

The Evergreen State College
Code of Student Conduct
March 27, 2009

Purpose

The Evergreen State College exists to promote student learning. Learning occurs through personal engagement that strengthens students' capacity to judge, speak and act on the basis of reasoned beliefs. Learning develops global citizens who assume responsibility for their decisions, expression and actions. The Code of Student Conduct (Code) reflects the educational values and mission of the College. The Code further reflects the contract between campus community members to foster accountability for decisions, expression and actions and protect each other from harm.

(drafted by Dianne Conrad 10/24/08)

I. Definitions

1. The term College means The Evergreen State College.
2. The term "student" includes all persons enrolled at the College, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Code, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered "students" as are persons who are living in College residence halls, although not enrolled in this institution. This Code applies in all locations of the College, including programs in locations other than Olympia, Washington.
3. The term "faculty member" means any person hired by the College to conduct teaching activities or who is otherwise considered by the College to be a member of its faculty.

College official

Member of the College community

College premises

Organization

Student Conduct Board

The term "Student Conduct Board" means any person or persons authorized by the Vice President of Student Affairs to determine whether a student has violated the Code and to recommend sanctions that may be imposed when a violation has been committed.

College Student Conduct Administrator

Student Conduct Administrator

Appellate Board

Shall

May

Policy

Cheating

Plagiarism

Complainant

Respondent

Adjudicative Hold

Binding arbitration

Calendar day

College-sponsored event or activity

Default judgment

Evergreen community

Exception to trier of fact's findings

Housing grievance officer
Mediator
Preponderance of evidence
Reviewing officer
Trier of fact
Formal appeal hearing
Informal hearing
Settlement agreement

II. Authority

1. The Vice President for Student Affairs determines the composition of the Student Conduct Board (Board) and which Student Conduct Administrator shall be authorized to hear each matter. Residential and Dining Services (RAD) Student Conduct Administrators are responsible for adjudicating most violations of the Code allegedly committed by on-campus residents in or near residential facilities. The College Student Conduct Administrator is responsible for adjudicating most violations of the Code allegedly committed by all other students and in all cases where the Respondent is alleged to have engaged in acts and threats of physical abuse; sexual misconduct; and violations occurring near the end of or after a student's contract with RAD, addressed by Police Services, and those that may result in suspension or expulsion from the College.
2. The College Student Conduct Administrator shall develop policies for the administration of the student conduct system and procedural rules for the conduct of Board hearings that are not inconsistent with provisions of the Code.
3. Decisions made by a Student Conduct Administrator and/or Board are final, pending the appeal process.

III. Proscribed Conduct

A. Jurisdiction of the College Code

The College Code applies to conduct that occurs on College premises or adjacent to College premises, at College-sponsored activities, and to off-campus conduct that adversely affects the College Community and/or the pursuit of its objectives.

Each student is responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before programs/courses begin or after they end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is discovered after a degree is awarded).

The Code applies to a student's conduct even if the student withdraws from the College while a conduct matter is pending. The Vice President for Student Affairs shall decide whether the Code shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

B. Rules and Regulations

Students are required to engage in responsible conduct that reflects credit upon the College community and to model good citizenship in any community. Students are expected to uphold the following:

- Preserve College functions
- Maintain academic integrity
- Provide honest and accurate information

Prevent harm to self or others
Foster a safe community
Protect and preserve College and personal property
Adhere to published policies, contracts and local, state, and federal laws

Attempting or engaging in the following conduct is specifically prohibited:

1. **Obstruction or disruption** of learning, teaching, research, administration, freedom of speech and movement, the adjudicative process, public service functions or College-sponsored activities on or off campus.
2. **Academic dishonesty** which includes but is not limited to the following:
 - a) copying from another student's academic work
 - b) using unauthorized materials to complete an academic product or assignment
 - c) unauthorized collaboration with any other person during the completion of independent academic work
 - d) knowingly falsifying, obtaining, using, buying, selling, transporting, or soliciting in whole or in part the contents of academic work
 - e) permitting any other person to substitute oneself to complete academic work
 - f) plagiarism defined as appropriating as or unacknowledged incorporation of any other person's work in one's own work
3. **Failure to be truthful and forthcoming** to the College or a College official. This includes but is not limited to making false charges against another member of the community, providing misinformation in application for admission, to gain employment, or to avoid determination of facts in a College investigation, hearing, or process.
4. **Forgery**, alteration, or misuse of college documents, records, or identification cards.
5. **Failure to comply** with directions of College officials or emergency response personnel acting in performance of their duties which includes failure to identify oneself to these persons when requested to do so.
6. **Engaging in physical abuse**, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any persons, including oneself.
7. **Stalking** which is a pattern of unwanted behavior that is directed at a specific person that would cause a reasonable person alarm and/or fear.
8. **Making an audio or video record** of any person while on college premises **without his or her consent** when such a recording is of a private conversation or of images taken at a time and place where he or she would reasonably expect privacy.
9. **Possessing firearms or weapons** on campus; unauthorized use, possession or storage of any explosives, dangerous chemicals, or substances; or possession and/or use of any instrument designed to cause harm which threatens or might reasonably cause fear or alarm to others.
10. **Unauthorized entry** into or onto, or the unauthorized remaining in, or upon, any College facility or unauthorized use of a key.

11. **False alarms** which includes but is not limited to intentionally causing a false emergency response on college property or at college-sponsored activities **and improper use or disabling of safety equipment and signs.**

12. **Possession, use, manufacture, or distribution of alcoholic beverages** except as expressly permitted by law or College regulations is prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, consumed by, or distributed to any person under 21 years of age.

13. **Possession, use, manufacture, cultivation, packaging, distribution, selling, and/or providing a controlled or illegal substance;** misusing prescription and/or nonprescription drugs on campus; or public appearance on campus or at any college-sponsored event while under the influence.

14. **Damaging College property or the property of others.** This may include but is not limited to taking, attempting to take, possessing, or aiding another to take property or services – personal, public, or college – without express permission.

15. **Misconduct motivated by bias** against someone’s actual or perceived religion, nationality, ability, age, gender, sexual orientation, gender identify, creed, racial or ethnic origin, cultural identity, veteran status, or political affiliation.

16. **Sexual misconduct** is defined as unwanted and/or non-consensual behavior with another person involving:

- verbal, written, pictorial and/or electronic contact that is sexual in nature
- voyeurism or exhibitionism
- sexual advances or requests for sexual favors
- sexual contact, activity, or intercourse
- coercion, including psychological pressure, intimidation and/or threats
- sexual violence which includes but is not limited to hitting or striking; the use of force or a weapon; or the use of body weight or other physical means of overcoming resistance

Consent is voluntary and mutually understandable agreement. Consent may not be possible when one is under the influence of alcohol or drugs, unconscious, or is experiencing some other cognitive impairment.

Sexual misconduct can occur with any combination of genders, gender expressions and sexual orientations.

17. Refusal to **desist from prohibited conduct.**

18. **Failure to respond** to any notice to appear for a meeting or hearing as part of the student conduct process and **failure to comply** with an imposed sanction or any agreement made during the adjudicative process.

19. Failure to ensure your **guest** adheres to the Code.

20. **Violation of any College policy, rule, or regulation** published in hard copy or available electronically on the College website.

21. **Violation of Residential and Dining Services policies.**

22. **Hazing** which includes but is not limited to any activity engaged in with respect to or method of initiation into a student social, living, learning, or athletic group that causes, or is likely to cause, bodily danger or physical, mental, or emotional harm to another person.

23. **Alleged violation of federal, state or local law** and/or conviction of a felony or misdemeanor under circumstances where it is reasonable to conclude that the presence of the person at the College would constitute a danger to health, personal safety, or property or where the offense occurred on College premises or at College-sponsored activities.

24. **Failing to intervene with or knowingly assisting** another person to violate the Code. (Recommendations as of March 13, 2009)

IV. Procedures

A. Charges and Hearings

1. Any member of the College community (anyone?-Andi to check) may submit a complaint against a student for violations of the Code. A complaint shall be submitted in writing to the Student Conduct Administrator. Any complaint should be submitted as soon as possible after the event takes place.

ANDI TO PROVIDE DRAFT OF THIS SECTION

- change disposed of to “resolved” or “addressed”

- add window to withdraw from informal resolution

2. The Student Conduct Administrator may conduct an investigation to determine if the complaint has merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Administrator. Administrative disposal may include but is not limited to the following: Andi to provide language. Such disposition shall be final and there shall be not subsequent proceedings.

Failure to respond to the Student Conduct Administrator’s request for a meeting results in an adjudicator hold on a student’s ability to register and could result in more serious sanctions.

The Student Conduct Administrator is responsible for determining the specific violations of the Code that may be charged from a complaint.

3. If the complaint cannot be disposed of by mutual consent, the Administrator adjudicates the matter. The case becomes a matter between the Respondent and the College and the Complainant provides information if a hearing occurs.

All charges shall be presented to the Respondent in written form. A time shall be set for an informal hearing with the Student Conduct Administrator, not less than five nor more than fifteen calendar days after the student has been notified. Maximum time limits for scheduling of Hearings may be extended at the discretion of the Student Conduct Administrator.

The informal hearing ... closed, private, both parties permitted to attend, advisors, if student doesn’t appear, determine based on more likely than not, reach final decision within X days, others attend at SCA discretion

The Student Conduct Administrator may determine that no violation of the Code occurred and dismiss the matter. If the Student Conduct Administrator determines based on the information collected, that the Respondent has not violated the Code, the Complainant may request in writing within 10 calendar days that the Vice President for Student Affairs review the process and information collected by the Student Conduct Administrator. No further review will be allowed if the Vice President upholds the determination of the Student Conduct Administrator.

If the Respondent accepts responsibility for the charges, he/she may propose corrective action in writing to resolve the matter and the Student Conduct Administrator may also propose corrective action(s). If agreement on responsibility and sanction(s) are reached, a settlement is written is signed by the Respondent and the Administrator. The Respondent may withdraw the settlement by submitting a written statement of withdrawal which is received by the Student Conduct Administrator within twenty-four hours after the settlement was signed.

The Student Conduct Administrator may impose a temporary order to restrict contact between parties or access to facilities for the duration of the adjudication and appeals process.

If the Respondent accepts responsibility for violating the Code, but corrective actions are not agreed to, subsequent process, including a Board hearing, shall be limited to determining the appropriate corrective action(s).

If the Respondent denies responsibility for violating the Code, the Student Conduct Administrator will make a determination as to whether or not the Code was violated and recommend corrective action. Subsequent process, including a Board hearing is limited to determining responsibility and appropriate corrective action(s).

The Student Conduct Administrator shall send to the Respondent a notice of the formal charges, recommended corrective action, and the right to a formal appeal hearing with the Board.

If the Respondent is not charged with a violation potentially addressed by suspension or expulsion, the formal appeal hearing is conducted as stated below and a written request for a hearing must be received by the Vice President for Student Affairs within XX calendar days after receipt of the Student Conduct Administrator's notice.

If the Respondent is charged with a violation potentially addressed by suspension or expulsion the formal appeal hearing is conducted according to the Administrative Procedures Act, RCW 34.05.410 through 34.05.494, as amended or superseded and a written request for a hearing must be received by the Vice President for Student Affairs within 20 calendar days after receipt of the Student Conduct Administrator's notice.

If the Respondent fails to petition for a formal appeal hearing within the stated deadline, the formal charges stand and the corrective action must be completed in order to register for programs/courses in the future.

Except in cases of emergency suspension, the student's status shall not be altered until the final opportunity for appeal has passed.

Appeal Hearings

Student Conduct Board Hearings shall be conducted by a Student Conduct Board according to the following guidelines except as provided by XXX-APA-suspension/expulsion potential.

Hearings shall be conducted in private.

The Complainant, the Respondent and their advisors, if any, shall be allowed to attend the entire portion of the Hearing at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Board Hearing shall be at the discretion of the Student Conduct Board.

In Board Hearings involving more than one Respondent, the chair may in his or her discretion permit the student Hearings to be conducted either separately or jointly.

The Complainant and the Respondent have the right to be assisted by an advisor they choose, at their own expense. The advisor must be a member of the College community and may not be an attorney. The Complainant and/or the Respondent is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any hearing. Delays to the proceedings will not normally be allowed due to scheduling conflicts of an advisor.

The Complainant, the Respondent, and the Board may arrange for individuals to present pertinent information to the Board. The College will try to arrange the attendance of individuals who are members of the College community, if reasonably possible, and who are identified by the Complainant and/or Respondent at least two weekdays prior to the Hearing. Individuals will provide information to and answer questions from the Board. Questions may be suggested by the Respondent and/or Complainant to be answered by each other or by other individuals present to provide information. Questions shall be directed to the Board and whether potential information will be sought shall be resolved at the discretion of the chair.

Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by a Board at the discretion of the chairperson.

All procedural questions are subject to the final decision of the chairperson of the Board.

After the portion of the Hearing concludes in which all pertinent information has been received, the Board shall determine by majority vote (if the Board consists of more than one person) whether the Respondent is responsible for violating each section of the Code which the Respondent is charged with violating.

The Board's determination shall be made on the basis of whether it is more likely than not that the Respondent violated the Code.

Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Code proceedings.

There shall be a single verbatim record, such as a tape recording, of all Board Hearings (not including deliberations). Deliberations shall not be recorded. The record shall be the property of the College.

If the Respondent, with notice, does not appear before a Board Hearing, the information in support of the charges shall be presented and considered in their absence.

The Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or other individuals present during the

hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Vice President for Student Affairs to be appropriate.

B. Procedural Appeals

More language re: scope of this appeal

Within five calendar days of receipt of the determination, the Student Conduct Administrator or the Respondent may submit a written appeal to the President. The President will appoint a reviewing officer to review the written and audio taped record. Within five days of filing the appeal, the reviewing officer must render a final written order.

Options re: outcomes of procedural appeal.

C. Corrective Action

The following corrective actions may be imposed upon any student found to have violated the Code:

Warning—A notice in writing to the student that the student is violating or has violated the Code.

Probation—A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe corrective actions if the student is found to violate any College regulation during the probationary period.

Loss of Privileges—Denial of specified privileges

Revocation of Degree – consult with AG re: how adjudicated

Add – revocation of admission, withhold degree, withhold transcript, withhold registration ability

Andi will share recommendations that incorporate restorative justice components

Emergency Suspension in separate section

Explicitly state option for negotiated agreement – see #1 & #2 from Model Code

Interim Sanctions – separation orders, trespass/loss of privileges, emergency suspension

Notation on transcript – expulsion, degree revocation, degree withheld, incomplete sanctions with suspension

(See recommendations as of February 20, 2009)

Interpretation & Revision

To be added.