

Chapter VI

Student Activities and Conduct

Article I. Procedures for the Governance of Student Conduct

Section 1. General Principles

- A. Students shall be held individually responsible for maintaining standards of conduct which meet the requirements of decency, the behavior patterns of a democratic society, and the particular needs of this college community.
- B. The faculty of the College may make explicit these requirements by specific regulations to whatever extent it decides is necessary for the welfare of the college community.
- C. Social regulations of whatever origin should insure adequate consideration for the rights of individual students to privacy and the preservation of their individual dignity and comfort, and an atmosphere consistent with the basic educational purposes of the College.
- D. All members of the community have the responsibility for adherence to state, local, and federal laws.

Section 2. The President of the College.

The President of the College shall have the authority, when there is just cause, to summarily suspend or expel a student from the College.

Section 3. The Faculty

- A. The faculty shall have the power to take proper measures for the government and discipline of the students, and to suspend and expel offenders as may be deemed necessary.
- B. This authority may be delegated to a properly constituted committee, the faculty reserving the right of review. (Const., Art., V, Sec. 2.)

Section 4. The Council on Student Affairs (11-10-2010)

- A. Except when otherwise expressly delegated, the Council on Student Affairs shall be charged with passing on all student discipline cases referred to it.
 1. The Council on Student Affairs may also establish disciplinary procedures and regulations and delegate its authority to administrative offices and/or committees where it deems such action appropriate. (See Ch. VI, Art. III, Sec. 3B).
 2. All decisions by the Council on Student Affairs on matters of student discipline shall be reported to and subject to review by the faculty as a whole.

- B. The Council on Student Affairs may also act on other matters referred to it, such as the selection of award winners and the review and revision of college policies on student activities and conduct.

Section 5. Living Group Regulations

- A. Residents of and visitors to college residence halls, fraternity houses and other college supervised residences shall be subject to the supervision of the Dean of Students.
- B. Living groups of students may establish additional regulations which are not consistent with those established by other duly designated college committees or departments. Such regulations are subject to review by the Council on Student Affairs and may be enforced by living group councils, with any student retaining the right of appeal to the Council on Student Affairs.
- C. Authority is vested in the President of the College or his or her designee to excuse at his or her pleasure students from living in college residences or from eating in college dining halls (Const. By-Laws, Art. VI, Sec. 1).

Article II. Student Life Committee**Section 1. Purpose**

- A. The Student Life Committee may review and recommend policies on any matter, which is not of a curricular or disciplinary nature, relating to student life at Whitman College.
- B. The committee has policy-making authority in those areas of student life where authority is not specifically delegated to another committee, person, or department by the Faculty Code or the President. If in reviewing a matter brought before it the committee determines that proper jurisdiction is elsewhere, the Committee will refer the matter there.

Section 2. Membership

The Student Life Committee shall be composed of six students, three faculty members, the Dean of Students or his or her designee, the Associate Dean of Students, and the Provost and Dean of the Faculty or the Associate Dean for Academic Affairs.

- A. The President of the College and the President of the Associated Students of Whitman College are *ex-officio*, non-voting members.
- B. The Executive Council of the Associated Students of Whitman College shall appoint three students each year for 2-year terms. No more than 1/3 of the students shall be representative of one social or living group, no more than 2/3 shall be of the same sex, and both Greeks and independents shall have at least 1/3 of the membership.
- C. One faculty member is elected each year by the faculty to a 3-year term. The faculty member holding the senior position as defined by the termination date of his or her position shall act as chair.

Section 3. Procedures

Any recommendation or policy matter brought to a vote must pass by a majority of each of the three represented constituent groups present at the time.

Any policy decision made by the committee will be passed on to the appropriate department or organization for implementation.

Article III. The Council on Student Affairs

Section 1. Purpose

The Council on Student Affairs shall meet in order to hear and act upon any case involving alleged infractions of college regulations, referred to it by duly designated college groups or individuals. The council may also establish and revise student discipline procedures and act on other matters referred to it.

Section 2. Membership

The Council on Student Affairs shall be composed of four members of the faculty, five members of the student body, and the Dean of Students as chair.

- A. The faculty and student membership must have 2-2 and 3-2 gender balance, respectively. All members shall be voting members.
- B. Faculty members of the Council on Student Affairs shall be elected to 3-year staggered terms.

Each year the faculty shall elect from its body enough members to maintain Council membership of four faculty members and 2-2 gender balance.

- C. Three of the student members also serve 3-year staggered terms, each 3-year term beginning in the sophomore year of the new member. The Executive Council of the Associated Students of Whitman College shall appoint annually one sophomore member of ASWC to serve a 3-year term and shall appoint two members to serve 1-year terms during their senior year. A 3-2 gender balance must be maintained in the student appointments.

Section 3. Procedures

- A. When considering cases of infractions of college regulations, the Council on Student Affairs shall safeguard the rights of an accused student, establish the framework of facts, rule on guilt or innocence and assign sanctions for proven violations of college policy. In all cases the accused will be presumed innocent until proven guilty.
- B. In carrying out these procedures, and in delegating its authority to other college groups, the Council shall assure that confidentiality is maintained and that the following rights are respected:
 - 1. The student shall be informed in writing of the nature of the charges and shall be given time to prepare a defense.
 - 2. The student shall have the right to be assisted by an adviser of his or her choice who is a member of the college community.
 - 3. The student shall be given the opportunity to speak, present evidence and present witnesses on his or her own behalf.

4. The student shall be given the opportunity to submit in writing any questions that he or she would like of any witness.

Section 4. Appeals

A decision by the Council on Student Affairs may be appealed by a student who is the subject of disciplinary action by the council when:

- A. He or she feels that there has been a procedural error in the discipline process by the Council, or
- B. Evidence or information relevant to the case did not arise during the hearing.

Section 5. Disciplinary Actions

- A. The severity of any disciplinary action shall depend not only on the seriousness of any individual violation of good conduct but also on the complete record of campus citizenship of the student involved.
- B. The categories of official disciplinary action shall be:
 1. Dismissal from the College
 2. Suspension from the College with reinstatement dependent upon the fulfillment of stipulated conditions.
 3. Conduct probation, the terms of which shall be set by the Council on Student Affairs. Specific terms of such probation may prohibit the students' participation in extra-curricular activities, public performances, the holding of an office in a student organization, or the participation in commencement or other official ceremonies.
 4. Suspended conduct probation, under the terms of which any further violation of good conduct by the student involved may result in the immediate application of conduct probation or a more severe penalty.
 5. Other official action necessary to insure the responsibility of each student in his or her relationship to the College and the community.

Article IV. Student Organizations**Section 1. Authorization of Student Organizations**

- A. In order to become an authorized Whitman College student organization a petition for recognition must be initiated with the Dean of Students or his or her designee.
- B. No honor society or student social organization, including fraternities and sororities, may be recognized without permission of the faculty.
 - 1. Application for the establishment of such an organization must be accompanied by a copy of the proposed constitution and a recommendation from the Dean of Students for favorable or unfavorable action.
 - 2. Upon the approval of the constitution the faculty will grant permission for the establishment of the organization.
- C. All other student organizations such as those affiliated with an academic department, service organization, or a special interest group, must be recognized by the Dean of Students or his or her designee.
- D. No change in the constitution of any organization may be made without permission of the Dean of Students. Major changes may require reapplication for recognition through established procedures.
- E. No student social organization at Whitman College shall be permitted to refuse membership to any otherwise qualified candidate, or discriminate against any member, on the basis of race, color, sex, gender, religion, age, marital status, national origin, disability, veteran's status, sexual orientation, gender identity, or any other basis prohibited by applicable federal, state, or local laws.
- F. The faculty reserves the right to withdraw its authorization from any organization if in its judgment the well-being of the College requires such action.

Section 2. Supervision of Student Organizations

Student organizations and activities shall be subject to the supervision of the Dean of Students.

- A. Regulations for organizations and activities shall be established by the Dean of Students except in areas where authority is granted by the Board of Trustees or where legislation is specifically provided for by the faculty.
- B. Establishment of these regulations may be wholly or partly delegated to properly constituted student organizations or committees, subject to the approval of the Dean of Students.

Section 3. General Regulations

- A. Every organization must furnish a current list of its officers and a copy of its constitution and by-laws to the Dean of Students; maintain a good standard of

scholarship and conduct among its members; and have a college adviser appointed by the President of the College on recommendation of the Dean of Students and nomination by the student group concerned.

- B. Membership in student organizations shall be limited to regular students enrolled in the College, except insofar as the constitutions of the respective organizations may provide for honorary and other categories of membership.
- C. Social events and other activities held in off-campus locations will not normally be considered to be social events sponsored by the College. The responsibility for insuring proper conduct at such events shall rest entirely with the group itself.
- D. Activities conducted on the campus by student organizations are subject to college regulations concerning organizations and individual student behavior.

Student or campus organizations that wish to use college-owned facilities for their activities must reserve the facilities according to appropriate procedures.

- 1. The reservation must indicate who the responsible individual/s will be in case of damage to college property or other problems stemming from the activity.
 - 2. In instances where college property or buildings are being used by students for such activities, the College reserves the right to require the presence of custodial personnel such as firemen, janitors, residence hall staff, security personnel, etc.
- E. No publications may be issued by students, classes, or organizations in the name of the College without permission of the faculty.
 - F. Each student organization must be free of debt contracted as a result of current operations by the end of each college fiscal year. An organization in debt at the end of a fiscal year may be placed on probation for one year.
 - 1. During such probation the organization shall not contract further current indebtedness and shall remove all current financial obligations.
 - 2. If, at the end of the year of probation, the indebtedness has not been removed, college authorization for the organization may be withdrawn.

Section 4. Associated Students of Whitman College

All regular students in the College are required to become members of the Associated Students of Whitman College. All other students are entitled to the privilege of membership upon payment of the student body fee.

Section 5. Social Fraternities and Sororities

- A. All of the regulations in the preceding sections of this Article apply to social fraternities and sororities.

- B. College expectations of fraternities and sororities are detailed in the document "Fraternities and Sororities at Whitman College." It is the responsibility of each recognized social fraternity and sorority to comply with all college regulations.
- C. In addition, the following regulations apply to fraternities and sororities:
1. Each social fraternity and sorority must keep on file with the Dean of Students an accurate list of its members and officers.
 2. No social fraternity or sorority may pledge or initiate a student not enrolled as a regular student in the College. A first-year student may not be initiated into membership until he or she has been enrolled for at least one semester as a regular student.
 3. Every social fraternity and sorority must have an adviser who is a member of the faculty. Faculty advisers shall be appointed by the President of the College upon recommendation of the Dean of Students and nomination by the student group concerned.
 4. Only men students enrolled in the College or persons designated by the College may reside in fraternity houses while classes are in session.
 5. Each fraternity house must at all times be accessible for inspection by the Dean of Students, his or her designee, or the faculty adviser.
 6. All activities which are sponsored by recognized fraternities and sororities or which take place in fraternity houses are subject to college regulations and to the control of the Dean of Students.

Article V. Student Conduct**Section 1. General Regulations**

- A. A student may be subject to disciplinary action for conduct which seriously affects his or her suitability as a member of the academic community.
- B. From time to time various regulations and procedures, in addition to those in this article, may be established by authorized college groups or individuals, such as the Council on Student Affairs, the Student Life Committee, and the Dean of Students.

All such policies are regularly published in the "Whitman College Student Handbook."

- C. At all times students shall comply with the directions of college officials acting in pursuance of their duties.

Section 2. College Documents

No student shall dishonestly and knowingly furnish false information to the College or its officers nor shall he or she forge, alter or misuse College documents, records or identification.

Section 3. Disruption or Abuse of College Facilities and Activities

- A. There shall be no obstruction or disruption of teaching, research, administration, disciplinary procedures, or other college activities, including its public service functions, or of other authorized activities on college premises. Unauthorized entry to or use of college facilities is forbidden.
- B. There shall be no physical abuse of any person on college-owned property or at college-sponsored or supervised functions, or conduct which threatens or endangers the health or safety of any such person.
- C. Theft or damage of property of the College, of a member of the college community, or of a college visitor, shall be cause for disciplinary action.
- D. Disorderly conduct, or lewd, indecent, or obscene conduct or expression on college-owned or college-controlled property, or at college-sponsored or college-supervised functions, shall be cause for disciplinary action.

Section 4. Visiting Speakers

Any recognized student group may invite to the campus any speaker the group would like to hear. The appearance of any invited speaker does not imply any endorsement, either implicit or explicit, of his or her views by the institution, its faculty, its administration, or its governing boards. International speakers should be cleared through the Office of Human Resources.

Section 5. Hazing

- A. Hazing by individuals or organizations is banned.
- B. Hazing is defined as any activity which physically or mentally humiliates, degrades, or injures another person or requires a person to do something illegal or against his or her wishes.
- C. Offenders, either individuals or organizations, shall be subject to disciplinary action.

Article VI. Recording and Reporting Student Conduct**Section 1. Freedom of Expression**

Expressions by students of opinions in the classroom or in academic work connected with courses which reflect social or political viewpoints shall be considered as confidential and shall not be divulged to any investigating agency or person.

Section 2. Official Conduct Records

Records of official actions related to the conduct and discipline of students shall be maintained by the Dean of Students. Inquiries relating to such conduct actions shall be directed to that office.

Section 3. Notations of Suspension or Dismissal

Notations of suspension or dismissal for reason of conduct shall be made on the student's permanent academic record.

- A. On completion of the terms of suspension, the notation on the student's permanent record shall be expunged, and thereafter no further indication of the action shall appear on such record.
- B. Notations concerning dismissal shall not be expunged from the permanent record.

Article VII. Sexual Misconduct Policy (April 22, 2009)**Section 1. Introduction**

Whitman College strives to provide a safe environment in which students can pursue their education free from the detrimental effects of sexual misconduct, which includes sexual harassment and sexual assault. Therefore, the College seeks to educate students, faculty and staff about these issues and to provide a means of recourse for those students who believe they have experienced such behavior. The College reserves the right to respond with whatever measures it deems appropriate to prevent sexual misconduct and preserve the safety and well being of students.

Section 2. Purpose of the Sexual Misconduct Policy

To define sexual misconduct involving students, which includes sexual harassment, other forms of non-consensual sexual behavior, and sexual assault

To identify resources and support for students reporting an incident of sexual misconduct

To establish procedures for filing complaints of sexual misconduct

To affirm the College's commitment to preventing sexual misconduct

To respond appropriately when incidents do occur.

Section 3. Sexual Misconduct Defined

The College prohibits sexual misconduct in any form. Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion or manipulation. Sexual misconduct can occur between persons of the same or different genders. Sexual harassment is a form of sexual misconduct. It is gender-based verbal or physical conduct that is so severe, pervasive or objectively offensive that it interferes with a student's ability to benefit from the educational opportunities or activities of the College.

The list of prohibited conduct under this policy includes, but is not limited to, the following:

Unwelcome sexual advances or propositions that interfere with a student's education or employment opportunities

Using electronic devices or technology (e.g., cell phone, camera, email, Internet sites or social networks) to record or transmit nudity or sexual acts without a person's knowledge and/or permission

Intentionally observing nudity or sexual acts of another person without the person's knowledge or permission (voyeurism)

Unwanted touching of the genitals, buttocks, or breasts that is intentional or other unwanted touching or groping

Forcing/coercing someone to touch you or someone else in a sexual manner

Threatening to sexually harm someone

Initiating sexual activity with a person who is incapacitated and unable to provide consent due to alcohol and/or drug consumption or other condition

Inducing incapacitation for the purpose of sexual exploitation

Ignoring a sexual limit that has been communicated

Coercing or intimidating someone into sexual behavior

Sexual assault, including unwanted penetration of an orifice (anal, vaginal, oral) with the penis, finger or objects

Section 4. Consent Defined

The College defines consent as a freely and affirmatively communicated willingness to participate in sexual activity, expressed by clear, unambiguous words or actions. It is the responsibility of the initiator of the sexual activity to ensure that he or she has the other person's consent to engage in sexual activity. Consent must be present throughout the sexual activity by all parties involved. At any time, a participant can communicate that he or she no longer consents to continuing the activity. Consent may never be obtained through the use of force, coercion, or intimidation or if the victim is mentally or physically disabled or incapacitated, including through the use of drugs or alcohol.

Students cannot assume consent because of the existence of a previous dating or sexual relationship. The use of alcohol or drugs does not diminish a student's responsibility to obtain consent for sexual activity.

Section 5. Filing a Complaint

Any student may file a complaint of sexual misconduct against any other Whitman College student. Students who choose to file a complaint should do so with the Dean of Students Office. The College does not distinguish between incidents that occur on or off campus, including study abroad and Semester in the West.

As part of the Dean of Students Office staff, the Associate Dean of Students for Academic Support serves as the Student Conduct Administrator. The Student Conduct Administrator investigates alleged violations of the Whitman College policies and regulations and may adjudicate some complaints of sexual misconduct in an informal hearing process. The Student Conduct Administrator will help students submitting a complaint of sexual misconduct understand their available options, and inform them about the investigation and adjudication procedures.

The Office of the Dean of Students will investigate all complaints of sexual misconduct and sexual harassment between students. Students who wish to file a

complaint of sexual misconduct or sexual harassment involving a staff or faculty member should do so with the College's Sexual Harassment Officer (Memorial Hall, Room 102, (509) 527- 5970).

The Dean of Students Office (Memorial Hall, Room 302, 509 527-5158) and the Student Conduct Administrator will coordinate the College's response to reports of sexual misconduct. This includes:

- Making information regarding the Sexual Misconduct Policy and related services available to students in print and via the website

- Assisting complainants and respondents in understanding their rights

- Ensuring that complainants and respondents are provided appropriate support, including facilitating requests for safe housing, negotiating academic accommodations and providing referrals to on and off campus resources

- Assisting students in notifying local law enforcement authorities if the student so requests

- Investigating reports of alleged sexual misconduct involving students

- Issuing no-contact and no-trespass orders

- Initiating interim actions against the accused, such as interim suspension or residence hall suspension

- Overseeing the adjudication process and if necessary the appeal procedures

Section 6. Student Rights

Students involved in an incident of sexual misconduct have the right to:

A. A safe environment

The College will take whatever measures it deems reasonable and feasible to protect the safety of the campus community, and the well-being and rights of students. Such measures may include but are not limited to, modification of living arrangements, changing an academic or work schedule, or no-contact or no trespass orders.

B. Respect

All parties involved in an incident of sexual misconduct will be treated with dignity, respect and fairness.

C. Be taken seriously

The College will treat all complaints seriously and will investigate allegations of sexual misconduct.

D. Access to College resources and support

All parties will have full access to campus services designed to assist in such cases, including the Dean of Students' office, the Counseling Center and Health Center.

E. A fair conduct process

The College will inform all parties of their options and about the adjudication procedures.

F. File a complaint with the police

The College will not discourage students from or pressure students into taking legal action off campus

G. Freedom from retaliation

The College will not tolerate any form of harassment, retaliation, and/or intimidation of the complainant or the respondent, or of those supporting either party.

Section 7. Adjudication Process

After the Dean of Students Office receives a complaint of sexual misconduct, the Student Conduct Administrator will initiate an investigation that could lead to charging a student with violating Whitman's Sexual Misconduct Policy. After the investigation, the case may be referred to the Student Conduct Administrator or the Council on Sexual Misconduct for adjudication and for sanctioning if appropriate. The following are important terms that relate to the judicial process.

A. Notification

If the Dean of Students or Student Conduct Administrator receives a report alleging a student's violation of the Sexual Misconduct Policy, the student will be notified of the accusation and apprised of the investigation procedures and the possibility of a hearing.

B. Scope of the Judicial Process

The College's judicial process extends to student conduct that occurs on campus or off campus conduct that seriously affects the student's suitability as a member of the Whitman College community.

C. Investigation of Alleged Sexual Misconduct

The Student Conduct Administrator will interview the student bringing the charge (complainant) as well as the accused (respondent) and any other person who can provide information relevant to the incident.

D. Privacy

The sexual misconduct hearing is closed to the public and no one may disclose information from the hearing to anyone not legitimately involved in the proceedings. The written statements of both parties are educational documents protected by the Family Educational Rights and Privacy Act and therefore, consent from the student who submitted the statement is required before any identifiable information can be disclosed to anyone other than college officials involved in the hearing process or who have a legitimate educational interest.

E. Retaliation

Any retaliatory action taken against a complainant or respondent of sexual misconduct or against their friends, acquaintances or other persons cooperating in the investigation of a charge of sexual misconduct is a violation of College policy. This includes any form of intimidation, threats, harassment or knowingly filing a false complaint.

F. Formal Hearing

A Formal Hearing is held when cases alleging sexual misconduct are referred to the Council on Sexual Misconduct.

The Council on Sexual Misconduct is an ad hoc committee of the Council on Student Affairs and is the official body delegated to decide responsibility when alleged sexual misconduct is brought to a Formal Hearing. The Dean of Students chairs the Council on Sexual Misconduct but does not vote. The Dean moderates the proceedings and ensures that policy is followed.

The Dean of Students will choose two students and two faculty members from the Council on Student Affairs and two non-entry level staff members at the College. The Council must be gender balanced.

If not enough faculty and/or student members of the Council on Student Affairs are able to serve, the Dean will consult the Council on Student Affairs to choose replacement faculty and the Executive Council of ASWC for replacement student members.

All participants on the Council on Sexual Misconduct must receive training. It is advisable that participants be retrained annually and mandatory that they be retrained every three years

G. The Informal Hearing process

In cases where the complaint is adjudicated by the Student Conduct Administrator, an informal hearing process will be followed.

H. Appeal Board

An appeal board will be formed in cases where the decision of the Council on Sexual Misconduct is challenged.

Section 8. Education, Communication, and Training

The College conducts a mandatory training for faculty, students, and staff who participate in the adjudication of sexual misconduct cases. In addition, the College will provide asexual misconduct prevention programs to all incoming students.

Section 9. Conduct Hearings and Appeal Process

A. Preparing for a Hearing before the Council on Sexual Misconduct

1. Prior to a Formal Hearing, both parties will meet separately with the Dean of Students or Student Conduct Administrator to review their statements and other information relevant to the hearing. The College requires the complainant to provide a written statement. The College recommends, but does not require, the respondent to provide a written statement.
2. The Student Conduct Administrator will assist both the complainant and the respondent through the process of choosing an advisor who will help them prepare for the hearing.
3. Parties may select an advisor from the Whitman community (but not a member of the Counseling Center or Health Center) to provide support and guidance during the hearing. The Student Conduct Administrator will recommend staff members who are qualified to advise the parties involved. Students may choose to have no advisor.
4. During the hearing, the advisor may speak to the student, but may not speak to the Council or take on any role other than advisor. Throughout the process, the advisors may not contact any voting members of the Council, witnesses, the advisor for the other party, or the other party. As soon as a party chooses an advisor, the other party will be informed. The advisor must not have a conflict of interest. The Dean of Students will determine whether a conflict exists.
5. The Student Conduct Administrator, in conjunction with the complainant, the respondent, and the members of the Council on Sexual Misconduct who are hearing the case, will set the date of the Formal Hearing. The Student Conduct Administrator will meet with the respondent and the complainant to set a reasonable schedule for statements, evidence and witness lists, which they must submit before the hearing. If necessary, the Student Conduct Administrator, in conjunction with the Dean of Students, may alter the deadlines for the Formal Hearing procedures. The College will make every effort to proceed promptly while balancing the basic rights of the complainant and respondent.
6. The College will only permit witnesses if they have testimony directly related to the incident. In general, the College will not permit character witnesses or testimony about past sexual history unless the Dean of Student deems such testimony as relevant to the case.

7. Prior to the hearing the Student Conduct Administrator will provide the parties with a statement of the alleged policy violation, an explanation of the students' rights, the students' written statements, evidence, names of witnesses, a notice of the time and place of the Formal Hearing, and a list of names of members of the Council on Sexual Misconduct.
8. The parties may challenge any voting member of the Council on Sexual Misconduct. The complainant or respondent must make challenges as soon as possible and no later than forty-eight hours after receiving the list of members. The Dean of Students will rule on all such challenges. The Dean of Students will use the same process to choose replacements as he or she uses to choose members of the Council on Sexual Misconduct.
9. The College recognizes that the parties may consult with legal counsel concerning their situations. The College does not permit legal counsel to participate in Formal Hearing and Appeal proceedings under the Sexual Misconduct Policy. Respondents may choose not to provide a statement, or testify, or participate in the proceedings, but must realize that the Formal Hearing could proceed and that the Council on Sexual Misconduct could decide based on only the information presented.
10. The College will not permit retaliation of any kind against participants in proceedings under the policy including advisers. Sanctions for retaliation can be as severe as for sexual misconduct.
11. No College employee who has participated in the proceedings in good faith and who acted reasonably in the best interests of the College shall be liable for any loss or damage incurred. The College has a policy to indemnify College employees and students carrying out their duties as members of a judicial board from any liability or costs incurred because of their job related activities.

B. The Formal Hearing

At the Formal Hearing, the Dean of Students will make introductions, read the alleged policy violation, and explain the procedures. The Student Conduct Administrator will present the case on behalf of the College. At the direction of the Student Conduct Administrator, the respondent and/or the complainant may make opening and closing statements, present evidence, and/or call approved witnesses. Members of the Council, the Student Conduct Administrator, the complainant, and the respondent may question the testimony of parties and/or witnesses. The Dean of Students will only allow questions directly related to the incident; he or she will determine each question's relevance. The complainant and respondent will give their questions to the Dean to present in order to minimize conflict between the parties during the proceeding. The Dean of Students Office will record the proceedings.

In cases where either party feels unable to be in the same room with the other, the College will make suitable arrangements to keep the parties separate but allow both parties to hear and respond to all proceedings of the Council prior to

deliberations. The College will move the party who makes the request to another location. Following deliberations, the members of the Council will report their decision to the Dean by secret ballot. At least four affirmative votes of the six members of the Council are required to find a student responsible for violating the policy. The Council must consider only the evidence presented at the Formal Hearing. The standard of evidence shall be "preponderance of evidence."

If the Council on Sexual Misconduct finds the respondent responsible for violating the Sexual Misconduct Policy, the Council will assign the sanctions, as determined by consensus of the Council. The Council will take into account documentation that the Dean of Students has regarding previous violations of the Sexual Misconduct Policy and/or previous serious violations of other College conduct policies, and an impact statement from the complainant when determining the sanction. In reporting the record, the Dean will not reveal the names of previous complainants.

C. Sanctions

The sanctions may include:

1. Mandatory participation in special educational programs or other sanctions determined by the Council. Failure to comply will lead to more serious sanctions.
2. Suspended conduct probation. Under suspended conduct probation, any further violation could result in conduct probation or a more severe penalty.
3. Conduct probation. Conduct probation may prohibit student participation in campus activities, such as extra-curricular activities, public performances, public office in student organizations, or participation in commencement or other official ceremonies. If the student does not comply with the terms of conduct probation, other sanctions may apply.
4. Suspension from the College, with reinstatement dependent upon the fulfillment of stipulated conditions.
5. Dismissal from the College

D. Notification

The Dean of Students or Student Conduct Administrator will notify both parties of the outcome of the hearing no later than two class days after the Council's decision. The Dean of Students or Student Conduct Administrator will notify the respondent and the complainant separately.

1. If the Council on Sexual Misconduct finds the respondent in violation of the policy, the letter to the respondent stating the decision and sanctions will become part of the student's permanent record. After graduation, the student may petition to have the letter removed if

conditions set by the Council have been met. The Dean of Students, in consultation with the Student Conduct Administrator and the Chair of the Faculty, will consider the petition.

2. The Dean of Students, omitting the parties' names, will report the decisions and sanctions to the Council on Student Affairs.

E. Appeal

Either party may appeal a decision by the Council on Sexual Misconduct only when one or more of the following conditions has been met:

1. There has been a procedural error or errors by the Council
2. Evidence or information offered by a party as part of the process has inappropriately been ruled admissible or inadmissible for the Formal Hearing
3. New evidence relevant to the specific incident has become known during or following the decision by the Council

To appeal, the party must submit a petition stating the grounds for appeal to the Chair of the Faculty no more than seven days after receiving notification of the Council's decision.

As expeditiously as possible, the Chair of the Faculty will review all written material regarding the complaint, along with the audio recording of the proceedings. The Chair of the Faculty may, but is not required to, interview the Student Conduct Administrator, the Dean of Students, any member of the Council, either party, and/or witnesses. The Sexual Misconduct Appeal Board will consider only the grounds on which the student has based his or her appeal.

The Chair of the Faculty will act upon the appeal petition in one of three ways:

1. Remand the appeal petition to the Council on Sexual Misconduct for supplementation of the record or clarification of their decision
2. Notify the appealing party in writing that the College has rejected the appeal and the reasons for that decision
3. Notify both parties in writing that the College has upheld the appeal and send the case to the Sexual Misconduct Appeal Board based on the cited grounds

F. Appeal Process

The College will select members of the Sexual Misconduct Appeal Board using the same criteria it uses to select the members of the Council on Sexual Misconduct. No one who served on the Council may sit on the Sexual Misconduct Appeal Board. The Chair of the Faculty will chair the Sexual Misconduct Appeal Board. He or she does not have a vote on the Board.

The Chair of the Faculty will notify the parties and witnesses of the date, time and location of the Appeal Hearing and the names of the members of the Sexual Misconduct Appeal Board. The complainant or respondent must make challenges to its members no later than forty-eight hours after receiving notification. The College will hold the appeal hearing as quickly as possible, but no earlier than seventy-two hours after the parties receive notification. The Chair of the Faculty will decide what evidence and/or witnesses are relevant to the Appeal. If the Chair of the Faculty deems new evidence or previously excluded evidence admissible, each party will have the opportunity to respond in person or in writing to that evidence. The Sexual Misconduct Appeal Board will use the standard of evidence of "preponderance of evidence." Four affirmative votes are necessary to overturn the original decision and/or sanctions and render a new decision and/or sanctions, if applicable. Within four days of the decision, and after consulting with appropriate College officials, the Chair of the Faculty will notify the respondent and the complainant in writing of the decision.

Section 10. The Informal Hearing

A. Adjudication

Some cases of sexual misconduct or harassment will be referred to the Student Conduct Administrator for adjudication. In such cases, the following procedure will take place.

1. An appointment between the student and the Student Conduct Administrator will be arranged.
2. In the meeting with the Student Conduct Administrator, the student will receive a description of the incident including time, date, location, and summary of the evidence. The student will also receive a copy of the Student Handbook, be informed of his/her rights, have the charges explained and options outlined and have the opportunity to make a statement and ask any pertinent questions.
3. Students who fail to appear at the appointed time or fail to reschedule the appointment will receive written notice of the charges, with all of the above information included, and the opportunity to appear in person before the Student Conduct Administrator within two class days of receipt of the notice. Failure to respond at this time will result in the student waiving the right to a hearing and being assessed an appropriate sanction by the Student Conduct Administrator based on the evidence available.

The above initial meeting will result in one of four possible outcomes:

1. The Student Conduct Administrator may dismiss the charges.
2. The student may accept responsibility for the violation and have a sanction imposed by the Student Conduct Administrator. Such a disposition of the case shall be final and there will be no subsequent proceedings or appeals.

3. The student and the Student Conduct Administrator may agree to continue the meeting at a future time. At this subsequent meeting the student may make a statement, present witnesses, and have an adviser (who must be a student or college employee) present. Within two class days of this second meeting the Student Conduct Administrator will inform the student of the decision in writing with an imposed sanction if applicable.
4. The Student Conduct Administrator may refer the case to the Council on Sexual Misconduct. If the case is referred to the Council on Sexual Misconduct, the Formal Hearing procedures will be in affect.

B. Appeal Process

This decision may be appealed to the Dean of Students within five class days of its receipt.