

# **Kalamazoo College**

## **Student Code of Conduct**

The mission of Kalamazoo College is to prepare its graduates to better understand, live successfully within, and provide enlightened leadership to a richly diverse and increasingly complex world. The Student Code of Conduct (also referred to as the Code) is rooted in this mission, and in the Honor System, our mutually held principles freeing us to create an environment of living and learning that will foster understanding, mutual respect, intellectual curiosity, and social commitment. The Code describes minimal expectations, in the form of proscribed behavior, necessary to pursue our mission and to enact the principles of the Honor System. The Honor System calls us to higher ideals than the minimal expectations of the Code.

### ***The Honor System***

The mission of Kalamazoo College is to prepare its graduates to better understand, live successfully within, and provide enlightened leadership to a richly diverse and increasingly complex world. Members of the Kalamazoo College community come to teach, study, and work here because the College's mission and community statements correspond to their values. This community of individuals holds these values in common, despite its diversity. However, we recognize that this community is a fragile balance of cooperation, goodwill, and dependence, ever in need of renewal as new members enter it.

The Honor System is a set of mutually held principles freeing us to create an environment of living and learning that will foster understanding, mutual respect, intellectual curiosity, and social commitment. We ask the members of the Kalamazoo College community to pledge themselves to creating and protecting a sense of honor in their lives, and we call upon them to act when they observe actions that are in conflict with these principles.

### ***Taking Responsibility for Personal Behavior***

To develop academic and social growth, we commit ourselves to free inquiry, openness to different points of view, and honesty in speech and conduct. In our attitudes and actions, we aim beyond selfishness and parochialism.

### ***Respecting Others***

To enhance our community, we accept responsibility for its social well-being. We commit ourselves to treat with respect those with whom we differ, to recognize the rights held by others, and to attempt to resolve conflicts. Expressions of prejudice are contrary to this mutual respect and prevent the fostering of community.

### ***Nurturing Independent Thought***

To safeguard the integrity of academic work and research, we accept responsibility for our own scholarly performance. We regard false representation of our scholarly work as unacceptable because it undermines our integrity and that of the community. We commit ourselves to knowing under what conditions scholarly research is to be conducted, the degree of collaboration allowed, and the resources to be consulted.

### ***Accepting Environmental Responsibility***

To maintain and improve the condition of our physical environment, we commit ourselves to the respectful and prudent stewardship of our community's material and natural resources.

Approved by the Kalamazoo College Faculty: October 29, 1990; November 26, 1990; November 14, 2011

## **PREAMBLE**

Kalamazoo College is a fellowship in learning that develops educated citizens by combining scholarship, civic engagement, and in-depth living experiences in other countries. The College is also committed to preserving peace, promoting social justice, and protecting its property and that of its community members. Therefore, the College has established this Student Code of Conduct to communicate the expected standards of behavior essential to the College's educational mission and community life.

The Kalamazoo College Student Code of Conduct describes a disciplinary process that is educational and helps students grow into responsible persons. It is not a substitute for criminal or civil law. Therefore, procedural issues are handled with an educational focus. This Student Code of Conduct is not an exhaustive attempt to codify every possible type of problematic behavior, and it is not a contract between the College and its students. Kalamazoo College may amend this Code of Conduct with or without advance notice.

## **ARTICLE I: DEFINITIONS**

1. The term "academic days" means Kalamazoo College class days, exam days, and reading days. During times other than academic terms, the College reserves the right to resolve student Conduct matters if possible and abiding by the general principals included in the Code of Conduct.

1a. The term "College" means Kalamazoo College.

1b. The term "Code" means this Kalamazoo College Student Code of Conduct.

2. The term "student" includes:

- all persons taking courses at the College, either full-time or part-time, or
- persons who withdraw after allegedly violating the Code, or

- persons who are not officially enrolled for a particular term but who have a continuing relationship with the College, or
- persons who have been notified of their acceptance for admission.
- This Code applies at all locations of the College, including study abroad countries, other states, and LandSea. This Code applies to students studying away from campus, domestically or abroad.

3. The term "faculty member" means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.

4. The term "College official" includes any person employed by the College, performing assigned administrative or professional responsibilities.

5. The term "member of the College community" includes any person who is a student, staff member, faculty member, or College official. A person's status in a particular situation shall be determined by the Dean of Students or his/her designee.

6. The term "College premises" includes all land, buildings, facilities, and other property in the possession of, owned, used, or controlled by the College (including adjacent streets and sidewalks).

7. The term "organization" means any number of persons who have complied with the formal requirements for College recognition.

8. The term "charge" refers to a formal allegation of a violation of the Student Code of Conduct described in a letter sent to a student whose conduct is in question.

9. The term "Student Conduct Hearing Panel" means any person or persons authorized by the Dean of Students to determine whether a student has violated the Code and to determine sanctions that may be imposed when a violation has been committed.

10. The term "Student Conduct Administrator" means a College official authorized on a case-by-case basis by the Dean of Students or his/her designee to coordinate the student conduct process. The Dean of Students or designee may authorize a Student Conduct Administrator to serve simultaneously as a Student Conduct Administrator and as a Hearing Officer, or one of the members of the Student Conduct Hearing Panel. The Dean of Students or his/her designee may authorize the same Student Conduct Administrator to impose sanctions in some or all cases. The Student Conduct Administrator is also a Hearing Officer.

11. The term "hearing" refers to the meeting to determine whether violations of the Student Code of Conduct have occurred. It may also be referred to as a "student conduct hearing."

12. The term "hearing officer" refers to persons authorized by the Dean of Students to conduct hearings and determine sanctions that may be imposed when a rules violation has been committed.

13. The term "witness" refers to those with first-hand, direct knowledge of an incident.
14. The term "Appeal Board" means any person or persons authorized by the Dean of Students or his/her designee authorized to consider an appeal from a student regarding a Hearing Panel or hearing officer's determination as to whether that student has violated the Code or from the sanctions imposed by the Student Conduct Hearing Panel or hearing officer.
15. The Dean of Students is that person designated by the College President to be responsible for the administration of the Student Code of Conduct.
16. The term "policy" means the written regulations of the College as found in, but not limited to, the Code, Residential Life Handbook, the College web page and computer use policy, undergraduate catalog, College approved externships and internships, and the Center for International Programs.
17. The term "cheating" includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems; or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the College community; (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
18. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
19. The term "consent" is defined as the act of freely, actively, and willingly agreeing to engage in sexual behavior. Silence or non-communication does not constitute consent, and a person in a state of diminished judgment cannot be considered to consent. Consent requires that a person be able to freely choose between two options: yes and no. Consent must be mutually understandable. A person is considered to be incapable of giving consent if she/he is asleep, unconscious, or otherwise unable to communicate. No one who has been intimidated, threatened, coerced or drugged can be considered to consent. A person is usually considered to be unable to give consent when she/he is under the influence of alcohol and/or drugs, or is mentally handicapped. A current or prior sexual or dating relationship does not constitute consent. A person can withdraw consent at any time during the course of a sexual encounter. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact.
20. The term "Complainant" means any person who submits a charge alleging that a student violated this Student Code of Conduct. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code as are provided to the complainant, even if another member of the College community submitted the charge itself.

21. The term "Accused Student" means any student accused of violating this Student Code of Conduct.

## **ARTICLE II: STUDENT CODE AUTHORITY**

1. The Student Conduct Administrator determines which Student Conduct Hearing Panel, Hearing Officer, or Appeal Board hears each matter.
2. The Dean of Students or his/her designee develops policies for the administration of the student conduct system. The Dean of Students or his/her designee also develops procedural rules for the Student Conduct Hearing Panel consistent with provisions of the Student Code of Conduct.
3. Decisions made by a Student Conduct Hearing Panel or hearing officer are final, pending the normal appeal process.

## **ARTICLE III: PROSCRIBED CONDUCT**

### **A. Jurisdiction of the College Student Code of Conduct**

The College's Student Code of Conduct applies to conduct that occurs:

- on College premises,
- at College sponsored activities, and
- off-campus

that adversely affects the College community or the pursuit of its objectives. Each student is responsible for his or her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end. Each student is also responsible for his or her conduct during the academic year and between terms of enrollment, even if conduct is not discovered until after a degree is awarded. The Code applies to a student's conduct even if the student withdraws from the College while a disciplinary matter is pending. The Dean of Students or her designee decides on a case-by-case basis whether to apply the Code to conduct occurring off campus.

### **B. Conduct-Rules and Regulations**

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV.

1. Acts of dishonesty, including but not limited to the following:
  - Cheating, plagiarism, or other forms of academic dishonesty. Please refer to: [Academic Dishonesty](#)
  - Furnishing false information to any College official, faculty member, or office.

- Forgery, alteration, or misuse of any College document, record, or instrument of identification.

2. Disruption or obstruction of:

- Teaching
- Research
- Administration
- Disciplinary proceedings
- College activities, including public service functions on or off campus,
- Any other activity when the conduct occurs on College premises.

3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, or other conduct that threatens or endangers the health or safety of any person.

4. Sexual contact without consent. Please refer to <https://reason.kzoo.edu/studev/policies/sexassault/> for more information.

5. Sexual and other harassment as defined at <http://www.kzoo.edu/hr/PostingsPolActive/HarPolEd14Dec06.pdf>

6. Theft, attempted theft, or damage to any property on or off campus.

7. Hazing, defined as an act which:

- endangers the mental or physical health or safety of a student, or
- destroys or removes public or private property

For the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim is not a defense. Apathy or acquiescence in the presence of hazing are violations of this rule.

8. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties, or failure to identify oneself to these persons when requested to do so.

9. Unauthorized possession, duplication, or use of keys to any College premises. Unauthorized entry to or use of College premises.

10. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College website. See [Related Policies](#) and [Security website](#).

11. Violation of any federal, state, or local law.

12. Misuse of any prescription drug. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.

Drug paraphernalia is prohibited in all areas on campus. This includes the possession, use, or sale of drug paraphernalia, including but not limited to pipes, bong, and any other item used for the manufacture, distribution, sale, or use of illegal drugs.

13. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by College regulations). Public intoxication is prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age. Full alcohol policy can be found at:

<https://reason.kzoo.edu/studev/policies/alcohol/>

14. Illegal or unauthorized possession of firearms, explosives, weapons, or dangerous chemicals on College premises. Even if a student legally possesses any such item, use of these items in a manner that harms, threatens, or causes fear to others is prohibited.

15. Participating in an on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of the College or infringes on the rights of other members of the College community. Leading or inciting others to disrupt scheduled or normal activities within any campus building or area.

16. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored or College-supervised functions.

17. Conduct that is disorderly, lewd, or indecent; breach of peace; aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by, the College or members of the academic community. Disorderly conduct includes but is not limited to any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

18. Theft or other abuse of computer facilities and resources, including but not limited to:

- Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose, or
- Unauthorized transfer of a file, or
- Use of another individual's identification and/or password, or
- Use of computing facilities and resources to interfere with the work of another student or employee
- Use of computing facilities and resources to send obscene or abusive messages, or
- Use of computing facilities and resources to interfere with normal operation of the College computing system, or
- Use of computing facilities and resources in violation of copyright laws, or
- Any violation of the College Computer Use Policies listed at <http://www.kzoo.edu/is/sysnet/policylist.shtml>.

19. Abuse of the Student Conduct System, including but not limited to:

- Failure to obey the notice from a Student Conduct Hearing Panel or College official to appear for a meeting or hearing as part of the Student Conduct System, or
- Falsification, distortion, or misrepresentation of information before a Student Conduct Hearing Panel, or
- Disruption or interference with the orderly conduct of a Student Conduct Hearing Panel proceeding, or
- Initiating a student conduct proceeding in bad faith, or
- Attempting to discourage an individual's proper participating in, or use of, the student conduct system, or
- Attempting to influence the impartiality of a member of a Student Conduct Hearing Panel prior to, or during the course of, the Student Conduct Hearing Panel proceeding, or
- Harassment (verbal or physical) or intimidation of a member of a Student Conduct Hearing Panel prior to, during, or after a Student Conduct Hearing Panel proceeding, or
- Failure to comply with the sanction(s) imposed under the Student Code of Conduct, or
- Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

20. Students are required to engage in responsible social conduct that reflects credit upon the College and to model good citizenship in any community. Policies outlined in the Kalamazoo College Study Abroad Handbook at [https://reason.kzoo.edu/cip/k\\_students/abroad/](https://reason.kzoo.edu/cip/k_students/abroad/) also pertain to student conduct.

21. Students are responsible for complying with the published Residential Life Policies and Regulations. Policies and Regulations are found at: <https://reason.kzoo.edu/reslife/policies/>

22. Students are responsible for complying with Kalamazoo College Security. Policies and Regulations are found at: <https://reason.kzoo.edu/security/>

23. Students are responsible for complying with the Campus Life Policies and Regulations. Policies and Regulations are found at: <https://reason.kzoo.edu/studentactivities/>

### C. Violation of Law and College Discipline

1. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to pending civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Students or his/her designee. Determinations made or sanctions imposed under this Code are not subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against a defendant.

2. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Code, the College may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters are typically handled within the College community. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

#### **ARTICLE IV: STUDENT CONDUCT HEARING PROCEDURES**

##### **A. Complaints and Student Conduct Hearings**

1. Any member of the College community may file a complaint or charge against a student for violations of the Student Code of Conduct. A complaint or allegation must be prepared in writing and directed to the Student Conduct Administrator. Any complaint or allegation should be submitted as soon as possible after the event takes place.

2. The Student Conduct Administrator conducts an investigation to determine if the allegations have merit.

- If the Student Conduct Administrator finds that the allegations have merit, the Student Conduct Administrator, with the mutual consent of the parties involved, determines whether the matter can be resolved through a hearing with the Student Conduct Administrator. If the parties involved choose to have the matter resolved through a hearing by the Student Conduct Administrator, the parties may not later choose to have a hearing by a different Student Conduct Administrator. If the accused student does not admit the allegations or the matter cannot be resolved by mutual consent, the Student Conduct Administrator may later serve in the same matter as a Hearing Officer. If the Accused Student admits violating the Student Code of Conduct but does not agree to sanctions, subsequent process, including a hearing if necessary, is limited to determining the appropriate sanction(s).

3. A Student Conduct Administrator presents all charges to the Accused Student in writing. A Student Conduct Administrator sets a time for a Student Conduct Hearing, not less than five nor more than fifteen calendar days after the notice has been sent to the Accused Student. Maximum time limits for scheduling of Student Conduct Hearing Panel hearings may be extended at the discretion of the Student Conduct Administrator. Except in extraordinary circumstances, only cases that could reasonably result in a sanction of Suspension or Expulsion will be heard by the Student Conduct Hearing Panel. All other cases will be resolved through an administrative hearing conducted in accord with the guidelines outlined below.

4. Students accused of a first incident of academic dishonesty (Article III, Number 1) will generally have their case resolved by the faculty member teaching the course in which

dishonesty is suspected. Faculty members will meet with the student to discuss the alleged dishonesty, and will determine the appropriate sanction if they conclude that academic dishonesty occurred. Faculty members will also report first incidents of academic dishonesty to Student Development. The appropriate hearing officer in Student Development will meet with the student and will formalize the finding of academic dishonesty, which will become part of the student's conduct record at the College. Subsequent allegations of academic dishonesty will be resolved through the usual Student Conduct Hearing Procedures as outlined in Article IV (5) below.

5. Student Conduct hearings, whether conducted by a hearing panel or hearing officer, are conducted according to the following guidelines except as provided by article IV (A) (7) below:

- Students facing charges are afforded the following as part of the Conduct process at Kalamazoo College: a hearing, written notification of charges and their basis, the opportunity to present information about the alleged incident(s), advising by a member of the College community, the opportunity to challenge witness statements, the opportunity to call forth material witnesses, confidentiality in accordance with the Family Educational Rights and Privacy Act, to be considered not responsible for violating the Code until determined so, and the opportunity to appeal a decision on specific grounds.
- Student Conduct Hearing Panel hearings are normally conducted in private.
- The Complainant, Accused Student, and their advisors (if any) are allowed to attend the portion of the Student Conduct Hearing Panel hearing at which the Hearing Panel receives information. The Complainant, Accused Student, and their advisors (if any) may not attend Student Conduct Hearing Panel deliberations. Admission of any other person to the Student Conduct Hearing Panel hearing is at the discretion of the Student Conduct Hearing Panel or its Student Conduct Administrator.
- In Student Conduct Hearing Panel hearings involving more than one Accused Student, the Student Conduct Administrator, at his or her discretion, may permit each student's hearings to be conducted either separately or jointly.
- The Complainant and the Accused Student have the right to be assisted by an advisor they choose. The advisor must be a member of the College community and may not be an attorney. The Complainant or the Accused Student is responsible for presenting his or her own information. Advisors are not permitted to speak or to participate directly in any Student Conduct Hearing Panel hearing before a Student Conduct Hearing Panel. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Hearing Panel hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.
- The Complainant, the Accused Student, or the Student Conduct Hearing Panel may arrange for witnesses to present pertinent information to the Student Conduct Hearing Panel. The College will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the Complainant or Accused Student at least two (2) academic days prior to the Student Conduct Hearing Panel. Witnesses will provide information to and answer questions from the Student Conduct Hearing Panel. Questions may be suggested by the Accused Student or Complainant to be answered by each other or by other witnesses. The Student Conduct Hearing Panel members will direct questions to the chairperson of the Hearing Panel

rather than to the witness directly. This method preserves the educational tone of the hearing and avoids creating an adversarial environment.

- Relevant records, exhibits, or written statements (including Student Impact Statements) may be accepted as information for consideration by a Student Conduct Hearing Panel at the discretion of the chairperson in consultation with the Student Conduct Administrator.
- All procedural questions are subject to the final decision of the chairperson of the Student Conduct Hearing Panel, in consultation with the Student Conduct Administrator.
- After the information gathering portion of the Student Conduct Hearing Panel hearing concludes, the Student Conduct Hearing Panel determines (by majority vote if the Student Conduct Hearing Panel consists of more than one person) whether the Accused Student has violated the Student Code of Conduct.
- The Student Conduct Hearing Panel's determination is made on the basis of whether it is more likely than not that the Accused Student violated the Code.
- Formal rules of process, procedure, or legal rules of evidence applied in criminal or civil court are not used in Code of Conduct proceedings.

6. There is a single record, such as a written summary or tape recording, of all Student Conduct Hearings before a Student Conduct Hearing Panel. Deliberations are not recorded. The record is the property of the College.

7. The information in support of the charges is presented and considered at the Student Conduct Hearing even if the Accused Student is not present.

8. The Student Conduct Hearing Panel may accommodate concerns for the personal safety, well-being, or fear of confrontation of the Complainant, Accused Student, or other witness during the hearing by providing separate facilities, by using a visual screen, or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Dean of Students or his/her designee to be appropriate.

## B. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:

- Warning - A notice in writing to the student that the student is violating or has violated the Kalamazoo College Student Code of Conduct.
- Probation - A written reprimand for violation of the Kalamazoo College Student Code of Conduct. Probation is for a specific period of time and includes the possibility of more severe disciplinary sanctions if the student is found responsible for violating the Kalamazoo College Student Code of Conduct during the probationary period.
- Loss of Privileges - Denial of specified privileges for a specific period of time.
- Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service, monetary compensation, or material replacement.
- Discretionary Sanctions - Work assignments, essays, service to the College, or other assignments at the discretion of the Hearing Officer of Hearing Panel.

- Residence Hall Suspension - Separation of the student from the residence halls for a specific period of time, after which the student is eligible to return. The College may specify conditions for readmission.
- Residence Hall Expulsion - Permanent separation of the student from the residence halls.
- College Suspension - Separation of the student from the College for a specific period of time, after which the student is eligible to return. The College may specify conditions for readmission.
- College Expulsion - Permanent separation of the student from the College.
- Revocation of Admission - Admission to the College may be revoked for acts committed by a student prior to matriculation that violate College policies or the College Student Code of Conduct, including but not limited to: fraud, misrepresentation, or other acts in violation of College policy.
- Withholding Degree - The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code of Conduct, including the completion of all sanctions imposed.
- Revocation of Degree - A degree awarded from the College may be revoked for acts committed by a student prior to graduation that violate College policies or the College Student Code of Conduct, including but not limited to: fraud, misrepresentation, or other acts in violation of College policy.

2. More than one of the sanctions listed above may be imposed for any single violation.

3. Disciplinary sanctions are part of the student's disciplinary record. Disciplinary sanctions are not part of the student's permanent academic record except in cases of College expulsion, suspension, withholding of a degree, or revocation of a degree. Student disciplinary records are expunged seven years after graduation, except when disciplinary action includes academic dishonesty, residence hall expulsion, removal from Study Abroad, College suspension, College expulsion, withholding of a degree, or revocation of a degree. Upon graduation, a student may apply to the Student Conduct Administrator for the College to immediately expunge the student's disciplinary record of disciplinary actions other than residence hall expulsion, removal from Study Abroad, College suspension, College expulsion, withholding of a degree, or revocation of a degree.

4. The following sanctions may be imposed upon College groups or College organizations:

- Those sanctions listed above in Article IV (B) (I) (a)-(e).
- Loss of selected rights and privileges for a specified period of time.
- Deactivation. Loss of all privileges, including College recognition, for a specified period of time.

5. Decisions made by the Student Conduct Hearing Panel or a Hearing Officer are final pending the normal appeal process. Following a student conduct hearing, the Student Conduct Hearing Panel and the Student Conduct Administrator or Hearing Officer advise the Accused Student, group, or organization in writing of its determination and of the sanction(s) imposed. In the case of violations involving violence, including sexual misconduct, the complaining student will also be notified of the outcome of the Hearing.

### C. Interim Suspension

In some circumstances, the Dean of Students or his/her designee may impose an interim suspension prior to the Student Conduct Hearing.

1. Interim suspension may be imposed at the discretion of the Dean of Students:

- to ensure the safety and well-being of members of the College community or preservation of College property; or
- to ensure the student's own physical or emotional safety and well-being; or
- if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.

2. During the interim suspension, a student cannot access some College facilities or activities. The Dean of Students, his/her designee, or a Conduct Administrator determines the appropriate limitations. These limitations may include but are not limited to:

- Kalamazoo College residence halls or
- the Kalamazoo College campus (including classes) or
- all other College activities or privileges for which the student may otherwise be eligible.

3. The interim suspension does not replace the Hearing process. An Accused Student is entitled to the Hearing process while on interim suspension.

### D. Appeals

1. The Accused Student(s) or Complainant(s) may appeal a finding or sanction determined by the Student Conduct Hearing Panel or by the Student Hearing Officer. Notice of intent to appeal must be provided to the Student Conduct Administrator within (3) academic days. The appeal is due to the Appeal Board within five (5) academic days of the decision. Appeals must be in writing and delivered to the Student Conduct Administrator or his/her designee.

2. Appeals are limited to a review of the record of the Student Conduct Hearing and supporting documents except when presenting new information relevant to the case. Appeals must be based on at least one of the following:

- **Process.** A student may appeal to determine whether: 1) the hearing was conducted fairly in light of the charges and information presented, or 2) the complaining party had a reasonable opportunity to prepare and to present information, or 3) the Accused Student had a reasonable opportunity to prepare and to present a response to those allegations. Deviations from hearing procedures outlined above are not a basis for sustaining an appeal unless significant prejudice results.
- **Factual basis.** A student may appeal to determine whether the Hearing Panel or Hearing Officer based their decision on sufficient information. "Sufficient information" means that, under the facts of the case, it is more likely than not that a violation of the Code occurred.

- **Sanctions.** A student may appeal to determine whether the sanction(s) imposed were appropriate for the violation(s) of the Code.
- **New information.** A student may appeal to present new information sufficient to alter a decision. These must be relevant facts not brought out in the original hearing because they were not known to the person appealing at the time of the original conduct hearing.

3. The Appeal Board determines whether an appeal meets the conditions for appeal set forth above. If the conditions are met, the Appeal Board will entertain the appeal. If the conditions are not met, the Appeal Board will not address the appeal. The Appeal Board does not hear oral testimony except at the Appeal Board's request. Testimony is limited to cases involving new information.

4. The Appeal Board has the authority to uphold or modify the decision of a Student Conduct Hearing Panel. This may include increasing or decreasing the original sanction(s) or referring the matter back to the original Student Conduct Hearing Panel for the Hearing Panel or Hearing Officer to reconsider the original determination or sanction(s). The Appeal Board's decision is final and binding upon all involved in the matter.

#### **ARTICLE V: INTERPRETATION AND REVISION**

A. The Dean of Students or his/her designee resolves any question of interpretation or application of the Student Code of Conduct.

B. The Student Code of Conduct is reviewed periodically under the direction of the Student Conduct Administrator.

This code of student conduct is adapted from Edward N. Stoner II and John Wesley Lowery, "Navigating Past the 'Spirit of Insubordination': A Twenty-First Century Model Student Conduct Code with a Model Hearing Script," *Journal of College and University Law*, Vol. 31, No. 1 (2004) 1-77.

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