

RE: Email sent to College community on October 26, 2011

FROM: Art Costantino, Vice President for Student Affairs

On October 5th I shared a draft of proposed revisions to the student conduct code and invited feedback. I held two public forums on the proposed changes, met with the Geoduck Union, discussed the proposed changes with my fellow vice presidents, and received six emails. The first forum was attended by two students, one of whom was a Cooper Point Journal reporter. The second forum was attended by about ten students and a few staff. In what follows, I will share my response to the feedback I received during the public forums and to the suggestions that were made on TESStalk.

The attached document reflects the proposed Student Code of Conduct as submitted to the Washington Code Reviser. It incorporates changes made on the October 5 version of the code, based on feedback I received.

Revocation of Admission or Degree

The October 5 draft incorporated a provision by which the college could revoke the award of a degree. This portion of the code caused concern because of its lack of specificity. This was a legitimate concern. The intent of this sanction was to provide the college the ability to address cases of academic dishonesty serious enough to raise the question of whether or not the student actually earned the degree awarded. This section of the code has been rewritten to provide more specificity and now reads: "The revocation of the admission to or the revocation of a degree from the college in those cases when egregious academic dishonesty is discovered, subsequent to a student's graduation."

A sentence has also been added, which makes it clear that any revocation of a degree must be approved by the Board of Trustees, because the Board formally awards our degrees.

Academic Dishonesty

The October 5 draft uses the word unauthorized in two contexts that were of concern to one student. The language that was at issue was a prohibition against "Using unauthorized assistance or materials to complete an academic product or assignment." The second item of concern to the student read, "The unauthorized collaboration with any other person during the completion of independent academic work." In consultation with the Academic Deans, it was decided to change the first item about unauthorized assistance. That sentence now reads, "Using assistance or materials that are expressly forbidden to complete an academic product or assignment." I did not change the statement that addresses unauthorized collaboration, since it seemed sufficiently clear. The student also had concerns about a sentence that could be used to hold students responsible for engaging in academic behavior specifically prohibited by a faculty in the course covenant, syllabus or class discussion. I concluded that the language describes a reasonable application of faculty authority and I accept the recommendation as it stands.

Jurisdiction

The October 5 draft afforded the college jurisdiction to off-campus conduct for a narrow range of violations, as does our existing code. The code proposed on October 5 stated that off campus conduct is prohibited "... where it is reasonable to conclude the conduct adversely interferes with student learning and the College's mission or where the presence of the respondent at the college could constitute a danger to the health, personal safety or property of any member of the college community." The vice presidents advised that the reference to the College's mission in this section was too easily left to

interpretation and unnecessary. I agree, and the reference to the college's mission in this section has been dropped and the type of interference or threat to health or safety has been made more explicit.

Graffiti

The October 5 draft code prohibits graffiti and one student indicated that the use of chalk or water soluble materials should be explicitly permitted. There are occasions when the use of chalk or water soluble materials requires clean up. This can be the case when it is written on surfaces that rain does not reach. The presence of graffiti in any medium also has a tendency to generate more graffiti. There is currently a policy to allow registered student organizations to use chalk or water soluble materials under certain conditions. I determined that the proposed language is fine as it stands.

Realistic Replica

The October 5 draft prohibits the use of realistic replicas of a firearm or weapons in such a manner as to reasonably threaten or cause fear or alarm to others. One member of the campus expressed a concern that this prohibition might be used to prevent the display of objects that are not dangerous, such as toy swords. It was not the intent of the DTF to prohibit every display of a replica. The DTF did, however, recognize that the use of realistic replicas can pose a danger in certain circumstances. For instance, during a past graduation, an individual pointed an authentic looking replica of a firearm at the crowd on Red Square. The October 5 draft incorporates language about how the replica is being displayed in determining whether there is a violation of the code. I concluded that the current language strikes a good balance.

Policy

A question was raised as to whether or not the smoking policy should be specifically mentioned in the code. The DTF decided to make reference to all college policies in the code without highlighting one or two. This seems to be a reasonable decision.

Standard of Proof

The October 5 draft utilizes the "more likely than not standard" for determining if an individual is responsible for an alleged behavior. Some students thought the standard used in criminal cases of "beyond a reasonable doubt" should be applied in all or some cases. The "beyond a reasonable doubt" criterion is appropriate in cases where a person might be deprived of a fundamental freedom. It is not the appropriate standard for adjudicating student conduct code cases. The "more likely than not standard" (sometimes called the preponderance of evidence standard) is used in student conduct codes across the country. It is the standard used in civil proceedings. I accept the recommendation of the DTF in this regard.

Sanctions

At one of the public forums, a student stated that the code should describe what sanctions will be applied to each violation. I do not believe that this should be done. The code often uses one term to describe a range of possible behaviors. For instance, the prohibition against theft could cover thefts ranging from a few dollars to several thousand dollars. Obviously, the amount stolen would affect a sanction. It is also the case that a combination of sanctions is often put in place. Finally, our process also incorporates the possibility of a resolution between the conduct administrator and charged party, in which the charged party might propose a unique way to satisfy their responsibility to the community. For these reasons, a prescriptive assignment of sanctions is not desirable.

There is merit in helping the campus community to understand what kind of sanctions might apply in certain situations. To this end, I will ask the Senior Student Conduct Administrator to periodically summarize the kinds of cases adjudicated and what sanctions were typically applied.

Next Steps

I thank everyone who forwarded suggestions about the proposed code. A few individuals chose not to be public in making their comments. I encourage these individuals to view the current draft of the code to determine whether any changes were made to the code to address their suggestions, and I would be happy to answer their questions about why I did or did not make the change they suggested.

A formal public hearing will be held on December 7 from 3:00-4:00 pm in Seminar II A2107 to receive feedback on this proposed language. Feedback may also be provided to Holly Colbert Joseph, Executive Associate to the Vice President for Finance and Administration, via email or phone up until December 6. The hearing was originally scheduled for November 30 and has been rescheduled due to an unanticipated delay in submitting the proposed code to the Code Reviser's Office.

Once the comments, including those from the hearing are collected, a report will be forwarded to the Code Reviser's Office. The disposition of comments made as part of this final stage, is incorporated into the report. Unless substantive changes are warranted, the code could be approved as soon as January 9, 2012.