for a list of resources on campus surrounding drugs and alcohol.

Off Campus Organizations

- Headrest Hotline: Call (603) 448-4872 or visit their Web page [here](#) (a 24-hour crisis intervention and information and referral hotline dealing with suicide, alcohol, other drug problems, AIDS, etc.)
- Alcoholics Anonymous: Call (800) 593-3330 or visit their Web page [here](#) (information and support regarding

alcohol and alcohol abuse)

- Al-anon Alateen: Call (603) 369-6930 or visit their Web page [here](#) (a fellowship of young people, whose lives have been affected by someone else's drinking)

Please contact **Baird Health and Counseling** at bhcc@colby-sawyer.edu for information of the off campus resources specific to drugs and alcohol.

NH State Laws Regarding Alcohol and Drugs

For additional information specific to New Hampshire State Laws regarding alcohol and illicit drugs refer to New Hampshire Revised Statutes specific to drugs [NH Rev Stat § 318-B:2 \(2016\)](#) or contact New London Police Department for assistance.