FAQ for Families and Advocates

Q: What is the purpose of the Code of Community Responsibility (Code)?
A: The interest 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 as well as their student rights and responsibilities as outlined throughout the Code.

To review the Code, refer to https://www.colby-sawyer.edu/code-of-conduct.

Q: Will I be notified if my student violates the Code of Community Responsibility?
A: 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 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 polices. Notification may be deferred at the discretion of the vice president of student development and dean of students or his/her 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.

Q: What are the different types of hearing forums?
A:

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 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), complainants(s), witnesses, and the members of the hearing forum, the hearing forum 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-based Discrimination and 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 maybe assigned cases of alleged student conduct violations that could result in sanctioning from a written warning, educational assignment, fines or restitution, 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 advise hearing board members, complainants, and respondents on 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 sexual misconduct) 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 advise 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 pertaining to 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 refer to this link.

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.

Q: Can my student request an accommodation for the hearing process for his/her documented disability?
A: Yes, 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.

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.

Q: What type of hearing forum will my student receive?
A: The type of hearing forum which a hearing is referred to depends on allegation(s) and circumstances surrounding the incident.

For more information regarding hearing forums, refer to **Hearing Forum section** as outlined in the Code of Community Responsibility.

Q: What is my role throughout my students hearing process?
A: As a parent, guardian, and/or student advocate, your role is to help your student by being supportive while holding them accountable to your expectations and the college's expectations. You can also help identify and provide necessary interventions such as alcohol or drug evaluations and/or any others so that your student can be successful at Colby-Sawyer College. Allow and expect your student to set necessary appointments with the appropriate departments to seek clarification about the hearing process or other area's throughout the Code etc., and ensure your student attends meetings and completes any and all sanctions that may be assigned if your student is found responsible for violating college policies. It is not educationally beneficial for the student, or resolution of that matter, for parents to "take over" the process for the student. It is important to remember that the conduct process is designed for the student to learn and grow.

Q: What are sanctions?
A: 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-proposed sanction(s). All sanction(s) (including self-proposed 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").

For a list of possible sanctions, refer to the **sanction section** that is outlined Code of Community Responsibility.

Q: Can my student submit an appeal?
A: Yes, a student who has participated in the conduct 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). It is within a student's right to submit appeal.

In cases involving harming behaviors, endangering behaviors, hazing, retaliation, policy violations outlined in the Sexual Misconduct Policy, and/or policies outlined in the Title IX Sexual Harassment Policies and 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 Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures, please refer to the Sex Discrimination, Harassment, and Sexual Misconduct Policy and Grievance Procedures.

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) appealing 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 body;
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.

For more specific information regarding the appeal process and steps to the student needs to take to submit an appeal, refer to the **Appeal section** as outline in the Code of Community Responsibility.

Q: What does a sanction do to my student's record?
A: The Department of Citizenship Education retains disciplinary records in accordance with the following.

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.

For more specific information regarding records maintenance, refer to the **Student Conduct Maintenance and Review section** as outlined in the Code of Community Responsibility.

Q: Will conduct sanctions appear on my educational transcript?
A: Yes, depending on the sanction and the violation the student was found responsible for. 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 more specific information regarding records maintenance, refer to the **Student Conduct Maintenance and Review section** as outlined in the Code of Community Responsibility.

Q. My student was charged by the police. Why are they also being charged by the college for a Code Violation?
A: The college reserves the right to take action based on any student conduct, regardless of location, that is contrary to the pursuit of the educational mission of the college or that may adversely, distinctly or directly affect the college community. Therefore, it is possible for students involved in the student conduct process to also be involved in a separate, legal process.

While many of the college standards of conduct parallel the laws of society in general, the college sets standards that are higher and more stringent than those found elsewhere in society. The purpose of our conduct process is to reinforce and encourage the development of good decision-making and personal integrity and to teach these skills where they are lacking. It is the college's goal that your student make his/her way through any aspect of the conduct process, your student will leave that process as a better educated student, a better member of the college community, and a better global citizen.
For more specific information regarding the college's **Jurisdiction of Colby-Sawyer College section** and the **Student Conduct Process and Procedures section** refer to Code of Community Responsibility.

Q: My student would never do anything like this so why is he/she being charged?
A: For some students, college is a time of exploration, experimentation, and testing. They may be in a period of transition from late adolescence to adulthood. They may also be away from home and the daily influence of their parents for the first time. As students are testing the beliefs and values they learned at home, some may make choices that are inconsistent with these values. Such testing is a normal part of the developmental process. However, students must also learn that the choices they make may not be healthy and may have consequences. The conduct system is designed to educate and assist students with these choices and help them make appropriate decisions.

If you have reviewed the Code and you find that you have additional questions about the contents of this document, please contact the Department of Citizenship Education at citizenship@colby-sawyer.edu. If you would like to speak to someone from the Department of Citizenship Education concerning the student conduct process please e-mail your contact number and a date and time that you will be available to talk.

Thank you.