



# Student Handbook

## 2017-2018

*Disclaimer: The Keystone College Student Handbook was updated on August 17<sup>th</sup>, 2017. This version supersedes all other versions.*

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## KEYSTONE COLLEGE STUDENT HANDBOOK

### STUDENT LIFE STATEMENT OF PURPOSE

The primary role of Student Life involves the development, implementation, and assessment of programs and services designed to enhance student engagement and retention. Working closely and collaboratively with all areas of the institution, Student Life professionals contribute their knowledge of student development theory and best practices beginning with pre-engagement admissions activities through post-engagement involvement with alumni. Programs and services directly under the purview of Student Life professionals are delivered in a strategic and developmental manner, providing ample opportunities for all students to participate in and benefit from their total college experience. Additionally, these programs and services emphasize and promote educationally-purposeful activities and, whenever possible, attempt to seamlessly link in-class learning with out-of-class activities.

#### STUDENT LIFE CORE VALUES

**Diverse and inclusive campus community:** We value students as diverse and unique individuals all equally appreciated in their own right. We value the opinions of all and seek to foster open communication.

**Student-centered community:** We value the personal growth and development of our students who are encouraged, challenged, and expected to grow as human beings by engaging in new experiences and programs.

**Academic community:** We value academic success and recognize that learning takes place in and out of the classroom. Student Life actively builds collaborative relationships with all other divisions of the College. We promote the building of residential learning communities and encourage service learning that focuses on societal issues.

**A professional and ethical community:** We value the professional growth, development, and ethical conduct of our staff. We honor our commitments and use the principles of honesty and trustworthiness to guide our decisions and practices.

**A resourceful community:** We value our service to students, by supporting the College community in its challenge to promote an environment that enhances student success.

**A global community:** We value the College's role as a member of a global community through support of global learning initiatives.

**A green community:** We value the natural environment through our commitment to support the College's environmental stewardship initiatives.

## STUDENT CODE OF ETHICS

Keystone College is dedicated to generating and imparting knowledge through excellent teaching and research, the rigorous and respectful exchange of ideas, and community living. As a member of this community:

*I will respect the tradition of academic inquiry, the College's rules of conduct, and its Mission.*

*I will respect the opinions and differences of all members of the Keystone community.*

*I will practice civility and demonstrate conduct that reflects the values of the institution and I will respect the rights and property of the College and its members.*

*I will be diligent and honest in my personal and academic endeavors.*

*I will exhibit appropriate behavior both on and off campus that does not interfere with academics, research, administrative, student conduct, and other College activities.*

*I will adhere to all student conduct procedures including provision of accurate information and the completion of sanctions.*

*I will respect the rights of others and adhere to all duly established College, local, state, and federal laws.*

*I will report violations of the Student Code of Conduct to Student Life or Campus Safety.*

*I will refrain from actions that deny other members of the community their rights.*

*I will adhere to the instructions of College employees acting within the scope of their employment.*

*I will preserve the privacy of other individuals and groups, and respect the property of individuals, groups, the neighboring community, and the College itself.*

*I will follow and respect all policies established by the College.*

## **STUDENT CODE OF CONDUCT**

### **ARTICLE I**

#### **INTRODUCTION AND PURPOSE**

Keystone College has been charged with the responsibility of providing students with an educational experience that prepares them to participate in a rapidly changing world, and to do so with a commitment to the highest moral and ethical standards. To achieve this end, Keystone College has outlined a set of desired values and attitudes considered to be the foundation of intellectual and moral integrity in our future leaders. Keystone College has prepared this statement to outline behaviors expected of students in the campus environment. It is anticipated that this conduct will be carried forth in their lives beyond the college experience.

Students are responsible for the consequences of their actions. The College's Student Code of Conduct addresses three major areas of moral integrity including: 1) academic honesty, 2) respect for rules and policies, and finally, 3) respect for themselves and their community. The first two are more readily established because they relate to written rules, policies, and laws, which are stated in the Student Code of Conduct and in local, state, and federal codes. Civility, the respect for people, is the foundation upon which these first two principles rest.

#### **AUXILIARY AIDS AND SERVICES**

Students with disabilities as defined by the Americans with Disabilities Act requiring special accommodations should notify the Coordinator of Student Conduct in writing at least three (3) calendar days prior to their meeting or hearing.

#### **DISCRIMINATION**

Keystone College does not discriminate on the basis of sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or any other protected status. This policy is consistent with Title IX of the Education Amendments of 1972. For the full policy, please visit [www.keystone.edu/title-ix](http://www.keystone.edu/title-ix). Violation of this policy should be reported to the Dean of Student Life.

## ARTICLE II

### DEFINITIONS

Academic Dishonesty – The term “academic dishonesty” includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff (See [College Catalog](#) for additional information).

Advisor – The complainant and the respondent will be entitled to the assistance of an advisor of his or her choice, who is both eligible and available. The advisor may be present for all phases of the process to provide support, counsel, and advice regarding a conduct process. The advisor is not a representative of any party or the College and may not present evidence in the proceedings. In any hearing in which the respondent is a group, the group will be permitted to have only one advisor and must agree among themselves on who the advisor will be.

All-College Student Conduct Board – The term “All-College Student Conduct Board” means persons authorized by the Coordinator of Student Conduct or the Dean of Student Life to conduct hearings in order to determine whether a student(s) or student group(s) has violated the Student Code of Conduct and to impose sanctions.

Appeals Process – The term “appeals process” refers to a student’s action to appeal the sanction(s) upon the receipt of the All-College Student Conduct Board’s or the Coordinator of Student Conduct’s decision. The respondent student will have five (5) working days to appeal the decision, in writing, to the Dean of Student Life. Lacking such appeal, the decision is final. Upon receipt of a written appeal, the Dean of Student Life normally will respond to the student within five (5) working days, indicating his or her decision regarding the appeal.

College – The term “College” means the community of students, faculty, staff, and contractors at Keystone College, as well as its sites, and premises.

College (Sponsored) Activity – The term “College (sponsored) activity” means any activity on or off campus, which is initiated, aided, funded, facilitated and/or supervised by the College.

College Official – The term “College Official” means any person employed by the College to perform assigned teaching, research, administrative, professional, or other responsibilities.

College Premises – The term “College premises” means all lands, buildings, and facilities owned, leased, or operated by the College (See On-campus).

Complainant – The term “complainant” can be any member of the Keystone College community who presents information to the Office of Student Conduct regarding student(s) or student group(s) who may have allegedly violated the Student Code of Conduct. Persons making such referrals are required to provide information pertinent to the situation and may be expected to appear as the complainant before the Coordinator of Student Conduct or the Student Conduct Hearing Board.

Complaint – The term “complaint” means a written statement, on appropriate College-prescribed forms or media, alleging a violation of the Student Code of Conduct or other published rule applicable to students. Information submitted by other means will be reviewed and may, at the College’s discretion, be acted upon. This does not apply to Title IX violations/complaints, which must be acted upon.

Coordinator of Student Conduct – The person authorized by the Dean of Student Life to handle procedural issues of student conduct including, but not limited to, administrative meetings with students, organizing Conduct Board hearings, chairing the Conduct Board as a non-voting member and assigning sanctions for various incidents.

Faculty Member – The term “faculty member” means any person employed by the College to conduct classroom activities.

“Found in violation of” – The term “found in violation” means any student(s) who has been found to have violated the Student Code of Conduct.

Incident Report – The term “incident report” means any report of information regarding the time, date, location, persons involved, and specific details (including injuries, witnesses, responding personnel, etc.) of an alleged incident from a College office or official.

Member of the College Community – The term “member of the College community” includes, but is not limited to, any person who is a student, faculty member, staff, College official, contractor, or other person who has a continuing relationship with the campus. A person’s status in a particular situation will be determined by the Dean of Student Life.

Off-Campus – The term “off-campus” refers to any land, buildings, or facilities not owned, used, leased, or controlled by the College. Off-campus also includes the public Internet.

On-Campus – The term “on-campus” refers to all land, buildings, and facilities owned, used, or controlled by the College, including adjacent streets, sidewalks, parking lots, and property shared with other entities outside of the College.

Organization – The term “organization” means any number of persons who have complied with the formal requirements for College recognition or registration.

Plagiarism – The term “plagiarism” means submitting material that in part or whole is not entirely one’s own work without attributing those same portions to their correct source. 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 acknowledgement. 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.

Policy – The term “policy” means the written rules of the College as found in the Student Code of Conduct, the College Catalog, the Student Handbook and any other College sanctioned publication.

Preponderance of Evidence – The term “preponderance of evidence” means evidence, considered as a whole, that a policy violation is more likely than not to have occurred. The standard used in hearing all conduct cases within this Student Code of Conduct is “preponderance of evidence”.

Respondent – The term “respondent” refers to the student(s) or student group(s) who have allegedly violated the Student Code of Conduct.

Sanction – The term “sanction” means the action issued by a conduct body or the Coordinator of Student Conduct as a result of a student being found to be in violation of a College rule or policy. Such action may be educational and/or punitive in nature.

Student – The term “student” means any person who has paid an acceptance fee, or registered for classes, or participated in any course or program in any school, division, or unit of Keystone College, or has otherwise interacted with the College to take instruction. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the College, may be considered students. Student status lasts until an individual graduates or permanently leaves. The term “student” also includes members of recognized student clubs and organizations.

Student Code of Conduct – The term “Student Code of Conduct” refers to all documents relevant to student behavior and the College’s student conduct procedures. The Student Code of Conduct may be amended by the Dean of Student Life with written or online notice to the College community at least two (2) months prior to an amendment’s adoption.

Dean of Student Life – Oversees all aspects of Keystone College’s Student Conduct Program to ensure proper handling of alleged violations of the Student Code of Conduct. The Dean of Student Life will make the final decision on any appeal requests, in writing, received after an All-College Student Conduct Board decision or a decision from the Coordinator of Student Conduct.



Complainant/Witness Statement – The term “complainant/witness statement” means a written statement, completed on the prescribed College form, by a complainant or a witness, describing the particulars of the alleged incident and detailing the impact of the alleged incident on the complainant/witness statement appended to the incident report.

Zero Tolerance – The term “zero tolerance” means that there is no discretion in bringing a formal complaint for violation of the Student Code of Conduct to the Coordinator of Student Conduct or the All-College Student Conduct Board.

### ARTICLE III

#### STUDENT CONDUCT AUTHORITY

- A. The Dean of Student Life is the person designated by the President to be responsible for the oversight and administration of the Student Code of Conduct, to include determination and definition of all policies and statements within the Code.
- B. The Dean of Student Life will appoint the Coordinator of Student Conduct who will provide appropriate training and orientation for successful accomplishment of the All-College Student Conduct Board's responsibilities.
- C. A student conduct officer will determine whether or not sanctions are brought for alleged misconduct, decide which type of conduct meeting is needed to address the alleged violation(s), and will ensure the composition of the All-College Student Conduct Board and appellate boards in accordance with this document and established College policies.
- D. The Coordinator of Student Conduct, under the supervision of the Dean of Student Life, will develop policies for the administration of the conduct program and procedural rules for the conduct of hearings which are not inconsistent with provisions of the Student Code of Conduct.
- E. Decisions made by the Coordinator of Student Conduct or the All-College Student Conduct Board will be binding, pending the normal appeal and review process.
- F. The Dean of Student Life, in consultation with an advisory panel, may serve as arbiter for disputes within the student community in cases that do not involve a violation of the Student Code of Conduct or which the Dean of Student Life determines in consultation with this advisory panel can be resolved without the involvement of the All-Campus Student Conduct Board. The student(s) must agree in writing to the sanctions imposed by the Dean of Student Life.

## ARTICLE IV

### PROSCRIBED CONDUCT

#### A. Jurisdiction of the College

The Student Code of Conduct applies to behaviors that take place on the campus, at College-sponsored events and may also apply off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others;
- Any situation that is detrimental to the educational mission and/or interests of the College; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder.

Students subject to conduct jurisdiction include all persons taking courses within the physical or virtual Keystone campus environment, both full-time and part-time. All those who reside in College housing are subject to this Student Code of Conduct. All students are responsible for the behavior of their visitors, guests, or family members and can be personally sanctioned, including removal from the College or housing, for violation of the Student Code of Conduct by those individuals.

Student organizations and their officers are also expected to conform to Keystone College policies, rules, and regulations. Organizations and their officers can be sanctioned as a group or as individuals for failure of the organization to abide by these policies.

The Code of Student Conduct may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats, and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The College does not regularly search for this information but may take action if and when such information is brought to the attention of College officials. However, most online speech by students not involving College networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

- A true threat, defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals”;
- Speech posted online about the College or its community members that causes a significant on-campus disruption.

The Student Code of Conduct applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The Code may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of College may seek resolution of violations of the Code of Student Conduct committed against them by members of College community.

There is no time limit on reporting violations of the Code of Student Conduct; however, the longer someone waits to report an offense, the more difficult it becomes for College officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit the College’s ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Conduct and/or to Campus Safety.

**NOTE: Students continue to be subject to local, state, and federal laws. Violations of those laws may also constitute violations of the Code. In such instances, the College may proceed with College conduct action and may impose sanctions independent of any criminal proceeding involving the same conduct, even if such criminal proceeding is not yet resolved or is resolved in the student’s favor.**

## **B. Administrative Search and Seizure**

Keystone College reserves the right for a Keystone College Official to enter residence hall rooms and search all belongings within the residence hall room when reasonable cause exists to believe that violations of College policy, State or Federal laws, have occurred. Student consent is requested but not necessary to conduct an administrative search since Keystone College is a private institution and all College premises are College property. Reasonable cause exists when a College Official has a good faith belief or credible evidence that an offense has occurred or is occurring in a residence hall room. After completing an administrative search of a residence hall room, all contraband, illegal items or evidence of a College policy violation will be seized by the College Official conducting the search and be removed from the room.

If there is evidence to suspect more severe violations of College policy, State or Federal laws (drug dealing, weapons, etc.) upon searching a residence hall room, another administrative search may be conducted involving other student property on Keystone College premises such as automobiles, athletic lockers, safes, etc. After completing an administrative search of the additional student properties on Keystone College premises, all contraband, illegal items or evidence of a College policy violation will be seized by College Officials.

During a search if there is reasonable cause to do so, a student may be asked to unlock or open locked personal items such as a safe or automobile. Failure to comply with this request will result in the student having to remove the item from College property and may also result in a charge of failure to comply under this Code.

### **C. Prohibited Conduct—Rules and Policies**

Any student found to have engaged in, attempted, assisted, or incited prohibited conduct while within the College's jurisdiction will be subject to disciplinary action through the College's student conduct process. Any student found to be in violation for the following misconduct is subject to the conduct sanctions as outlined in [Article VI., Section 14.](#)

Responsibility is not diminished for acts in violation of this Code that are committed in ignorance of the Code, or under the influence of alcohol, illegal drugs, or improper use of controlled substances.

Students are strongly encouraged to act in a situation where the student has a duty to act.

Violations include:

#### **1. Abuse of Student Conduct procedures**

Abuse of the College student conduct procedures includes but is not limited to:

- a. Failure to obey the summons of a conduct body or College official.
- b. Falsification, distortion, or misrepresentation of information before a conduct body.
- c. Disruption or interference with the orderly demeanor of a student conduct proceeding.
- d. Knowingly instituting a conduct proceeding in bad faith.
- e. Attempting to discourage an individual's proper participation in, or use of, the College student conduct procedure.

- f. Attempting to influence the impartiality of a member of a conduct body prior to, and/or during the course of, the conduct proceeding.
- g. Harassment and/or intimidation of a member of a conduct body prior to, during, and/or after a conduct proceeding.
- h. Failure to comply with one or more of the sanction(s) imposed under the Student Code of Conduct.
- i. Influencing or attempting to influence another person to commit an abuse of the College student conduct procedure.
- j. Retaliation or harassment of complainant or other person alleging misconduct, including but not limited to, intimidation and threats.

**2. Alcohol** (See [Article VII](#) for more information)

- a. Possession, use, or consumption of alcohol or PALCOHOL (powered alcohol) on College premises.
- b. Underage drinking/possession.
- c. Possession or consumption of alcoholic beverages off-campus by individuals under the age of 21 years.
- d. Dispensing, selling, or supplying alcoholic beverages to an individual who is under the legal drinking age as outlined by Pennsylvania law.
- e. Use or possession of any alcohol related paraphernalia such as beer kegs, shot glasses, bongos, funnels, etc. that are designed for the consumption of alcohol.
- f. Public intoxication.
- g. Excessive use of alcohol resulting in a state of intoxication that endangers oneself or other members of the community.
- h. Driving while under the influence of alcohol.
- i. Misrepresenting one's age or using altered identification in order to obtain alcohol.
- j. A student's presence where any aspect of the alcohol policy is knowingly being violated, even if he/she is not directly involved in the specific act. A student who actively, or passively, supports another's violation of College policy is in violation of their duty to uphold community standards, including the Student Code of Conduct.

- k. Violating any other College policy while under the influence of alcohol. Members of the Keystone community who choose to drink will be held fully responsible for their behavior while under the influence of alcohol. Loss of control due to intoxication does not excuse or justify violation of the state law, Keystone College regulations, or the rights of others.
- l. Administration of an intoxicant, without the consent or permission of another, with the intent to impair the other's power to appraise or control his or her conduct or make informed decisions.
- m. Violation of any provision of the [21 and Over Policy](#).

**3. Arson**

Setting or attempting to set fire to or creating/causing a fire on College premises.

**4. Assault** (See [Article X](#) for more information)

Any physical intimidation, act of violence, or conduct which threatens or endangers the health, safety, or well-being of any person or group. Assault includes, but is not limited to, hitting, kicking, slapping, punching, pushing, biting, and or spitting on another person or persons.

**5. Automotive**

- a. Violation of the College parking regulations governing the use of automobiles, motorcycles, or other motor vehicles parked or driven on College premises and designated parking areas.
- b. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
- c. Reckless driving on College premises.
- d. Failure to obey posted speed limit and other traffic-related signs on College premises.
- e. Failure to yield to pedestrians at crosswalks.

## **6. Complicity**

Complicity includes, but is not limited to:

- a. Making a conscious decision to conceal a violation or obstruct enforcement of a provision of the Student Code of Conduct or other policy.
- b. Knowingly assisting another to violate a provision of the Student Code of Conduct or other policy.
- c. Failure to remove oneself from a situation when a violation is known to be taking place or about to occur, or failing to report it thereafter. Students who anticipate or observe a violation of College policy are expected to remove themselves from the situation and to report the violation.

## **7. Contractual Obligations**

Failure to honor all contracts with and debts to the College.

## **8. Demonstrations/Riotous Conduct**

- a. Participation in a campus demonstration which substantially disrupts the normal operations of the College or infringes on the rights of other members of the College community (including, but not limited to, occupation of College buildings or facilities).
- b. Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
- c. Participation in a disturbance with the purpose to commit or incite any action that presents a clear and present danger to others, causes physical harm to others, or damages property.
- d. Intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
- e. Failure to comply with an order to disburse by College officials, campus safety officers, law enforcement, or emergency personnel in the performance of their lawful duties.
- f. Intimidating, impeding, hindering, or obstructing College officials, campus safety officers, law enforcement, or emergency personnel in the performance of their lawful duties.



**9. Discrimination**

Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the College's educational program or activities.

**10. Disruptive Conduct**

Disruptive conduct means behavior with the intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, by:

- a. Making unreasonable noise.
- b. Using obscene language or gestures.
- c. Creating a hazardous or physically offensive condition by an act that serves no legitimate purpose.
- d. Acting in a way that impairs, interferes with, or obstructs the orderly conduct, processes or functions of the College and/or members or guests of the College.
- e. Impeding or interference with the rights of others to enter, use, or leave any College facility, in-service, or scheduled activity, or carry out their normal functions or duties.
- f. Interference with academic freedom and freedom of speech of any member or guest at the College.
- g. Actions that impair, interfere with, or obstruct the orderly conduct, processes, and functions within the classroom or laboratory. This includes interfering with the academic mission of the College or individual classroom, or interfering with a faculty member's or instructor's role to carry out the normal academic or educational functions of his/her class or laboratory.
- h. Acts that disrupt the College conduct process, including attempting to coerce or influence any person(s) in order to discourage their participation in any disciplinary proceeding.
- i. Actions at College-sponsored events that disrupt, cause harm to others or negatively affect the campus community. Students are expected to govern their behavior and

conduct themselves within the Student Code of Conduct at College-sponsored events.

- j. Actions that violate set “quiet hours” in the residence halls, disrupting other residents in the building or on the floor.
- k. Disrespecting a College Official (i.e. faculty, staff, administrators, etc.)

**11. Drugs and Controlled Substances** (See [Article VIII](#) for more information)

- a. Possession, use, sale, manufacture, or attempt to obtain any illegal drug and/or controlled substance, except as expressly permitted by law. The term “drugs” includes any other substance treated as such and defined by law.
- b. Possession or use of illegal drugs or prescription drugs without a prescription and misuse of over-the-counter medications and/or prescriptions which endangers oneself and/or others.
- c. Distribution, manufacture, delivery, sale, or possession of drugs or controlled substances, except as expressly permitted by law.
- d. Distribution, delivery, or sale of any substance believed to be a drug or controlled substance by either the “buyer” or “seller,” which is not a drug or controlled substance.
- e. Possession or use of drug paraphernalia – any equipment, product, or material of any kind (which may contain evidence of any illegal drug and/or controlled substance) that is primarily intended or designed for use in planting, growing, harvesting, manufacturing, compounding, converting, concealing, producing, processing, preparing, selling, injecting, ingesting, inhaling, smoking, or otherwise introducing into the human body a controlled substance.
- f. Administration of an intoxicant without the consent or permission of another with the intent to impair the others’ power to appraise or control his or her conduct or make informed decisions.
- g. Public intoxication.
- h. Distribution, possession or use of any kind of synthetic drug or material which results in mind altering or mood altering effects associated with the use of an illegal drug (i.e. getting high, etc.). These kinds of synthetic drugs include, but are not limited to, items such as: “Spice,” “K2,” “Salvia,” “Bath salts.”

## **12. Failure to Comply/Noncompliance**

Noncompliance is established when one or more of the following occurs:

- a. Failure to comply with a reasonable directive of a College official (i.e., Campus Safety Officers, faculty, staff, administrators, residence hall staff, student employees, etc.) or non-College law enforcement official in the performance of their duties.
- b. Failure to provide valid identification when requested to do so by a College official, faculty, or staff member.
- c. Failure to comply with the final decision/sanctions rendered by a student conduct hearing and/or review body and/or the Coordinator of Student Conduct.
- d. Failure to comply with the request of a College student conduct hearing or review body to be a witness at a College conduct proceeding.
- e. Failure to meet with an authorized College official or staff member when directed to do so.

## **13. Failure to Respond to Notice**

- a. Failure to respond to any official request from a member of the faculty, administration, or staff within 3 business days.
  - i) The College requires that each student maintain a current address on file. Official College correspondence mailed to that address will be deemed sufficient notice to the student. It is a student's responsibility to notify the College immediately of any change of address.
  - ii) The College provides each student with an e-mail address. This e-mail address will be used for official College notification. Students are expected to check their e-mail routinely. Official College correspondence e-mail to that address is deemed sufficient notice to the student.

## **14. Falsification/Fraud/False Testimony**

- a. Knowingly making a false oral or written statement to any College board, committee, office, or member of the College faculty, administration, staff, or student body.
- b. Withholding information or providing misleading information to a College official or student conduct hearing or Conduct Board.

- c. Impersonation or misrepresentation such as acting on behalf of another person, group, or the College without authorization or prior consent.
- d. Any other acts of falsification, fraud, or testimony.

**15. Fire Safety**

- a. Inappropriate activation of any emergency warning equipment or the false reporting of any emergency.
- b. Removing, damaging, interfering, or tampering with fire safety or other emergency warning equipment including smoke/heat detectors, sprinklers, extinguishers, fire alarms, fire hoses, and exit signs, etc. Items may not be hung from or block sprinklers or smoke detectors.
- c. Failure to evacuate a College building, facility, or residence hall in a timely manner when a fire alarm is sounded.
- d. Failure to evacuate a residence hall as directed by appropriate College Officials in the event of a power outage.
- e. Resident students are limited to four guests to a room at a time in addition to the students living there. This includes resident and non-resident guests. There should be no more than six people occupying any room at any time for any reason to ensure proper fire safety codes.
- f. Burning of any items within the residence halls (candles, incense, etc.) is forbidden.
- g. Smoking of any kind of items (cigarettes, cigars, pipes, hookahs or other smoking equipment) within a building(s) on College premises is not permitted.
- h. Blocking an exit or preventing safe passage out of a building during an emergency (piling up furniture near fire exit doors, locking someone in their room, etc.).

**16. Gambling**

Conducting or organizing any form of gambling with the intent to make a profit or personal gain or which harms or exploits any member of the College community, except as permitted by law.

**17. Harassment** (See [Sexual Harassment](#) for more information)

- a. Conduct (not of a sexual nature) that threatens, harms, or intimidates another person or group or creates an intimidating, hostile, or offensive campus, educational, or work environment for another person or group.
- b. Using technology to threaten, intimidate, or slander another person or group. This includes cell phone usage such multiple calls, voicemails and/or text messages; and electronic media including but not limited to emails, IM's, Facebook, Twitter, SnapChat, YouTube, or any other form of electronic social media.
- c. Unwelcome or unauthorized following another person in or about a public place or places.
- d. Engaging in a course of conduct or repeatedly committing acts that serve no legitimate purpose.
- e. Communicating to or about another person any lewd, lascivious, threatening, or obscene words, language, drawings or caricatures.
- f. Communicating repeatedly in any anonymous manner without authorization.
- g. Communicating repeatedly at extremely inconvenient hours.

**18. Hate Crimes**

Inflicting mental, emotional, or physical distress upon a person through a course of conduct involving abuse or disparagement specifically based upon a person's sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status.

**19. Hazing** (See [Article X](#) for more information)

- a. Hazing means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into an affiliation with an organization. Such actions will include, but not be limited to, any brutality of physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual; extreme mental stress, such as food or sleep deprivation, forced exclusion from social contact, performing personal chores or errands, assigning or endorsing pranks (i.e. stealing,

harassing other organizations, defacing property, etc.), any action or threatened action that would subject the individual to embarrassment, humiliation or mental distress, including the use of demeaning names, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

- b. Any group or individual action or activity that inflicts or intends to inflict physical or mental harm or discomfort or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s). Although hazing is related to a person's initiation or admission into, or affiliation with, a student group or organization, it is not necessary to have direct proof that a person's initiation or continued membership is contingent upon participation in the activity for a violation of hazing to be upheld. The actions of either active or associate members (pledges) of an organization may be considered hazing.

## **20. Littering**

Dispersing litter in any form on College premises or facilities. This includes, but is not limited to cigarette butts, tickets issued by Campus Safety, flyers, cans, bottles, etc.

## **21. Mass Threats: Firearms/Weapons/Explosives**

- a. Possession, use, and/or storage of any weapon, which is any object that can be used to inflict a wound or cause injury. This includes, but is not limited to, possession and/or use of firearms, ammunition, knives, swords, nun chucks, stun guns, BB/pellet guns, paintball/air guns, look-alike weapons, or explosives, such as fireworks, unsecured compressed air cylinders, or dangerous chemicals, except as authorized for use in class, in connection with College-sponsored research, or in another approved activity.
  - i) Approval must be granted by the faculty member or other College official requiring the use of any of the aforementioned items in a written format, and must be with the items and/or keeper of the items at all times. The Director of Campus Safety should be informed by the faculty member or other College official if any kind of weapon is approved to be on campus. If the student is a resident student, the Office of Residence Life should also be informed.
- b. Knowingly manufacturing, selling, purchasing, transporting, or causing another to transport, possessing or using a facsimile or replica bomb or weapon with the intent to do any of the following:

- i) Terrifying, intimidating, threatening, or harassing an individual or group;
- ii) Causing alarm or reaction on the part of any of the following:
  - (a) Public or volunteer organization that deals with emergencies involving danger to life or property.
  - (b) Law enforcement organization.
  - (c) Placing or setting a bomb or causing the placement or setting of a bomb.
- c. Possession, distribution or intent to distribute rape drugs.
  - i) Rape drugs are defined as any substance put into the food or drink or otherwise administered with the intent to diminish, or which are likely to diminish another person's mental or physical capacity, alertness, and/or level of consciousness.

## **22. Misuse of Materials**

Unauthorized reading, removing, duplicating, photographing, and/or forging, counterfeiting, altering, or misusing College material, files, documents, or records, computer records, software, data files, and similar entities owned or maintained by any member of the faculty, administration, staff, or student body.

## **23. Misuse of Identification**

The use of falsified identification documents or of another's identification card/document, including the misuse of another's computer account/password or telephone PIN number.

## **24. Misuse of Keys**

- 1. Unauthorized possession, transfer, or use of any key or key type device such as swipe cards to gain access to any College facility or property.
- 2. Unauthorized duplication of any key or key type device such as swipe cards.

## **25. Obscene/Lewd Conduct**

Any conduct that would be considered lewd or indecent by a reasonable person in any public place or in any place where there are present other persons under circumstances whom the person knows this conduct is likely to offend, affront, or alarm. Examples include, but are not limited to, public urination/defecation, public exposure of private body parts, public indecency, public sexual intercourse, and public masturbation.

**26. Privacy**

Failure to respect the right to privacy of any member of the College community, including but not limited to, accessing another's computer files and/or e-mail, prying observation, or voyeurism.

**27. Promotions/Posting**

Solicitation (i.e., passing or handing out flyers/promotional material, etc.), use of chalk or powder like substance on the sidewalks, use/posting of signs on campus, including the residence halls, any College facility, or any public area without prior approval from the Office of Student Activities.

**28. Residence Hall Visitation**

- a. Failure to sign-in or sign-out a visitor(s) to the residence halls and not adhere to the Residence Life visitation policy.
- b. Failure to adhere to the Residence Life visitation policy by allowing a guest to stay beyond the amount of time allotted for visitation.

**29. Rollerblades/Skates/Bicycles**

- a. The use or operation of rollerblades, skates, skateboards, bicycles, mopeds, etc. inside of College facilities (i.e., libraries, classrooms, hallways, campus center, etc.) including the hallways, balconies, courtyards, lounges, and lobbies of residence halls.
- b. Skateboarding, in-line skating, and/or bicycling on College premises in a manner that cuts, grinds, or that may deface the edges of steps or other property.
- c. Unsafe operation of bicycles or non-compliance with state or local regulations governing the use of bicycles.
- d. Use or operation of skateboards, rollerblades, bicycles, etc. in a manner that impedes the flow of pedestrian or vehicular traffic.

**30. Sexual Misconduct (See [Article XII](#) for more information)**

Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, gender-based misconduct, and/or sexual exploitation.



**31. Terroristic Threats**

Terroristic threats mean the communication, either directly or indirectly, of a threat to commit any crime of violence with intent to terrorize another, cause evacuation of a building, place of assembly, facility, or College transportation; otherwise cause serious public inconvenience, or cause terror or serious public inconvenience with reckless disregard of the risk of causing such terror or inconvenience.

- a. Threat to use weapons of mass destruction:
  - i) Reporting false presence of an explosive or incendiary device.
  - ii) Threatening by any means the placement or setting of a weapon of mass destruction or the placement or setting thereof.
  - iii) A separate violation will occur for each report or threat to place or set a weapon of mass destruction.

**32. Theft/Attempted Theft/Unauthorized Use of Property**

- a. The unauthorized taking, misappropriation or possession of any real, personal, or intellectual property owned or maintained by the College or any person on or off campus.
- b. Removal and use of College property from its designated place. (e.g. removal of lounge furniture to a student's room; items such as cups, napkin holders and silverware being used outside of dining service facilities).

**33. Threats of Violence**

An intentional verbal or written threat or act to do violence to another person, and doing some act which creates a well-founded fear that such violence is imminent.

**34. Tobacco Use/Smoking (See [Article IX](#) for more information)**

Tobacco, whether smoked or smokeless/chew, can only be used in designated areas located around the campus. This includes the burning of any type of cigar, cigarette, pipe, chewing tobacco or other products.

- a. Any items used for smoking tobacco: pipes, hookahs, and other smoking equipment, whether filled with tobacco or any other material are not permitted on campus property.

- b. The use of electronic cigarettes in any campus building or residence hall is not permitted.

**35. Trespassing**

- a. Presence on campus or in the residence halls during a period of separation (e.g., suspension).
- b. Presence on campus after being ordered to leave by an authorized College official.
- c. Staying in the residence halls when the residence halls are closed and/or the College is closed without permission from the Office of Residence Life.

**36. Unauthorized Entry/Unauthorized Use**

- a. Attempted or completed entry into or use of College facilities or property without authorization.
- b. Attempted or completed entry into the property of another, to include a room, house, building, business, or privately owned residence or vehicle without authorization.
- c. Unauthorized use of College property or equipment.
- d. Unauthorized entry or remaining in residence hall(s) or buildings during an emergency or when the building(s) have been evacuated due to a power outage or fire emergency.

**37. Vandalism**

- a. The intentional, unauthorized damage, destruction, or defacing of property of the College or a member of the College community;
- b. “Trashing” of public areas.

**38. Any act which, if proven, would constitute a violation of local, state or federal law.**

## ARTICLE V

### INFORMAL CONDUCT PROCEDURES

#### **A. Preliminary Inquiry**

When an incident occurs, the College conducts a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved. In order to support the growth and development of our students, educational conferences may be utilized as a part of our preliminary inquiry.

The preliminary inquiry may lead to:

1. A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Code of Student Conduct, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code).
2. A more comprehensive investigation, when it is clear more information must be gathered (see process in [Investigation](#)).
3. A formal complaint of a violation and/or an educational conference with the respondent student.

When an initial educational meeting/conference is held, the possible outcomes include:

1. A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter should be closed and records should so indicate;
2. A decision on the allegation, also known as an “informal” or “administrative” resolution to an uncontested allegation (see immediately below);
3. A decision to proceed with additional investigation and/or referral for a “formal” resolution.

If a decision on the allegation is made and the finding is that the respondent student is not responsible for violating the Code, the process will end. The party bringing the complaint may request that the Coordinator of Student Conduct and the Title IX Coordinator reopen the investigation and/or grant a hearing. This decision will be in the sole discretion of the Coordinator of Student Conduct and the Title IX Coordinator and will only be granted for extraordinary cause. If the College’s finding is that the respondent student is in violation, and the respondent student accepts this finding within three days, the College considers this an “uncontested allegation.” The administrator conducting the initial educational conference will

then determine the sanction(s) for the misconduct, which the respondent student may accept or reject. If accepted, the process ends.<sup>1</sup>

If student accepts the findings, but rejects the sanction, the College will conduct a sanction-only hearing, conducted by a student conduct board, which recommends a sanction to the Coordinator of Student Conduct. The sanction is then reviewed and finalized by the Coordinator of Student Conduct and is subject to appeal (see [Appeal Procedures](#)) by any party to the misconduct. Once the appeal is decided, the process ends.

If the administrator conducting the educational conference determines that it is more likely than not that the respondent student is in violation, and the respondent student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves Formal Conduct Procedures.

#### **B. Review and Finalize Sanction(s)**

If the student is found in violation(s), sanctions will be recommended by the Coordinator of Student Conduct and Title IX Coordinator when applicable, who will review and finalize the sanctions, subject to the College appeals process by any party to the complaint.

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<sup>1</sup> In cases of minor misconduct, both steps in this paragraph can be accomplished in one meeting.

## ARTICLE VI

### FORMAL CONDUCT PROCEDURES

#### **A. College as Convener**

The College is the convener of every action under this code. Within that action, there are several roles. The respondent student is the person who is alleged to have violated the Code. The party bringing the complaint, who may be a student, employee, visitor, or guest, may choose to be present and participate in the process as fully as the respondent student. There are witnesses, who may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the evidence that the College has obtained regarding the allegations.

##### **1. Amnesty**

###### **a. For Complainants**

The College provides amnesty to complainants who may be hesitant to report to College officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.<sup>2</sup>

###### **b. For Those Who Offer Assistance**

To encourage students to offer help and assistance to others, College pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Coordinator of Student Conduct, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.

###### **c. For Those Who Report Serious Violations**

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the College are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.

*Abuse of amnesty requests can result in a decision by the Coordinator of Student Conduct not to extend amnesty to the same person repeatedly.*

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<sup>2</sup> Records regarding the provision of amnesty should be maintained.

**d. Safe Harbor**

The College has a Safe Harbor rule for students. The College believes that students who have a drug and/or addiction problem deserve help. If any College student brings their own use, addiction, or dependency to the attention of College officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

**B. Investigation**

The Coordinator of Student Conduct will appoint an investigator(s) for allegations under this Code of Conduct.<sup>3</sup> The investigator(s) will take the following steps, if not already completed by the Coordinator or designee:

1. Initiate any necessary remedial actions on behalf of the complainant (if any);
2. Determine the identity and contact information of the party bringing the complaint, whether that person is the initiator of the complaint, the alleged complainant, or a College proxy or representative;
3. Conduct an immediate preliminary investigation to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint.
  - a. If the complainant is reluctant to pursue the complaint, determine whether the complaint should still be pursued and whether sufficient independent evidence could support the complaint without the participation of the complainant.
  - b. Notify the complainant of whether the College intends to pursue the complaint regardless of their involvement, and inform the complainant of their rights in the process and option to become involved if they so choose.
  - c. Preliminary investigation usually takes between 2-7 business days to complete.
  - d. If indicated by the preliminary investigation and authorized by the Coordinator or Director of Student Conduct, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the respondent student violated College

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<sup>3</sup> For any complaint that falls under Title IX (e.g. sexual misconduct) or involves any other form of discrimination, the Coordinator of Student Conduct will work under the supervision of the Title IX Coordinator.

policy, and to determine what specific policy violations should serve as the basis for the complaint.

- e. If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action.
  - f. A comprehensive investigation usually takes between two days and two weeks.
4. Meet with the party bringing the complaint to finalize their Statement, which will be drawn up by the investigator or designee as a result of this meeting.
  5. Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the respondent student, who may be given notice of the interview prior to or at the time of the interview.

Prepare the notice of alleged policy violation(s) on the basis of the reasonable cause determination, which may be delivered prior to, during or after the respondent student is interviewed, at the discretion of the investigator(s).

6. Interview all relevant witnesses, summarize the information they are able to share and have each witness sign the summary to verify its accuracy.
7. Obtain all documentary evidence and information that is available.
8. Obtain all physical evidence that is available.
9. Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline.
10. Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not).
11. Present the investigation report and findings to the respondent student, who may:
  - a. accept the findings,
  - b. accept the findings in part and reject them in part,
  - c. or may reject all findings;
12. Share the findings and update the party bringing the complaint on the status of the investigation and the outcome.

### **C. Notice of Alleged Violation**

Any member of the College community, visitor or guest may allege a policy violation(s) by any student for misconduct under this Code by reporting it to the Office of Campus Safety or the Coordinator of Student Conduct.

Notice may also be given to the Coordinator of Student Conduct (or designee) and/or to the Title IX Coordinator, when appropriate. Additionally, administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a complainant or a third party, and should be submitted as soon as possible after the offending event occurs. The College has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

The Coordinator of Student Conduct (or designee) will assume responsibility for the investigation of the alleged violation as described in the sub-section below.

### **D. Findings**

The following options (1-3) describe how to proceed depending on whether the respondent student is found responsible and whether the Respondent student accepts or rejects the findings and/or the sanctions either in whole or in part.

1. The Respondent student is Found “Not Responsible”

Where the respondent student is found not responsible for the alleged violation(s), the investigation will be closed. The party bringing the complaint, if any, may request that the Title IX Coordinator and/or Coordinator of Student Conduct, as applicable, review the investigation file to possibly re-open the investigation or convene a hearing. The decision to re-open an investigation or convene a hearing rests solely in the discretion of the Title IX Coordinator or the Coordinator of Student Conduct in these cases, and is granted only on the basis of extraordinary cause.

2. The Respondent student Accepts a Finding of “Responsible”

Should the respondent student accept the finding that they violated College policy, the Investigator will recommend appropriate sanctions for the violation, having consulted with Coordinator of Student Conduct and/or Title IX Coordinator, as appropriate. In cases involving discrimination, recommended sanctions will act to end the discrimination, prevent its recurrence, and remedy its effects on the complainant and the College community. If the respondent student accepts these recommended sanctions, the sanctions are implemented by the Coordinator of Student Conduct and



the process ends. There will be a three-day period for review between the date of acceptance and when the resolution becomes final. Should the respondent student decide to reject the sanctions within that time period, Option 2B, below, will apply. This outcome is not subject to appeal.

3. The Respondent Student Accepts a Finding of “Responsible” and *Rejects* the Sanctions Recommended.

If the respondent student accepts the “responsible” findings, but rejects the recommended sanctions, there will be an administrative conference on the sanction, only.

4. Respondent Student Rejects the Findings Completely

Where the respondent student rejects the finding that they violated College policy, a formal hearing will be convened within seven business days, barring exigent circumstances.

At the hearing, the investigator(s) will present their report to the panel, the panel will hear from the parties, and any necessary witnesses. The investigation report will be considered by the panel, which renders an independent and objective finding. Full panel procedures are detailed below.

If the panel finds the respondent student not responsible for all violations, the Coordinator of Student Conduct will expeditiously inform the parties of this determination and the rationale for the decision in writing. This determination is subject to appeal by any party to the complaint. Appeal review procedures are outlined below.

If the panel finds a violation, it will recommend a sanction/responsive action to the Coordinator of Student Conduct, who will confer with the Title IX Coordinator as necessary and, render a decision within 7 days of the hearing and timely notify the parties in writing. An appeal of sanction(s) may be filed by any party to the complaint as detailed below.

5. Respondent student Accepts the Findings in Part and Rejects in Part

Where the respondent student rejects in part the finding that they violated College policy, there will be a panel hearing solely on the disputed allegations within seven days, barring exigent circumstances. For all findings holding a respondent student responsible for a violation, the College will follow the sanctioning process detailed in sub-sections K(8) and K(9), below. If the Panel finds the respondent student “Not Responsible” on any

of the contested allegations, the process will move to the Sanctioning Phase on only the uncontested allegations, as detailed in sub-section 14b below.

#### 6. Special Hearing Provisions for Sexual Misconduct, Discrimination and Other Complaints of a Sensitive Nature

All hearings under this sub-section will be conducted by a three member administrative panel drawn from the panel pool. For sexual misconduct, discrimination and other complaints of a sensitive nature, whether the alleged complainant is serving as the party bringing the complaint or as a witness, alternative testimony options may be provided, such as placing a privacy screen in the hearing room or allowing the alleged complainant to testify from another room via audio or audio/video technology. While these options are intended to help make the alleged complainant more comfortable, they are not intended to work to the disadvantage of the respondent student.

The past sexual history or sexual character of a party will not be admissible by the other parties in hearings unless such information is determined to be highly relevant by the panel Chair. All such information sought to be admitted by a party or the College will be presumed irrelevant until a showing of relevance is made, in advance of the hearing, to the Chair. Demonstration of pattern, repeated, and/or predatory behavior by the respondent student, in the form of previous findings in any legal or campus proceeding, or in the form of previous good faith allegations, will always be relevant to the finding, not just the sanction. The parties will be notified in advance if any such information is deemed relevant and will be introduced in the hearing.

The party bringing any complaint alleging sexual misconduct, other behavior falling with the coverage of Title IX and/or a crime of violence will be notified in writing of the outcome of a hearing, any sanctions assigned and the rationale for the decision.

#### 7. Notice of Hearing

Once a determination is made that reasonable cause exists for the Coordinator of Student Conduct (or designee) to refer a complaint for a hearing, notice will be given to the respondent student. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Coordinator of Student Conduct (or designee); mailed to the local or permanent address of the student as indicated in official College records; or emailed to the student's College-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

- a. Include the alleged violation and notification of where to locate the *Code of Student Conduct* and College procedures for resolution of the complaint; and
- b. Direct the respondent student to contact the Coordinator of Student Conduct (or designee) within a specified period of time to respond to the complaint. This time period will generally be no less than two days<sup>4</sup> from the date of delivery of the summons letter.

A meeting with the Coordinator of Student Conduct (or designee) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the respondent student may indicate, either verbally or in writing, to the Coordinator of Student Conduct (or designee), whether they admit to or deny the allegations of the complaint.

#### 8. Interim Action

Under the *Code of Student Conduct*, the Dean of Students or designee may impose restrictions and/or separate a student from the community pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct* when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve College property and/or to prevent disruption of, or interference with, the normal operations of the College. Interim actions can include separation from the institution or restrictions on participation in the community for no more than ten (10) business days pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct*. A student who receives an interim suspension may request a meeting with the Dean of Students or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the College may still proceed with the scheduling of a campus hearing.

During an interim suspension, a student may be denied access to College housing and/or the College campus/facilities/events. As determined appropriate by the Coordinator of Student Conduct, this restriction may include classes and/or all other College activities or privileges for which the student might otherwise be eligible. At the discretion of the Coordinator of Student Conduct and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent student.

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<sup>4</sup> "Day", used throughout this document, refers to normal business days Monday-Friday when the College is in operation.

## 9. Hearing Options & Preparation

The following sub-sections describe the College's conduct hearing processes. Except in a complaint involving failure to comply with the summons of the Coordinator of Student Conduct (or designee), no student may be found to have violated the Code of Student Conduct solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Coordinator of Student Conduct, AHO or panel presiding over the hearing.

Where the respondent student admits to violating the Code of Student Conduct, the Coordinator of Student Conduct (or designee) may invoke educational conference procedures to determine and administer appropriate sanctions without a formal hearing. In an educational conference, complaints will be heard and determinations will be made by the Coordinator of Student Conduct or designee.

Where the respondent student denies violating the Code of Student Conduct, a formal hearing will be conducted. This process is known as a panel hearing. At the discretion of the Coordinator of Student Conduct (or designee), a request by one or more of the parties to the complaint for an educational conference may be considered. Students who deny a violation for which a panel hearing will be held will be given a minimum of four days to prepare unless all parties wish to proceed more quickly. Preparation for a formal hearing is summarized in the following guidelines:

- a. Notice of the time, date and location of the hearing will be in writing and may be delivered by one or more of the following methods: in person by the Coordinator of Student Conduct (or designee); mailed to the local or permanent address of the student as indicated in official College records; or emailed to the student's College-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. If a student conduct hearing is scheduled, the respondent student will be informed of the alleged violation(s), the date(s), time(s), and location(s) of the alleged violation(s), and a summary of the action which led to the alleged violation(s). Notification of the alleged violations against the respondent student will also include, but not be limited to, the following information:
- b. The date, time, and location of the hearing.
- c. The members of the All-College Student Conduct Board. The respondent student will be provided with the names of the hearing body members prior to the scheduled hearing, except in cases involving emergency hearing body appointments. The respondent student has the right to challenge the inclusion of any member at least

24 hours prior to the scheduled hearing. The challenge must be in writing and be based on cause that clearly provides evidence of a conflict of interest, bias, pressure, or influence that could preclude a fair and impartial hearing. The Coordinator of Student Conduct will rule on all such challenges and his/her decision is final.

- d. Information regarding student rights afforded the student prior to and during the hearing.
- e. A student will be given a minimum of four calendar days' notice prior to appearing before the All-College Student Conduct Board.

The respondent student and complainant may select an advisor to advise him/her at the conduct hearing. The advisor may consult and interact privately with the respondent student or complainant during conduct proceedings. The advisor is not permitted, however, to represent the respondent student or complainant.

The respondent student may waive in writing his/her right to a hearing and accept one or more sanctions as determined by the Coordinator of Student Conduct; however, the Coordinator of Student Conduct may refuse to honor the waiver and require a hearing. The sanction(s) will reflect the severity of the current alleged violation(s) against the student, as well as any previous disciplinary record. A student who waives his/her right to a hearing forfeits any right to appeal the sanction(s) as determined by the Coordinator of Student Conduct.

- f. Students who are considered an immediate or substantial threat to themselves, others, and/or property **may** be issued an interim suspension by the Dean of Student Life.
- g. If there is a complainant of the conduct in question, the complainant may serve as the party bringing the complaint or may elect to have the College administration serve as the party bringing the complaint forward. Where there is no complainant, the College administration will serve as the party bringing the complaint forward.
- h. If a respondent student fails to respond to notice from the Coordinator of Student Conduct (or designee), the Coordinator of Student Conduct (or designee) may initiate a complaint against the student for failure to comply with the directives of a College official and give notice of this offense. Unless the student responds to this notice within two days by answering the original notice, an administrative

conference may be scheduled and held on the student's behalf. As a result, the student may be administratively withdrawn from attending classes or a disciplinary hold may be placed on their College account, deeming them ineligible to register for courses or College housing until such time as the student responds to the initial complaint.

- i. At least three (3) days before any scheduled formal hearing, the following will occur:
  - i) The respondent student will deliver to the Coordinator of Student Conduct (or designee) a written response to the complaint;
  - ii) The respondent student will deliver to the Coordinator of Student Conduct (or designee) a written list of all witnesses for the College to call at the hearing;
  - iii) The respondent student will deliver to the Coordinator of Student Conduct (or designee) all physical evidence the student intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Coordinator of Student Conduct can arrange for its presence;
  - iv) The party bringing the complaint will deliver to the Coordinator of Student Conduct (or designee) a written list of all witnesses for the College to call at the hearing;
  - v) The party bringing the complaint will deliver to the Coordinator of Student Conduct (or designee) all items of physical evidence needed at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Coordinator of Student Conduct can arrange for its presence;
  - vi) The party bringing the complaint and the respondent student will notify the Coordinator of Student Conduct (or designee) of the names of any advisors/advocates who may be accompanying the parties at the hearing;
  - vii) The Coordinator of Student Conduct (or designee) will ensure that the hearing information and any other available written documentation is shared with the parties at least two (2) days before any scheduled hearing. In addition, the parties will be given a list of the names of all the panelists in advance. Should any party object to any panelist, that party must raise all objections, in writing, to the Coordinator of Student Conduct immediately. Hearing officers will only be unseated if the Coordinator of Student Conduct concludes that their bias precludes an impartial hearing of the complaint. Additionally, any panelist who

feels they cannot make an objective determination must recuse themselves from the proceedings.

#### 10. Student Conduct Board Hearing Overview

- a. Hearings will be conducted by the All-College Student Conduct Board on a case-by-case basis at the discretion of the Coordinator of Student Conduct. Hearings will be held according to the following guidelines, upon conclusion of which a decision will be tendered to the Coordinator of Student Conduct.
  - i) The hearing will be held at least four (4) calendar days after notice is received by the respondent student and complainant.
  - ii) The hearing will be conducted in private, with only the participants present.
  - iii) The Student Conduct Board hearing is conducted by an impartial body composed of at least one student, one staff, and one faculty member.
  - iv) In hearings involving more than one respondent student, the hearing may be held jointly or separately, at the discretion of the Coordinator of Student Conduct and/or the Title IX Coordinator, as appropriate.
  - v) The complainant and the respondent student have the right to be assisted by an advisor. The parties are responsible for presenting their own information regarding the alleged violation and, therefore, advisor(s) are not permitted provide evidence in any hearing before the All-College Student Conduct Board.
  - vi) The complainant and the respondent student will have the privilege of presenting witnesses subject to questioning by the parties, the All-College Student Conduct Board and/or the Coordinator of Student Conduct.
  - vii) The hearing body will call appropriate witnesses to provide information in support of the alleged violation(s) if needed.
  - viii) Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the All-College Student Conduct Board and/or the Coordinator of Student Conduct.
  - ix) All procedural questions are subject to the final decision of the Coordinator of Student Conduct.

- x) After the hearing, the All-College Student Conduct Board will determine by majority vote whether the student has violated each section of the code that the student is alleged to have violated.
- xi) The All-College Student Conduct Board's determination will be made on the basis of preponderance of evidence, which is defined as being more likely than not that the respondent student has violated the code.
- xii) There will be a single verbatim record, such as a digital recording, of all hearings before the All-College Student Conduct Board. The record will be the property of the College.

#### 11. Student Conduct Board Procedures

- a. Presentation of Evidence – The following order of presentation will be followed in formal hearings:
  - i) Opening statement by Coordinator of Student Conduct. This must include presentation of alleged violation(s).
  - ii) Statement of complaint by complainant or Coordinator of Student Conduct.
  - iii) Presentation of witnesses and/or evidence supporting the alleged violations(s), including questions directed to the witnesses.
  - iv) Statement of the respondent student.
  - v) Presentation of witnesses and/or evidence by the respondent student, including questions directed to the witnesses and follow- up questions directed to the respondent student.
  - vi) Closing statement by complainant.
  - vii) Closing statement by respondent student.
  - viii) The Coordinator of Student Conduct brings hearing to closure.
  - ix) The Coordinator of Student Conduct will have the final decision on what evidence may be presented and the tone/format of the questioning, and may place limits on length of testimony at any time.



b. Deliberation

- i) The All-College Student Conduct Board will decide in closed deliberations if a preponderance of the evidence exists that the respondent student violated the stated provision(s) of the Student of Code of Conduct.
- ii) Deliberation is not part of the hearing; no verbatim record will be kept and no witnesses will be present.
- iii) The hearing body's determination of "in violation" or "not in violation" will be based solely on the information presented at the hearing using the standard of "preponderance of evidence."
- iv) Prior records of disciplinary action and complainant impact statements are considered by the hearing body only in the sanctioning phase of deliberations, except in the case of pattern evidence of sexual misconduct.
- v) A formal decision email and letter will be sent to the parties within ten (10) calendar days of the conclusion of the hearing body's deliberation.

c. Sexual Misconduct (See [Article VI](#) for conduct board procedures)

12. Violation of Law and College Discipline

If a student is charged with an off-campus violation of federal, state, or local laws, disciplinary action may be taken and sanctions imposed for misconduct which demonstrates flagrant disregard for the College community.

- a. Proceedings under this student code may be carried out prior to, simultaneously with, or following civil or criminal proceedings.
- b. When a student is charged by local, state, or federal authorities with a violation of law, code, or ordinance, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a conduct body under the student code, however, the College may advise off-campus authorities of the existence of the student code and of how such matters will be handled internally. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and with the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

### 13. Conflict Resolution Options

The Coordinator of Student Conduct has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution can be forwarded for formal processing and hearing; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Coordinator of Student Conduct may also suggest that complaints that do not involve a violation of the Code of Student Conduct be referred for mediation or other appropriate conflict resolution.

#### a. Mediation

All cases processed through the Office of Student Conduct are not required to go through formal hearings or informal resolution meetings. Mediation is a learning process which entails understanding and respecting the rights of others. It is an informal and confidential process to resolve minor conflicts, disputes, or disagreements without going through formal conduct proceedings.

Mediation cases may not be identified or filed as a conduct case. Mediation records will be maintained in a file and database separate from conduct files, and will not be recorded or reported as part of a student's record. All mediation files are confidential and will not be released without written consent, except in cases where the conduct or behavior is a repeat offense. In repeat cases, this information is only released to the hearing officer or committee conducting a formal hearing, and only used if found responsible for a violation of the Student Code of Conduct.

Alleged violations of the Student Code of Conduct which the College believes to be serious in nature are not subject to the mediation process. Such serious violations can include, but are not limited to: sexual misconduct, endangerment, physical assault, hazing, harassment, illegal drugs, alcohol, weapons, or certain violations of local, state, and federal laws.

Mediation files are expunged after a student graduates or after four (4) years after the date of the incident, whichever comes first. A request to have a mediation file expunged prior to this time must be sent in writing. The other person(s) involved in the case must agree, through signed consent, to the expungement of the file. The Dean of Student Life reserves the right to deny any request for the expungement of a file prior to graduation or the 4-year time frame.

#### 14. Sanctions

- a. Any of the following sanctions may be imposed on a student, a group of students, or a student organization. Violations of the Student Code of Conduct may result in one or more of the following sanctions:
  - i. Warning – A notice in writing to the student that the student is violating or has violated the Student Code of Conduct or other College policies or regulations.
  - ii. Probation – Probation is for a designated period of time and includes the deferment of more severe disciplinary sanctions. If the student is found to be violating any College policies or regulations during the probationary period, more severe disciplinary sanctions will be automatically applied by the Coordinator of Student Conduct.
  - iii. Loss of Privilege – Denial of specified privileges for a designated period of time.
  - iv. Restitution – Full payment for the cost of material(s) and labor for repair or replacement of damaged, destroyed, stolen property, etc.
  - v. Fines – Monetary sanction for violations.
  - vi. Educational Sanction – An assignment such as a public presentation and/or researched paper on a designated topic.
  - vii. Formal Apology – A written and/or verbal expression of one’s regret, remorse or sorrow for having insulted, failed, or injured or wronged another.
  - viii. Community Service – A specified number of service hours performed by the student.
  - ix. Social Suspension – A separation of the student from all non- academic activities and functions for a specified period of time.
  - x. Social Expulsion – The permanent separation of the student from all non-academic activities and functions.
  - xi. Residence Hall Warning – A notice in writing that a student will lose housing privileges and be suspended from the residence halls if the student is found in violation of another major violation of the Student Code of Conduct.

- xii. Residence Hall Suspension – Separation of the student from any of the residence halls and immediate vicinity of any of the residence halls for a definite period of time, after which the student is eligible to return. Residence hall suspension prohibits visitation within the residence halls. Students placed on residence hall suspension are not eligible for any housing refunds and are responsible for paying any outstanding charges during this time.
- xiii. Residence Hall Expulsion – The permanent separation of the student from the residence halls and in the immediate vicinity of any College residence hall. Residence hall expulsion results in permanent revocation of visitation rights. Students placed on residence hall expulsion are not eligible for any housing refunds and are responsible for paying any outstanding charges during this time.
- xiv. College Suspension – The separation of the student from the entire College and all College premises for a specified period of time or until certain conditions are met as specified by the College. College suspension will result in administrative withdrawal from courses and immediate removal from the residence halls, pending appeal. Students who are suspended are not eligible for any housing refunds and are responsible for paying any outstanding charges during this time.
- xv. College Expulsion – The permanent separation of the student from the entire College and all College premises. College expulsion will result in administrative withdrawal from courses and immediate removal from the residence halls, pending appeal. Students who are expelled are not eligible for any housing refunds and are responsible for paying any outstanding charges during this time.
- xvi. Lowering of Grade or Failing Grade – a reduction of a grade for a paper, assignment, quiz, exam, project, etc., or a reduction of the grade for a particular course.
- xvii. Any other type of sanction(s) at the discretion of the Coordinator of Student Conduct.

b. Proof of sanction(s)

Proof of completion must be provided to the Coordinator of Student Conduct by the specified deadline date given to the student at the end of their informal/formal meeting or following the All-College Student Conduct Board hearing. It is the responsibility of the respondent student to ensure that proof of completion is provided by the specified date. **Failure of the respondent student to provide proof**

**by the specified date will result in a violation of noncompliance and lead to further sanctions and fines.**

**NOTE:** Disciplinary sanctions will not be recorded in the student's permanent transcript, but will become part of the student's educational record, which is maintained privately in accordance with the Family Educational Rights and Privacy Act.

Upon graduation, a student may petition the Dean of Student Life to have disciplinary actions other than residence hall expulsion, College suspension, or College expulsions expunged from the student's educational record.

## 15. Interim Suspension

Interim suspension will be imposed:

- i. to ensure the safety and well-being of members of the College community or preservation of College property;
- ii. to ensure the student's own physical or emotional safety and well-being; or
- iii. to prevent disruption or interference of the normal operation of the College where a student poses a specific identifiable threat.

During the interim suspension, students may be denied access to:

- i. Residence halls
- ii. College premises (including classes)
- iii. College activities
- iv. Privileges for which the student might otherwise be eligible

Grounds for Interim Suspension

- i. In situations where the Dean of Student Life has reasonable cause to believe a student presents an immediate threat or danger to the health, safety, or general welfare of the campus community, an interim (temporary) suspension will be imposed. Immediate threats or dangers may include, but are not limited to, sexual assault, physical assault, hazing, possession of a firearm or explosives, or serious drug violations.

- ii. Interim suspensions will be imposed immediately upon determination that a student poses an immediate threat or danger to the health, safety, or general welfare of the campus community.
- iii. A student under interim suspension will not be allowed on campus except with the permission of the Dean of Student Life or the Coordinator of Student Conduct, unless a student is permitted full or limited continued academic access.
- iv. The respondent student will be provided information regarding his/her student rights and procedures used in a student conduct hearing. The terms of the interim suspension will be crafted to minimize the impact on the student's academic progress as much as possible under the circumstances. The student may request a meeting with the Dean of Student Life to show cause why an interim suspension should not be imposed, or should be lifted. That determination lies in the sole discretion of the Dean of Students.
- v. Student organizations will be suspended by the Dean of Student Life (or designee) in circumstances involving actions related to that group that may affect the health, safety, or general welfare of its members or the College community. This includes, but is not limited to, sexual misconduct, physical assault, hazing, possession of a firearm or explosives, or serious drug violations.

## 16. Appeal Requests

- a. Decisions of the All-College Student Conduct Board or by the Coordinator of Student Conduct may be appealed to the Dean of Student Life within five (5) business days, as described immediately below;
- b. Appeals must be in writing and must state the reasons for why an appeal should be considered. A written request must be submitted by the student to the Dean of Student Life within five (5) business days of the receipt of the hearing decision.
  - i. The written request must state the reason(s) for appeal and the supporting facts.
  - ii. Failure to describe the nature of the evidence in full detail in the appeal letter will result in the denial of an appeal.
- c. Appeal considerations are limited to:
  - i. Errors involving violations of the respondent student's rights that substantially affected the outcome of the initial hearing. Appeals based on this consideration will be limited solely to a review of the record of the first-level hearing.

- ii. New evidence that was not available at the time of the original hearing and could have substantially affected the outcome. The nature of the evidence must be described in full detail in the appeal letter.
- iii. The severity of the sanction is substantially disproportionate to the nature of the offense or the student's cumulative conduct record.
- iv. If a first-level disciplinary action is not appealed, that decision becomes final.

#### 17. Appeal Review

- a. The Dean of Student Life will review the written appeal, recording (if applicable), and documentation from the original hearing or meeting and determine if there is a basis for appeal.
- b. If the Dean of Student Life determines there is no basis for appeal, the Dean of Student Life will notify the Coordinator of Student Conduct of his/her decisions. A written decision will be sent to the student stating appeal denial and basis for the denial.
- c. If an appeal is granted, the Dean of Student Life will send the Coordinator of Student Conduct the decisions and/or changes to the sanction(s).

#### 18. Appeal Decisions

- a. The Dean of Student Life may uphold the first-level decision, may change it, or remand it for reconsideration and/or further investigation.
- b. The Dean of Student Life may modify any sanction(s).
- c. The decisions made regarding the appeal will be sent in writing to the student within ten (10) calendar days of an appeal review, unless notification is given that additional time is necessary for consideration of the record on appeal.
- d. Decisions of the Dean of Student Life are final.
- e. Except in the case of an interim suspension, all sanctions are typically placed on hold during the appeal process.

#### 19. Interpretation and Revision

The Coordinator of Student Conduct will develop procedural rules for the administration of hearings that are consistent with provisions of the Code of Student Conduct. Material deviation from these rules will, generally, only be made as necessary and will include

reasonable advance notice to the parties involved, either by posting online and/or in the form of written communication. The Coordinator of Student Conduct may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Code. The Coordinator of Student Conduct may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the Code of Student Conduct will be referred to the Dean of Students, whose interpretation is final. The Code of Student Conduct will be updated under the direction of the Coordinator of Student Conduct with a comprehensive revision process being conducted every 5 years. This Code creates no rights beyond the background laws which frame such codes generally.

#### 20. Non-Compliance:

Students who fail to comply with final decisions or sanctions of a conduct body and/or the Coordinator of Student Conduct will result in the following penalties:

- a. The Coordinator of Student Conduct will attempt to contact the student via email or letter to find out what is going on or set up another meeting to discuss the past due sanctions and establish a new timeline. If the student does not respond to any communications or if no progress on the past due sanctions is made within five (5) business days after the original deadline, the student will be found in violation of Failure to Comply / Non-compliance.
- b. Once the student is found in violation of Failure to Comply / Non-compliance, additional sanctions and fines will be added to the past due sanctions at the discretion of the Coordinator of Student Conduct.
- c. The student remains responsible for the completion of all original sanctions regardless of the additional sanctions or fines imposed.
- d. Non-compliance with final decisions or sanctions of a conduct body or the Coordinator of Student Conduct result in automatic penalties and will not be scheduled for further conduct hearings on this issue.



## ARTICLE VII

### STUDENT ALCOHOL POLICY

Students, faculty, staff, and contractors are hereby advised that Keystone College, as a recipient of federal funds, supports and complies with the provisions of the Drug Free Work Place Act of 1988 and the Drug Free Schools and Communities Act of 1989. The unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs and alcohol by employees or students on the College campus are prohibited and violations of this policy will result in appropriate disciplinary action.

**Keystone College has a zero tolerance for alcohol policy violations. A student's presence where any aspect of the Student Alcohol Policy is being violated, even if he/she is not directly involved in the specific act constitutes a violation of the Student Alcohol Policy. A student who actively, or passively, supports another's violation of College policy is in violation of their duty to uphold community standards, including the Student Code of Conduct.**

The College recognizes that there are serious health risks, behavioral problems, and legal consequences associated with the abuse, irresponsible use, and/or illegal use of alcohol. Therefore, all members of the campus community are expected to understand that alcohol use is inconsistent with the mission of the College. All students are expected to abide by local, state and federal laws along with the Student Alcohol Policy of Keystone College.

All alleged violations of the Student Alcohol Policy will be referred to a formal meeting with the Coordinator of Student Conduct or to an All-College Student Conduct Board hearing. Violations of this policy are cumulative in nature. **If a student is found to be in violation of the Student Alcohol Policy, minimum sanctions may include, but are not limited to:**

#### **A. Open Canister**

Keystone College does not permit the use of open or empty alcoholic beverage canisters for any reason (decorative or otherwise) on campus. Anyone found in violation of this policy will be sanctioned under the College's alcohol policy. This includes all cans, bottles, shot glasses and other drinking paraphernalia.

#### **B. Suspicion of Alcohol**

If a College Official smells alcohol emanating from a student's person, any residence hall room, or any other location on the College campus, or finds empty alcohol containers, the student will be found in violation of the Student Alcohol Policy. This also provides the College with sufficient probable cause to search the student's room (or area involved) for alcohol.

**C. Off Campus Gatherings / Parties**

Keystone College recognizes that students above the legal drinking age of 21 are allowed to responsibly obtain, consume and possess alcohol in off-campus properties not associated or leased by the College. In cases where students are cited and/or arrested by local law enforcement for furnishing, providing, or selling alcohol to minors, the student will be immediately placed on disciplinary probation and social probation until a formal meeting or student conduct board hearing can be held.

**D. 21 and Over Policy**

1. One (1) 750ml bottle of wine or one (1) six-pack of beer per student is permitted at the student activity at any given time.
2. Drinks are permitted to be consumed in clear containers only; no red solo cups, shot glasses, or beer bong/ balls.
3. ID must be presented when asked for or at registration/check-in table.
4. Alcoholic beverages are only allowed in the 21 designated areas. There will be zero tolerance of any alcohol consumption outside of this area.
5. Students may not display or consume alcohol in outside areas surrounding the determined location. This includes, but is not limited to: porches, lawns, sidewalks, vehicles and parking areas.
6. If there is any indication that alcohol is being misused by one or more persons at the location, it will be viewed as irresponsible use. Ultimately, evidence of a policy violation will be based on the quantity of alcohol present, as well as the activity (or intended activity) occurring at that time.
7. Drinking games are strictly prohibited.
8. The Office of Residence Life and the Office of Campus Safety reserve the right to conduct compliance searches at any given time.
9. Any student that is visibly intoxicated may be found in violation of the policy.
10. Alcohol poisoning is a serious problem; should any student show signs of alcohol poisoning, the proper authorities must be contacted immediately.
11. Students must not operate a vehicle while intoxicated.
12. Intoxication and impairment begins with the first drink.
13. Reasonable suspicion of furnishing to minors will result in immediate revocation of privilege to be in the designated areas or to be at the student activity.

## ARTICLE VIII

### STUDENT DRUG POLICY

Students, faculty, staff, and contractors are hereby advised that Keystone College, as a recipient of federal funds, supports and complies with the provisions of the Drug Free Work Place Act of 1988 and the Drug Free Schools and Communities Act of 1989. The manufacture, distribution, dispensation, possession or use of illegal drugs or other legal mind-altering synthetics drugs including, but not limited to, “Spice,” “K2,” “Salvia,” or “Bath Salts” by employees or students on the College campus are prohibited, and violations of this policy will result in appropriate disciplinary action.

**Keystone College has a zero tolerance for drug policy violations. A student’s presence where any aspect of the drug policy is being violated, even if he/she is not directly involved in the specific act constitutes a violation of the Drug Policy. A student who actively, or passively, supports another’s violation of College policy is in violation of their duty to uphold community standards, including the Student Code of Conduct.**

The College recognizes that there are serious health risks, behavioral problems, and legal consequences associated with the abuse, irresponsible use, and/or illegal use of illicit drugs. Therefore, all members of the campus community are expected to understand that the illegal use is inconsistent with the mission of the College. All students are expected to abide by local, state and federal laws along with the Student Drug Policy of Keystone College.

All alleged violations of the Student Drug Policy will be referred to a formal meeting with the Coordinator of Student Conduct or to an All-College Student Conduct hearing. Violations of this policy are cumulative in nature

#### **A. Suspicion of Illegal Substances**

If a College Official smells illegal substances emanating from a student’s personal belongings, any residence hall room, or any other location on the College campus, or finds drug paraphernalia, the student will be found in violation of the Drug Policy. This also provides the College with sufficient probable cause to search the student’s room (or area involved) for illegal or controlled substances.

#### **B. Suspicion of Dealing, Distributing or Selling Illegal Substances**

If a College Official searches a residence hall room or other student property on Keystone College premises (automobile, etc.) and sees indications of possible dealing, distribution or selling of illegal substances on Keystone College property, the student could face immediate suspension and/or expulsion from the College along with other legal consequences including,

but not limited to, being reported to the appropriate law enforcement agencies. Indications of dealing, distribution or selling of illegal substances can include, but are not limited to, the possession of several baggies and/or scales and/or a significant amount of an illegal drug or substance.

## ARTICLE IX

### STUDENT SMOKING / TOBACCO USE POLICY

Keystone College is committed to a healthful environment for all members of its community. One concern of the College is that of health hazards caused by use of tobacco products, as well as exposure to secondhand smoke. Keystone College supports the Pennsylvania Clean Indoor Air Act of 1988 in its attempt “to protect the public health and to provide for the comfort of all parties by regulating and controlling smoking.” Therefore, Keystone College has created a smoking policy to help create the healthy environment it desires.

1. There will be no tobacco use in any Keystone College facility at any time.
2. There will be no tobacco use in any Keystone College’s owned-vehicle at any time.
3. The sale of tobacco products on campus is prohibited.
4. Smoking or the use of tobacco products on College grounds will be prohibited, except in areas marked “Designated Smoking Area.”
5. There will be no electronic cigarette use in any Keystone College facility at any time.

**DEFINITION OF SMOKING / TOBACCO USE:** Smoking includes the burning of any type of cigar, cigarette, pipe, electronic cigarette or any other smoking equipment, whether filled with tobacco or any other material. Smokeless/Chewing tobacco is also included in this list. Four (4) “designated smoking areas” will be identified and clearly marked for tobacco use. The locations will include: one near Moffat Hall and Commons; one near Frear/Reynolds and the Hibbard Campus Center; one behind Tewksbury and Hollinshead (Between Sickler and Alumni Halls); and one near Capwell/Harris/Ward Hall.

1. All students will receive notice of the smoking policy at the beginning of each semester via the website, Student Handbook, newsletters, discussions, and/or handouts.
2. Keystone College’s Smoking Policy will be included in the Employee Handbook.
3. All new employees will be verbally informed of Keystone College’s smoking policy by the Director of Human Resources.
4. Keystone College’s Campus Safety officers will be in charge of issuing fines for violations of the College’s Smoking Policy; however, supervisors, or other members of the College Community, may report violations to Campus Safety.
5. A fine of \$50 will be issued for each violation of Keystone College’s Smoking Policy.

**Visitors:** Visitors are expected to comply with Keystone College's Smoking Policy.

Each student host is responsible for telling their visitors about the smoking policy and making sure their visitors abide by the policy. Violations of the policy by guests are also subject to the \$50 fine.

## ARTICLE X

### STUDENT HAZING / ASSAULT / FIGHTING / VIOLENCE POLICY

Keystone College has “zero tolerance” for any actions considered to be hazing, assaults, fighting or acts of violence. The definitions of these actions can be found in the under Article IV section B: Prohibited Conduct – Rules and Regulations. A student who engages in, supports, assists or facilitates any act of hazing, assault, fighting or violence has committed a violation of this student policy. Zero tolerance means that if a violation of these policies is found, serious sanctions will result. Students are strongly encouraged to report such acts of hazing, assaults, fighting or acts of violence to the Department of Campus Safety.

All alleged violations of this student policy will be referred to a formal meeting with the Coordinator of Student Conduct or to an All-College Student Conduct Board. Violations of this policy are taken very serious in nature. If a student is found in violation of this policy, minimum sanctions include, but are not limited to:

- Fines for restitution for any physical or property damages
- Suspension / Expulsion from the residence halls
- Loss of extracurricular privileges
- Suspension / Expulsion from the College
- Other sanctions imposed at the discretion of the Coordinator of Student Conduct

## ARTICLE XI

### COLLEGE-INITIATED MEDICAL LEAVES POLICY

The following policies and procedures are to be used to help transition a student to a safer environment more conducive to their needs when it becomes clear that remaining at the College is not in the best interest of the student or the College community. This policy also allows for a student to take a leave voluntarily when medical conditions or psychological distress make a leave in their best interest; its goal is to define the length of separation, outline the path to re-entry and ease the transition for the student's return, and to optimize the opportunities for the student's success when they return. Under certain conditions, if a student has not opted to take a leave voluntarily, the College may institute an involuntary leave under this policy.

#### **A. College-Initiated Medical Leave**

If a student poses a direct threat of harm to others, or causes the College to have a legitimate safety concern of harm to self, the Dean of Students (or designee) may initiate proceedings under the Code of Student Conduct. Students who engage in threats to others or self-harm behaviors that cause a significant disruption to the community may also be subject to the Code of Student Conduct.

##### **a. Standard for College-Initiated Medical Leave on the Basis of Threat of Harm to Others**

This section applies to all medical leaves from housing or from the College for any student who is at significant risk of harm to others. The objective of the College is to determine whether it is more likely than not that a student is a direct threat. When a student is a direct threat, they may be placed on leave until they are no longer a direct threat.

A direct threat exists when a student poses a significant risk to the health or safety of others. A significant risk constitutes a high probability of substantial harm. Significance will be determined by:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that the potential harm will occur; and
- The imminence of the potential harm.



The College must determine whether reasonable modifications to policies, practices or procedures will sufficiently mitigate the risk.

Determining that a student is a direct threat requires an objective and individualized assessment and hearing. The assessment must be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. This standard also applies to the reinstatement of a student who has been placed on leave. They are entitled to return upon a showing they no longer pose a direct threat of harm to others. The College's Behavioral Intervention and/or Threat Assessment Team will likely assist in this determination.

b. Standard for College-Initiated Medical Leave on the Basis of Self Harm Behaviors

Self-harming behaviors that significantly disrupt normal College activities will be subject to the Code of Student Conduct. Potentially lethal or acute self-harming behaviors, such as suicide attempts, are addressed under this policy as legitimate safety concerns. When the College, using the process outlined below, determines that a student poses a legitimate safety concern of harm to self, the College-Initiated Medical Leave process can be invoked.

### **Status of Conduct Proceedings**

If the student has been accused of a violation of the Code of Student Conduct, but it appears that the student is not capable of understanding the nature or inappropriateness of the action, this policy may be activated prior to issuance of a determination in the conduct process. Interim suspension for threat of harm to others or a legitimate safety risk to self will also likely be imposed.

If the student is placed on medical leave from the College, or another action is taken under these provisions following a finding that the student's behavior was the result of a lack of capacity, such action terminates the pending conduct action. If the student is found not to be subject to medical leave, conduct proceedings may be reinstated.

### **Referral for Assessment or Evaluation**

The appropriate official (or Behavioral Intervention Team) may refer or mandate a student for evaluation by a campus or independent licensed psychiatrist or psychologist (or licensed professional counselor, social worker, licensed clinical social worker, etc.) chosen by the College. Such evaluation may be appropriate if it is believed that the student may meet the criteria set forth in this policy or if a student subject to conduct proceedings provides

notification that information concerning a mental health/behavioral condition or disorder will be introduced.

Students referred or mandated for evaluation will be so informed in writing with personal and/or certified delivery, and will be given a copy of these standards and procedures. The evaluation must be completed per the direction of the referral letter, unless the Dean of Students (or designee) grants an extension. A student who fails to complete the evaluation in accordance with these standards and procedures, and/or who fails to give permission for the results to be shared with appropriate administrators, will be referred for conduct action for “Failure to Comply” under the Code of Student Conduct.

### **College-Initiated Medical Leave Hearing Procedures**

#### **a. Administrative Hearing Option**

The Dean of Students (or designee) may invoke informal resolution procedures to determine the need for an involuntary leave without a formal hearing. This process is also known as an administrative hearing or conference. In administrative hearings, medical and administrative evidence (e.g. BIT assessment) will be introduced, and final determinations will be made by the Dean of Students (or designee). If the medical evaluation and/or administrative assessment (e.g. BIT assessment) support the need for a leave, the Dean of Student life will render a written decision within two business days, barring exigent circumstances, stating the rationale for his/her determination. The decision will be delivered to the student directly, electronically, and/or by regular and certified mail. If the determination is made that a leave is warranted, the notification will include information regarding how long the leave may endure, as well as specifying any conditions of reinstatement. If other actions are pending, the appropriate individuals will be notified and may proceed with their actions.

#### **b. Formal Hearing Option**

The student subject to a College-initiated medical leave may request a formal hearing in lieu of the administrative hearing described above. If the medical evaluation and/or administrative assessment (e.g. BIT assessment) support the need for a leave, a hearing will be scheduled before the Dean of Students (or designee), and core members of the College administration. The student will be informed, in writing electronically and through regular and/or certified delivery, of the time, date and place of the hearing. The student will be given at least two business days to independently review the psychological or psychiatric evaluation prior to the hearing. The student will be notified of who is expected to present information at

the hearing, and is expected to notify the Dean of Students (or designee) of any parties with relevant information whom the Dean should contact to request their appearance at the hearing as a witness. The student may, at the discretion of the Dean of Students (or designee), be assisted by an advisor in the hearing. The student is permitted to have an attorney present to attend/advise, but no advisor will be allowed to speak for or formally represent the student during a medical leave hearing, unless the Dean grants an exception, such as in cases of incapacity.

The student or the student's advisor may present information about the necessity and appropriateness of medical leave and the student will be given the opportunity to ask questions of others presenting information. The hearing should be conversational and non- adversarial; however the Dean of Students (or designee) will exercise active control over the proceeding, to include deciding who may present information. Formal rules of evidence will not apply. Anyone who disrupts the hearing may be excluded. There will be a single verbatim record, such as a tape recording, for all involuntary leave hearings. The record will be the property of the College and maintained according to the College's record retention policy for such hearings.

A written decision will be rendered by the committee on the basis of a preponderance of evidence within two business days, barring exigent circumstances, and will state the rationale for its determination. The decision will be delivered to the student in writing electronically and through regular and/or certified delivery. If the determination is made that a leave is warranted, the notification will include information regarding how long the leave may endure, as well as specifying any conditions of reinstatement. If other actions are pending, the appropriate individuals will be notified and may proceed with their actions.

c. Appeals Process

The determination of the medical leave hearing, administrative or formal, is subject to appeal to the Vice President for Student Affairs in accordance with the following process:

Students subject to College-initiated medical leave may petition for a review of the determination within three (3) business days of issuance of the hearing committee's written decision. All petitions must be in writing and delivered to the Vice President for Student Affairs (or designee). Reviews will only be considered for one or more of the following purposes:

- To consider new information which was unavailable at the time of the original hearing and could be outcome determinative;
- To assess whether a material deviation from written procedures impacted the fairness or outcome of the hearing;
- To decide if a medical leave is inappropriate to address the nature, duration and/or severity of the risk or threat;
- To determine if the decision does not align with the information provided in the hearing or whether reasonable modifications might mitigate the risk without a leave; or
- To assess whether bias on the part of a hearing committee member deprived the process of impartiality.

Except as required to explain the basis of new information unavailable at the time of a hearing, review of a hearing will be limited to the verbatim record of the initial hearing and/or all supporting documents. The review and appeal decision of the Vice President for Student Affairs (or designee) is final.

#### **B. Readmission Following a College-Initiated Medical Leave**

A student who is seeking reinstatement to the College after College-initiated medical leave must receive clearance by providing the Dean of Students written evidence from a licensed medical or mental health professional that the student is no longer a direct threat to others or a legitimate safety concern, and is otherwise qualified to participate in the College's educational programs. Any other conditions outlined in accordance with this policy and/or any conduct sanctions must also be completed. A hearing, as outlined above, may be held to determine whether the student is qualified to return.

## ARTICLE XII

### **SEX/GENDER-BASED MISCONDUCT POLICY (Updated 4/21/17)**

Members of the College community, guests and visitors have the right to be free from all forms of gender and sex-based discrimination, examples of which can include acts of sexual violence, sexual harassment, intimate partner violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. College believes in a zero tolerance policy for gender-based misconduct. When an allegation of misconduct is brought to an appropriate administration's attention, and a responding party is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

#### **OVERVIEW OF POLICY EXPECTATIONS WITH RESPECT TO PHYSICAL SEXUAL MISCONDUCT**

The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence--without actions demonstrating permission-- cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. A person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and "Yes" may not always mean "Yes." Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "no."

## **OVERVIEW OF POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of the faculty/staff handbooks. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift the student out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes RAs and students over whom they have direct responsibility. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

## **SEXUAL VIOLENCE -- RISK REDUCTION TIPS**

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.

- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

In campus conduct proceedings, legal terms like "guilt," "innocence" and "burdens of proof" are not applicable, but the College never assumes a student is in violation of College policy.

Campus conduct proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.

The College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, no contact orders, interim suspension from campus pending a resolution, and reporting the matter to the local police. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the College reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The College will consider the concerns and rights of both the reporting party and the responding party.

**SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:**

1. Sexual Harassment
2. Non-Consensual Sexual Contact (or attempts to commit same)
3. Non-Consensual Sexual Intercourse (or attempts to commit same)
4. Sexual Exploitation

**1. SEXUAL HARASSMENT**

Sexual Harassment is:

- unwelcome, gender-based verbal or physical conduct that is,
- sufficiently severe, persistent or pervasive that it,
- unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's educational program and/or activities, and is
- based on power differentials (quid pro quo), the creation of a hostile environment or retaliation

Three Types of Sexual Harassment—

- A. Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the reporting party's) and an objective (reasonable person's) viewpoint.



Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

## 2. NON-CONSENSUAL SEXUAL CONTACT

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- of a person upon another person,
- that is without consent and/or by force

Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

B. Quid pro quo sexual harassment exists when there are:

1. unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
2. submission to or rejection of such conduct results in adverse educational or employment action

C. Retaliatory harassment is any materially adverse employment or educational action taken because of the person's participation in an investigation or resolution of discrimination or sexual misconduct.

## 3. NON-CONSENSUAL SEXUAL INTERCOURSE

Non-Consensual Sexual Intercourse is:

- any sexual intercourse

- however slight,
- with any object,
- of a person upon another person,
- that is without consent and/or by force.

Intercourse includes:

vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

#### **4. SEXUAL EXPLOITATION**

Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another student;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another student;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation
- Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.
- The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.

**SANCTIONING FOR SEXUAL MISCONDUCT**

- Any person found responsible for violating the policy on Non-Consensual Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary violations.\*
- Any person found responsible for violating the policy on Non-Consensual Sexual Intercourse will likely face a recommended sanction of suspension or expulsion (student) or suspension or termination (employee).\*
- Any person found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion or termination, depending on the severity of the incident, and taking into account any previous disciplinary violations.\*

\*The decision-making body reserves the right to broaden or lessen any range of sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

**OTHER MISCONDUCT OFFENSES (WILL FALL UNDER TITLE IX WHEN SEX OR GENDER- BASED)**

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
5. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment).

6. Violence or emotional abuse between those who are in or who have been in an intimate relationship to each other;
7. Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community.

## **SANCTIONS**

The sanctions may be imposed upon any member of the community found to have violated the Sex/Gender-based Misconduct Policy. Factors considered in sanctioning are defined on [page 43](#).

## **CONFIDENTIALITY, PRIVACY AND REPORTING POLICY**

### **Confidentiality and Reporting of Offenses Under This Policy**

All College employees (faculty, staff, and administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate College officials – thereby offering options and advice without any obligation to inform an outside agency or individual unless you have requested information to be shared. Other resources exist for you to report crimes and policy violations and these resources will take action when you report victimization to them.

The following describes the two reporting options at College: Confidential Reporting If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- On-campus licensed professional counselors,
- Campus health service providers,
- Campus Victim Advocates
- Off-campus:
  - Licensed Professional Counselors
  - Local rape crisis counselors
  - Domestic violence resources,

- Local or state assistance agencies
- On or off-campus members of the clergy/chaplains

All of the above employees will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Campus counselors are available to help free of charge and can be seen on an emergency basis during normal business hours. These employees will submit quarterly, anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

#### Formal Reporting Options

All College employees have a duty to report, unless they fall under the “Confidential Reporting” section above. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator and/or Deputy Coordinators. Otherwise, employees must share all details of the reports they receive. If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator or Deputy Coordinators, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law.

In cases indicating pattern, predation, threat, weapons and/or violence, the College will likely be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have reports taken seriously by College when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: Campus Safety, Residence Life, Health Services, Counseling, and Student Life. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party’s rights and privacy. Anonymous reports can be made by those impacted and/or third parties using the online reporting form posted at (will insert new URL before printing). Anonymous reports may prompt a need for the institution to investigate.

**Reports to the Title IX Coordinator can be made via email, phone or in person at the contact information below:**

**Patricia L. Lione**

**Title IX Coordinator**

Ward Hall Room 304

(570) 945-8361

[patricia.lione@keystone.edu](mailto:patricia.lione@keystone.edu)

**Alberta Grushinski**

**Deputy Title IX Coordinator**

Ward Hall Room 303

(570) 945-8373

[alberta.grushinski@keystone.edu](mailto:alberta.grushinski@keystone.edu)

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex or gender harassment or discrimination of which they become aware, is a violation of College policy and is subject to disciplinary action ranging from a warning up to and including termination of employment.

### **Federal Statistical Reporting Obligations**

Certain campus officials have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

### **Federal Timely Warning Reporting Obligations**

Those who experience sexual misconduct should also be aware that College administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

**Interim Measures**

In addition to the Interim Actions described in Article IV Formal Conduct Procedures section D number 9, Complainants will be made aware of interim measures which can be put in place while a complaint is being investigated. These measures include but are not limited to:

- Assistance from College support staff in completing a room relocation;
- Assistance with or rescheduling an academic assignment (paper, exams, etc.) or otherwise implementing academic assistance;
- Taking an incomplete in a class;
- Assistance with transferring class sections;
- Temporary withdrawal;
- Assistance with alternative course completion options;
- Escorts to and from campus locations;
- On or off-campus counseling assistance;
- Transportation assistance or support;
- Other accommodations for safety as necessary.

**STUDENT RECORDS & CONFIDENTIALITY**

All resolution proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, VAWA Section 304, and College policy. No information will be released from such proceedings except as required or permitted by law and College policy.

It is generally the policy of Keystone College to obtain consent from a student before releasing to parents information from a student's education record, including the conduct proceedings of the College. However, when in the judgment of the College the release of such information to parents is appropriate and is not otherwise prohibited by FERPA or other applicable laws, the College reserves the right to release information without student consent. The College's complete FERPA policy may be found on the College website.

**Reporting to the College Community**

Information regarding incidents of sexual misconduct is published annually in the Annual Security & Fire Safety Report (ASFSR) by the Department of Campus Safety and placed on the Keystone College website. For additional information or concerns, individuals may also contact the Department of Campus Safety.