

# **The Code of Community Responsibility**

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**Disclaimer**

The provisions of this document do not constitute a contract, express or implied, between Colby-Sawyer College and any student applicant, student's family, faculty or staff member. Colby-Sawyer College reserves the right to change the policies, procedures, rules, regulations, and information in this document at any time. When situations arise that require changes to this document, notifications will be made to the college community. This document is a general information publication only, and it is not intended to nor does it contain all regulations that relate to students. The most recent Code of Community Responsibility can be found at <http://colby-sawyer.edu/assets/citizenship/code-of-conduct.pdf>.

## Introduction

Colby-Sawyer College seeks to balance the needs and the rights of the individual with the welfare of the community. Students are expected to conduct themselves in a manner that is consistent with the values embraced by the college community and reflected in the college's policies, contracts, rules and regulations, including the Code of Community Responsibility (Code).

One way the college seeks to teach student responsibility is by holding them accountable for their behavior. This Code of Community Responsibility (Code) is intended to describe behaviors that are not acceptable in this college community. This document also contains the process by which unacceptable behavior may be addressed (including the types of sanction that may be imposed). Procedural rules consistent with the Code will be developed as necessary from time to time so that fundamental fairness may prevail.

Students do not lose their rights as citizens of or visitors in this country when they become members of the Colby-Sawyer College community. Conversely, they do not shed these responsibilities. Colby-Sawyer College seeks to balance the needs and the rights of the individual with the welfare of the community. Students are expected to conduct themselves in a manner that is consistent with the values embraced by this college community that are reflected in its policies, contracts, rules and regulations, and the Code.

## Purpose

The interest for community members to resolve conflicts is recognized by the college as an opportunity for individual growth, and a time to affirm the Code. Maintaining a balance between the individual and the community is a continual process that requires insight, sensitivity, and diligence on the part of each member of the college. Colby-Sawyer students are expected to read and understand the college's policies and procedures, the student conduct hearing process and procedures as well as their student rights and responsibilities as outlined throughout the Code.

## Part I: Definitions

The following selected terms are defined in effort to facilitate a more thorough understanding of the Code. This list is not intended to be a complete list of all the terms referenced in the Code. A member of the Department of Citizenship Education, the vice president of student development and dean of students or his/her designee shall make the final determination on the definition of any term(s) found in the Code.

1. **"Appellate Board" or "Appeal Board"** is a group of trained faculty, staff and students of the Colby-Sawyer College Community who will consider an appeal that has been submitted by a student. A decision will be made as to whether or not the appeal meets specific criteria for an appeal to be granted.
2. **"Business day"** is any day, Monday through Friday between the hours of 8 a.m. and 5 p.m. that the college is open.
3. **"Coercion"** refer to the [Sexual Misconduct Policies and Procedures](#) for further information.
4. **"Colby-Sawyer community members"** refers to students, faculty or staff members, and contracted employees of the college.
5. **"College"** means Colby-Sawyer College (CSC).
6. **"College official"** is an individual employed by CSC, who has administrative or professional responsibilities.

7. **“College property” or “College premises”** refers to all land, buildings, facilities, athletic fields, walkways and other property in the possession of or owned, used or controlled by the college (including adjacent streets and sidewalks).
8. **“Complainant”** is an individual who submits an allegation that a person violated the Code.
9. **“Consent”** refer to the [Sexual Misconduct Policies and Procedures](#) for complete definition.
10. **“Faculty and Staff member”** refers to any person employed by the college to educate/teach/conduct classroom activities, learning, or facilitate out of classroom experiences.
11. **“Hearing”** refers to a forum for addressing alleged conduct policy violations.
12. **“Hearing adviser”** refers to a college official designated by the vice president of student development and dean of students to advise hearing board members, complainants, and respondents on procedural issues, the hearing process and policies as outlined in the Code.
13. **“Hearing Board” and “Hearing officers”** refers to a group of trained faculty, staff and students who will review all of the facts of the case and make a determination as to whether or not a student did or did not violate the Code. An appropriate sanction will be determined if a violation has occurred.
14. **“Incident Report/Statement”** refers to information which explains the circumstances relating to the alleged violation of any policy outlined in the Code.
15. **“Incapacitation”** refer to the [Sexual Misconduct Policies and Procedures](#) for further information.
16. **“Club” and “Organization”** refers to an association or group of students who have complied with the formal requirements for college recognition. Details can be found on the **Student Activities Office** Web page [here](#). For inquiries/details specific to Athletic Clubs, and Student Recreational Sports visit **Colby-Sawyer College Recreational Sports Department** Web page [here](#).
17. **“Policy”** is defined as the written regulations, standards, and student conduct expectations adopted by the college and found in, but not limited to, the Code of Community Responsibility; the on-campus housing contract; the off- campus college owned or lease contract; the Catalog; and other publicized college notices or documents.
18. **“More likely than not” or “Preponderance of Evidence”** is the standard that every board member, and hearing officer will use while deciding whether or not a student violated the college’s Code. Would a reasonable person (the hearing officer or hearing board member), looking at all of the information presented by the complainant, find that it is more likely than not (at least 51%) that the respondent(s) violated college policy(s)?
19. **“Respondent”** is any student accused of violating any policy at the college.
20. **“Student” or “Student community member”** means any person, who has been admitted, enrolled in a course(s), or attending a college program. This also includes a person enrolled in other study programs through the college (i.e., study abroad).
21. **“Student conduct file”** refers to the printed, written, electronic file that may include, but not limited to incident reports/statements, correspondence, academic transcripts or schedules, witness statements, and student conduct history.
22. **“Support person”** is a member of the college community who is chosen by the complainant (and/or respondent). This person may accompany the complainant or respondent to support the student during the hearing process. In cases of Sexual Misconduct Policies and Procedures refer to the *“support person”* section of the [Sexual Misconduct Policies and Procedures](#) for further information.
23. **“Witness”** means any person or college community member who has direct knowledge of the incident. Character witness testimony is considered irrelevant and will not be permitted.

## Part II: Conduct

The Code applies to students and their registered clubs or organizations. Throughout this document the term “student” will refer to the student as an individual and to a registered student club or organization as a single entity. Registered student clubs and organizations may be held accountable either through the Student Activities Department, Recreational Sports Department club sports, athletics, or the conduct process as outlined in this Code. The officers or the leaders of a student club or organization may be expected to represent the club or organization during the student conduct process. Nothing in this Code shall preclude holding certain members of a club or organization accountable for their individual acts when an alleged violation of the Code occurs.

### A. Jurisdiction of Colby-Sawyer College

1. Each student shall be responsible for his/her conduct from the time of admission through the completion of a degree requirements. This includes conduct before classes begin, after classes end, as well as time between semesters even if his/her conduct is not discovered until after the degree is awarded. If a student withdraws or separates from the college prior to a conduct hearing, the case will be considered pending. Students may not continue in any program offered by the college until the disciplinary process is concluded.
2. If a student withdraws or separates from the college during a time that an earlier sanction was imposed, the student’s file and sanction(s) will be placed in pending status until the time the student re-enroll at the college. Once the student re-enrolls to the college, the previously imposed sanction at the time of withdrawal or separation will resume. For example, if a student is on “disciplinary probation” at the time of withdrawal or separation from the college, the “disciplinary probation” will be placed on hold until he/she returns. At the time of return, the student will be placed on the “disciplinary probation” for the duration of the sanction.
3. Generally, the college jurisdiction shall be limited to student conduct that occurs on college premises or in connection with college-sponsored or supervised event, program, and activity (including students enrolled in off-campus internships, study abroad programs, and athletic events). However, the college may apply the Code to students whose misconduct may have an adverse impact on the college community, its members, and/or the pursuit of its objectives regardless of where such conduct occurs.

The following examples describe on and off-campus acts that may be addressed through the student conduct process:

- driving under the influence of alcohol or drugs;
- physical assault;
- sexual misconduct;
- sale/distribution of illegal substances; and
- damage/vandalism.

These examples are illustrative in intent and should not be regarded as all-inclusive. If a department member of Citizenship Education, the vice president of student development and dean of students or his/her designee determine that an alleged act of on or off-campus misconduct falls within the jurisdiction of the college, the case will be referred to the Department of Citizenship Education for resolution.

4. College student conduct proceedings may be initiated against a student charged with conduct that potentially violates both the criminal law and Colby-Sawyer College Code policy. In this case any violations

must result from the same factual situation. This may constitute a Code violation without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under the Code may be carried out prior to or simultaneously with civil or criminal proceedings at the discretion of the Department of Citizenship Education, the vice president for student development and dean of students or his/her designee. The college cooperates with law enforcement and other agencies in the enforcement of laws on campus that involve students. This includes providing information requested by subpoena or otherwise permitted by law.

Decisions or sanctions imposed under the Code shall not be subject to change due to criminal charges arising out of the same facts.

## B. Conduct Policies

As members of the college community, students have obligations to uphold the Code as well as to obey federal, state, and local laws. A member from the Department of Citizenship Education, the vice president of student development and dean of students, or his or her designee shall make the final determination on what constitutes a potential violation of the Code.

The following list of behaviors is intended to represent the types of acts that constitute violations of the Code. Although the list is extensive, it should not be regarded as all-inclusive. All college students are responsible for knowing and observing all college policies and procedures.

1. **Abuse of the college's student conduct process**, including but not limited to:
  - a. Disruption or interference with the orderly conduct of student conduct proceedings. This also applies to any witness failing to attend a hearing he/she has been called in to attend and/or providing false or inaccurate information throughout the process.
  - b. Falsification, distortion, or misrepresentation of information to a college investigator, this includes but is not limited to, a non-college community member investigator and/or law enforcement official, student conduct hearing officer, or hearing forum.
  - c. Influencing or attempting to influence another person to commit an abuse of the student conduct system.
  - d. Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
  - e. Attempting to intimidate or retaliate against a member of the hearing forum, a student conduct hearing officer, or any participant prior to, during, and/or after a student conduct proceeding.
  - f. Institution of a student conduct code proceeding in bad faith.
  - g. Failure to comply with the sanction(s) imposed under the Code.
2. Violations of the **Academic Honesty**: Allegations or violations of Academic Honesty and the policy procedures associated with academic honesty can be found in the [Colby-Sawyer College Catalog](#), available on the college's website.
3. **Alcohol and Other Drugs**: All students are expected to know and abide by college policies governing the use of alcohol and other drugs. Refer to [Appendix A](#) of this document for policies associated with alcohol and other drugs.

4. **Damage/Vandalism** is defined as the intentional or reckless involvement in behavior which results in, or presents a strong probability of damage and destruction of college property or personal or public property. Individuals may also be charged with Disorderly Conduct or Disruption if the operation of the college is affected as a result of the vandalism.  
For Residential Education policies and procedures for Residence Hall Damage and Vandalism, visit the **Department of Residential Education** policy Web page [here](#).
5. **Dishonesty:** Honesty is a foundation for positive relationships that allow for learning to occur. When student(s) make dishonest representations to the college or its officials, it is a violation of the Code. These violations can occur in and out of the classroom. Examples of dishonesty outside the classroom include, but are not limited to: (i) Using another person's college ID or parking permit or knowingly permitting another to use one's college ID or parking permit; (ii) knowingly furnishing false information to a college official; (iii) forgery (falsifying a signature or any document for fraudulent purposes). For Academic Honesty policies and procedures refer to the [Colby-Sawyer College Catalog](#).
6. **Disorderly or Lewd Conduct/Disruptive Behavior** is defined as participating in or inciting other(s) to behave in disruption or obstruction that has a negative impact on college activities, including but not limited to: teaching, research, events, student conduct proceedings, the living and learning environment, or other college sponsored activities, on or off-campus; or of other non-college activities when the conduct occurs on college property/premises, or of the living environment, on or off-campus; or by unauthorized use of electronic equipment.
7. **Endangering behavior** includes, but it is not limited to, conduct that threatens or endangers the health or safety of any person including one's self by intimidation, humiliation, dating/domestic violence, physical contact. Refer to the [Sexual Misconduct Policies and Procedures](#) for more information.
8. **Failure to comply** is defined as uncooperative behavior which includes, but is not limited to, uncooperative behavior and/or failure to comply with the sanctions, providing false information, and/or failure to identify oneself to a college official and/or law enforcement officer.
9. **Fire Safety:** The setting of or participation in unauthorized fires; the possession or use of fireworks, the unauthorized or improper possession, use, removal, or disabling of fire safety equipment and warning devices; failure to follow standard fire safety procedures or evacuation procedures; or interference with firefighting equipment or personnel.
  - Hover boards are prohibited at Colby-Sawyer College. Hover boards include but are not limited to self-balancing scooters, battery operated scooters, hands free Segways, and electric powered skateboards. For Residence Hall Fire Safety policies visit the **Department of Residential Education** policy Web page [here](#).
10. **Guest/Host:** Colby-Sawyer College students are responsible at all times for the behavior and property of their guests (non-student and student). Students are also responsible for ensuring their guests (non-student and student) are familiar with and observe the Code. The host of a guest who violates the Code may be charged with conduct violation(s) committed by his/her guest. Any Non-student guests who are visiting campus including Colby-Sawyer College owned or leased buildings at any time must register with Campus Safety (whether sleeping here or not) immediately upon arrival and no later than the start of residential quiet hours. Non-Student guests under the age of 18 must have a completed Guest Registration Form signed by his or her parent or guardian. The host of a non-student guest will be deemed to be in violation of this policy if he/she fails to properly register any non-student guest or for failing to accompany that non-student guest while the guest is on campus.



For college's policies and procedures specific to the Student Guests/Hosts, visit the **Department of Campus Safety** Web page [here](#).

11. **Harming behaviors** which includes, but is not limited to, physical assault or abuse, responding to a true threat of or actual physical assault or abuse with true threat of or actual physical assault or abuse, and also includes bullying or harassment. For the purposes of the Code, bullying is considered a form of harassment.

**Harassment** is the severe or repeated use by one or more students of a written, verbal, or electronic expression, or a physical act, gesture, or any combination thereof, directed at another individual that has the effect of: causing physical or emotional harm to the individual and or his/her property; placing the individual in reasonable fear of harm to the individual and/or his/her property; or infringing on the rights of other college community members to participate in the programs, activities, and mission of the college. Harassment shall include, but not limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

**Bullying** means the repeated use of a written, verbal or electronic communication, or a physical act or physical act or gesture by one or more individuals, repeatedly directed at another individual that: (i) Causes physical or emotional harm or damage to property, (ii) places the target of such behavior in reasonable fear of harm to self, or of damage to property (iii) creates a hostile environment or otherwise infringes on the rights of such individual, or (iv) substantially disrupts the education process.

In determining whether an act constitutes harassment and/or bullying, a member from the Department of Citizenship Education, the vice president of student development and dean of students and/or his/her designee will consider the full context of the conduct, giving due consideration to the protection of the college climate, individual rights, freedom of speech, academic freedom and advocacy. Not every act that might be offensive to an individual or a group constitutes harassment and/or a violation of the Code. For questions specific to Colby-Sawyer College's *Notice of Non-Discrimination policy* outlined in the Sexual Misconduct Policy and Procedures refer to the [Sexual Misconduct Policies and Procedures](#).

12. **Hazing** is defined as an act which engages the mental or physical health or safety of a student, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group, club or organization. The express or implied consent of the victim will not be a defense. A student is responsible for behavior when he or she solicits aids, agrees or attempts to aid another person in planning or committing the behavior, regardless of whether the person committing the behavior is charged. Apathy and/or acquiescence in the presence of hazing are neutral acts; they are violations of this policy.
13. **Retaliation** is defined as acts or attempts to retaliate or seek retribution against the complainant, respondent, or any individual or group of individuals involved in the student conduct process are prohibited. Retaliation includes but is not limited to:
  - intimidation,
  - verbal or physical threats,

- harassment,
- coercion (for definition specific to coercion refer to the [Sexual Misconduct Policies and Procedures.](#))
- or other adverse action.

It is a violation of college policy to retaliate in any way against an individual or a group because the individual or group of individuals reported an allegation of a policy violation. The college recognizes that retaliation can take many forms, may be committed by an individual or a group against an individual or a group, and that a respondent can also be the subject of retaliation by the complainant or a third party. The college will take responsive action to any report of retaliation and may pursue disciplinary action as appropriate. An individual reporting a violation of policy is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

14. **Service Animals/Assistance Animals:** The college recognizes the importance of “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of “Assistance Animals” under the Fair Housing Act (FHA) that provide physical and/or emotional support to individuals with disabilities. Colby-Sawyer is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate their full-participation and equal access to the College’s programs and activities. Colby-Sawyer is also committed to allowing Assistance Animals necessary to provide individuals with disabilities an equal opportunity to use and enjoy college housing. Colby-Sawyer will not retaliate against any person because that individual has requested or received a reasonable accommodation in college housing, including a request for an Assistance Animal. Colby-Sawyer reserves the right to amend this policy as circumstances require. For college’s policies and procedures specific to Service Animal/Assistance Animal visit the **Access Recourses Department** policy/procedure Web page [here](#).  
For access to the college’s policies specific to “pets” in the Residence Halls visit the Web page [here](#).
15. **Sexual Misconduct** – College’s Sexual Misconduct Policy and Procedures includes but is not limited to policies such as: sexual harassment, sexual violence to include domestic violence, dating violence, sexual assault, sexual exploitation and stalking, and/or cyber-stalking. For policies and procedures pertaining to the college’s Sexual Misconduct Policies and Procedures, refer to the [Sexual Misconduct Policies and Procedures](#) for further information.
16. **Smoking/Vaporizing** - College owned and leased buildings and curtilage are considered tobacco free. Smoking, vaping, and/or the use of tobacco products are prohibited within 20 feet of any college -owned or leased building or curtilage. In all cases the right of the nontobacco user to a smoke-free environment will take precedence over the tobacco user’s desire to use tobacco.
17. **Theft** - is defined as the taking of property belonging to the college, a college service (i.e., the Dining Hall and computer facilities and resources), a college community member, or a non-college community member. Examples of theft include, but are not limited to: intentional taking of or willful concealment of stolen property; receiving or possessing stolen property from another person; mislaid or lost property; or shoplifting.  
(For Information Technology policies specific to Abuse of Computer Facilities and Resources visit the **Department of Information Resources** Web page [here](#).)
18. **Unauthorized use or entry** is defined as any unauthorized entry or use of any college owned, college leased, or college controlled buildings or property. This includes but is not limited to the unauthorized use, possession and/or duplication of any college key or access card.

19. **Violation of any college policy, rule, or regulation** published or posted in hard copy, available electronically on the college website, or distributed via email.
20. **Violation of the On-Campus and Off- Campus Housing Contract, policies, rules or regulations.**
21. **Weapons, Firearms, Fireworks, Projectiles, Etc.:** the college prohibits the possession of dangerous weapons. Except for those persons specifically exempted under the college’s weapons, firearms, fireworks, projectile, Etc. policy or otherwise explicitly authorized by the college’s director of Campus Safety to have a weapon, no one may possess, carry, use, transport, store, or otherwise have in their custody or control – however temporary – any weapon while on college owned or controlled property or at any college sanctioned event, wherever situated.  
For the college’s weapons, firearms, fireworks, projectiles, etc. visit the **Department of Campus Safety** Web page [here](#).

### Part III: Student Conduct Process and Procedures

**Note:** that “Part III: Student Conduct Process and Procedures: A-F” of this document refers to all allegations *EXCLUDING* allegations of sexual misconduct. Refer to the [Sexual Misconduct Policies and Procedures](#) for further information pertaining to the college’s Sexual Misconduct Process and Procedures.

#### A. Allegations

1. Any person (from either within the college community or a visiting guest of the college) may file a report regarding a student or registered student organization or club alleging misconduct. All student conduct activity commences with filing of an incident report or submitting a statement that explains the alleged violation of the Code. Reports may be filed with the vice president of student development and dean of students, the Department of Citizenship Education, the Department of Residential Education or the Department of Campus Safety.
2. All Incident reports/statements regarding alleged violations of the Code are reviewed by a member of the Department of Citizenship Education and/or the vice president of student development and dean of students.
3. A member of the Department of Citizenship Education and/or the vice president of student development and dean of students shall review the incident report/statement and determine if a complaint alleges or addresses a potential violation of the Code.
4. A department member of Citizenship Education and/or the vice president of student development and dean of students may assign the case to a hearing board or a hearing officer depending on allegations and circumstances surrounding the incident.
5. The college reserves the right to conduct informal conversations with student(s) surrounding student conduct concerns and potential student conduct activity without filing an Incident Report. The college will not take formal student conduct action unless an Incident Report is filed, notification is provided to the student(s) and the hearing process is offered in accordance with the procedures outlined in this document.

#### B. Student Conduct Hearing Board Information

1. Colby-Sawyer College may use a variety of different hearing forums for resolution. A department member from Citizenship Education and/or the vice president of student development and dean of students will determine which hearing forum will be utilized depending on allegations, circumstances surrounding the

incident. All forms of hearings aim to resolve cases impartially and treat all individuals involved in the process with respect and objectivity.

2. All hearings specific to student conduct take priority over all other non-academic college activities. If a student does not attend his/her hearing or submits a statement waiving his/her right to attend the hearing, the hearing officer or the board's hearing adviser will submit a plea of "not responsible" on behalf of the student and the hearing officer or hearing board will make a decision based on any and all information provided at the time of the hearing (Incident Reports, statements, any other respondents, complainants, witnesses etc.) using the "more likely than not" standard.
3. **Waiving the right to attend a hearing:** Students have the option of accepting responsibility for the alleged violation(s) in writing and having sanctions assigned in absentia. If a student waives the right to attend the hearing and accept responsibility for alleged violation(s) the student must submit in writing that he/she is waiving their right to attend the hearing and are taking responsibility for alleged violation(s). This written document must be submitted to the author of the student's hearing notification letter no less than 24 hours prior the start time of the scheduled hearing. Any student who waives their right to attend their hearing and takes responsibility for alleged violations will be notified of the decision and assigned sanctions (if appropriate) in a reasonable amount of time. Failure to attend a scheduled meeting or hearing after appropriate notification or waiving his or her right to attend the hearing will not be a basis for an appeal.
4. **Witnesses** may be called to the hearing by the hearing officer, hearing board, and/or adviser. The hearing officer, hearing board, and/or adviser have the authority to determine the appropriateness and number of witnesses who may be called. Witnesses called by the hearing officer, hearing board, and/or adviser are required to appear. Refusal or failure to appear may result in being charged with "abuse of the college's student conduct process" and/or "failure to comply" which may result in conduct system sanctioning. Witnesses who withhold information or intentionally mislead an investigator, hearing officer and/or hearing board will also likely result in being formally charged with "abuse of the college's student conduct process" which more likely than not will result in conduct system sanctioning.

Respondents and complainants may request witnesses to attend his/her hearing. This request must be submitted in writing to the assigned hearing officer or assigned board's adviser (the author of the letter of notification) no later than 48 hours prior to the scheduled start time of the hearing. It is at the discretion of the assigned hearing officer, hearing board members and/or hearing adviser to call in any respondent and complainant's witness(s).

5. **Support person** for all hearings *excluding cases involving Sexual Misconduct Policies and Procedures*. A complainant or respondent may have a staff or faculty member assist as a support person. A support person may confer with the complainant or respondent during the hearing, but may not interfere with, advocate for or speak in place of the involved party. Disruptive behavior by a support person will result in their removal from the hearing. Non-college members, including legal counsel are not permitted to serve as a support person, with the exception of cases involving Sexual Misconduct Policies and Procedures. For the "support person policy" that is specific to allegations of Sexual Misconduct Policies and Procedures refer to the [Sexual Misconduct Policies and Procedures](#).

### C. Student Conduct Hearing Forums

1. **One on One Hearing:** A department member from Citizenship Education and/or the vice president of student development and dean of students will designate and train college officials who are authorized to serve as a hearing officer for One on One Hearings. Hearing officers may conduct hearings on an alleged violation of the Code and may impose a sanction that could range from written warning, educational assignment, fines or restitution, housing contract revocation/visitation revocation, suspension, or dismissal for findings of responsibility as appropriate.
2. **Hearing Boards:** Student conduct hearing boards may bring several people together in an effort to allow for full consideration of an allegation that a student has violated the Code. The hearing participants may include the investigator, respondent(s), complainant(s), witnesses, and the members of the hearing forum, the hearing forum adviser, and a support person for each respondent and complainant. The different forms of hearing boards are Community Council Hearing Board, Administrative Hearing Board, and Sexual Misconduct Administrative Hearing Board. All decisions made by hearing boards are determined by majority vote.
  - a. **Community Council Hearing Board:** This board is comprised of at least three Colby-Sawyer students. A student will serve as a chair for the hearing. All student board members are provided with six hours of training and are expected to participate in weekly hearings to hear and review cases, make findings, and assign sanctions. Community Council Hearing Board membership is open to students who have achieved sophomore, junior, or senior standing, and have been enrolled at the college for at least two semesters. Community Council Hearing Boards may be assigned cases of alleged student conduct violations that could result in sanctioning from a written warning, educational assignment, fines or restitution, housing contract revocation/visitation revocation.

**Board Adviser:** Community Council Hearing Boards will have a hearing board adviser. The hearing board adviser is a college official designated by the vice president of student development and dean of students to advise hearing board members, complainants, and respondents on procedures, the hearing process and policies as outlined in the Code.

- b. **Administrative Hearing Board:** Administrative Hearing Boards are comprised of at least three members of the college community, two faculty and staff members and at least one student. A staff/faculty member will serve as a chair for the hearing. All board members are provided with six hours of training so they are prepared to hear and review cases, make findings, and assign sanctions as appropriate. Typically, Administrative Hearing Boards will be given cases of alleged student conduct violations that could result in sanctioning from written warning, educational assignment, fines or restitution, housing contract revocation/visitation revocation, suspension, or dismissal for findings of responsibility as appropriate.

**Board Adviser:** Administrative Hearing Boards will have a hearing board adviser. The hearing board adviser is a faculty or staff member designated by the vice president of student development and dean of students to advise hearing board members, complainants, and respondents on procedural issues, the hearing process and policies as outlined in the Code.

- c. **Sexual Misconduct Administrative Hearing Board:** Sexual Misconduct Administrative Hearing Boards are comprised of three faculty or staff members of the college. A faculty or staff member will serve as a chair for the hearing. All board members are provided with an initial training period (approximately six (6) hours) to include an observation of a hearing, followed by meetings/hearings as needed to hear cases, make findings, and assign appropriate sanctions. Sexual Misconduct Administrative Hearing Board members are also provided training specific to Title IX. Typically, Sexual Misconduct Administrative Hearing Boards will be referred cases of alleged Sexual Misconduct Policy and Procedures that could result in sanctioning from written warning, educational assignment, fines or restitution, housing contract revocation/visitation revocation, suspension, or dismissal for findings of responsibility as appropriate. For questions or interest in *Sexual Misconduct Administrative Hearing Boards* or *Sexual Misconduct Policies and/or Procedures* please refer to the [Sexual Misconduct Policies and Procedures](#).

**Board Adviser:** Sexual Misconduct Administrative Hearing Boards will have a hearing board adviser. The hearing board adviser is a college official designated by the vice president of student development and dean of students to advise hearing board members, complainants, and respondents on procedural issues, the hearing process and policies as outlined in the Code and Sexual Misconduct Policy and Procedures.

#### D. Hearing Process

An essential component of any form of hearing is to determine and weigh of the facts that pertain to the allegation(s). A hearing is not a time to call into question a student's character, but rather to examine the student's behavior. Therefore character references are not permitted. It is important that personal statements and other information pertinent to the allegation(s) against a student be presented clearly and factually. All participants are expected to be respectful of each other's role in the hearing process and to conduct themselves according to the direction of the hearing forum. In an effort to be as fair as possible to the complainant and respondent, student conduct procedures may be modified. In certain cases, such as allegations of harming behaviors, endangering behaviors, hazing, or Sexual Misconduct Policies and Procedures. For allegations specific to Sexual Misconduct Policies and Procedures, please refer to the [Sexual Misconduct Policies and Procedures](#) for further information. Support and privacy of all of those potentially involved in the hearing process must and will be taken into consideration. This may include, but is not limited to, alteration of the hearing room setup, or the use of video conferencing, or by other electronic means.

1. A hearing will usually be held within fifteen (15) days of incident reports/statements alleging a student conduct violation being submitted to the Department of Citizenship Education.
2. A hearing officer or hearing board shall conduct the hearing in accordance with the procedures listed below. When a college official serves as the hearing officer in a One on One Hearing, that "hearing officer" may be referred to as the "chair" or "hearing forum". Specific hearing forums may adopt additional procedures that are not inconsistent with the provisions of the Code:
  - a. Formal rules of process, procedure, and/or technical rules of evidence, that are applied in criminal or civil court, are not used in these proceedings.
  - b. A hearing shall be conducted in private in accordance with the process outlined throughout this document.

- c. Allowing a person into the hearing room shall be at the discretion of the chair of the hearing forum and/or hearing adviser. The chair and/or hearing adviser shall have the authority to discharge or to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.
- d. When a hearing involves more than one respondent, the chair or hearing adviser may at his/her discretion hold a separate hearing for each student.
- e. If a respondent or complainant, after receiving notification at least two days prior, does not appear for a hearing the hearing will proceed without the student present.
- f. Except as directed by the chair and/or hearing adviser, the support person shall limit his/her role in a hearing to that of an adviser to the respondent or complainant. The support person shall not speak for the respondent or complainant and not speak to the board. Refer to the *support person* section for guidelines and procedures (Part III.B.5). For the *support person policy* section specific to Sexual Misconduct Policies and Procedures refer to the [Sexual Misconduct Policies and Procedures](#).
- g. The hearing officer and/or hearing adviser may arrange for witnesses to present relevant information to the hearing forum. Witnesses will provide information and answer questions from the hearing board members or hearing officer.
- h. Questions may be suggested to the chair of the hearing by a respondent or complainant. All questions from the respondent or complainant shall be directed to the chair of the hearing. Questions of whether information will be received and asked shall be at the discretion of the chair and/or hearing adviser. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Please refer to Part III.B.4 for further information specific to “*witnesses*”.
- i. Relevant records, exhibits, and written statements (including student impact statements) should be provided during the investigating stage of the process. Any additional information may be accepted for consideration by the hearing officer or hearing board at its discretion as long as such information was provided in accordance with the Code.
- j. Any information (to include, but not limited to acts of dishonesty) presented by a student during a hearing that indicates a potential violation of the Code may be investigated and addressed at a future time.
- k. The vice president for student development and dean of students and/or the department member of Citizenship Education will review the final investigation report/incident report to determine whether the investigation was conducted in a fair, impartial, and reliable manner. In conducting this review, the vice president for student development and dean of students and/or the department member of Citizenship Education may accept or reject the investigation report/incident report in whole or in part. If vice president for student development and dean of students and/or the department member of Citizenship Education rejects the final investigation report/incident report, the case will be referred back to the investigating office to re-initiate investigation.
- l. After the information gathering portion of the hearing concludes, the hearing officer or hearing board shall determine whether the respondent has violated a section of the Code on the basis of whether a reasonable person would find that it is “more likely than not” that the respondent violated the Code.
- m. When a student respondent has been found “responsible” of a violation, the hearing officer or board shall review the student’s student conduct history prior to imposing the appropriate sanction(s). If a student has prior conduct policy violation, this information will be taken into account when sanctions are assigned.

- n. All procedural questions are subject to the final decision of the hearing adviser and/or hearing officer/chair of the hearing.
  - o. The hearing officer (for a One on One Hearing) or board adviser (for a board) will send the decision letter from the hearing to the respondent and appropriate college officials.
  - p. In cases involving harming behaviors, endangering behaviors, and or policies outlined in the Sexual Misconduct Policies and Procedures, the hearing officer (for a One on One Hearing) or board adviser (for a board) will notify the complainant the findings of the respondent(s).
  - q. The college reserves the right to consult with the college attorney when deemed necessary. The college also reserves the right to request the college attorney be present for any portion of the hearing process.
3. The college reserves the right to choose to audio or video record student conduct hearings. If the college chooses to record a hearing, the college will maintain the audio recordings until the completion of the appeal process. Participants are prohibited from making their own recordings in anyway. Upon written request to a department member of Citizenship Education or the vice president of student development and dean of students a respondent or complainant (if applicable) may listen to the audio recording on the college premises with a designated department member of Citizenship Education or vice president of student development and dean of students and/or his/he designee.

## E. Student Rights

The respondent(s) and complainant(s), if applicable, shall have the **right to:**

- a. Be notified of all alleged violations by means of the student address (assigned college mailing address, residence hall address via. hand delivery, permanent address, college email, or in person).
- b. Review the completed incident report and any associated statements that will be used at the hearing.
- c. Request a meeting with a member from the Department of Citizenship Education to discuss questions or concerns pertaining to the Code and/or the hearing process.
- d. A reasonable period of time to prepare for a hearing (no less than 48 hours prior to the start of the hearing).
- e. Request a delay of a hearing due to extenuating circumstances. The decision to grant or deny any such request is within the discretion of the hearing adviser and/or the vice president of student development and dean of students.
- f. Be informed of any person's name that submits/reports information that alleges misconduct and/or submits a complaint.
- g. Be informed of the identity of witnesses who have been called and requested to present information at the hearing.
- h. Be present and participate throughout the fact gathering portion of the hearing process. The deliberation and sanctioning phase of the hearing are private and will be closed.
- i. Be notified of the finding(s) of a hearing and assigned sanctions.
- j. In cases involving harming behaviors, endangering behaviors, hazing, and/or policy violations outlined in the Sexual Misconduct Policy and Procedures, complainant(s) will be notified of the findings of the respondent(s)
- k. Present witnesses and incident witness statements not included in the incident reports and other statements when deemed appropriate and relevant by the hearing board, hearing board adviser, or hearing officer. This information will need to be disclosed to the hearing officer (if a One on One



Hearing) or to the hearing adviser (if hearing is assigned to a board) no less than 48 hours prior to the start of the hearing. The hearing officer, hearing board chair and/or the hearing board adviser will make the determination whether or not to call the witness in to the hearing and/or review the information provided in the additional statements. If a witness is called to the hearing the witness will provide information to and answer questions from the hearing board members or hearing officer. Questions may be suggested to the chair of the hearing by a respondent or complainant. All questions will be directed to the chair of the hearing rather than to the individual directly. Questions of whether potential information will be received and asked shall be at the discretion of the chair and/or hearing adviser. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Please refer to Part III.B.4 for further information specific to “*witnesses*”.

- l. Request accommodations/modifications of the hearing structure. Accommodations/modifications may include a partition panel during the hearing so as not to directly view the complainant/respondent, or the use of technology, such as a phone or Skype. This request must be made 48 hours prior to the scheduled hearing. Refer to the *accommodation request* section (Part III.H) for specific parameters and procedures.
- m. Challenge participation of a specific hearing officer or board member in the event a conflict of interest is present. This challenge must be made 48 hours prior to start of the hearing.
- n. Present a personal or community impact statement specific to the incident and/or allegations to the hearing forum or hearing officer. A community impact statement is an account in the student’s own words of the *effect* of the incident. The student may, for example, have suffered a physical injury, be affected psychologically, or be at a loss financially. Character statements will not be permitted during the hearing.
- o. Have a support person during all phases of the conduct process. A student should select a support person whose schedule allows attendance at the scheduled date and time of any meeting and/or hearing because delays will likely not be allowed due to the scheduling conflicts of a support person. Refer to support person section (Part III.B.5) for policy on support person for all cases except cases involving Sexual Misconduct. For the *support person policy* specific to Sexual Misconduct Policies and Procedures, please refer to the **Sexual Misconduct Policies and Procedures**.
- p. Remain silent at the hearing. In the event a respondent chooses to remain silent, it should be noted that the hearing officer or hearing board will proceed with the hearing and make a determination of the case based on any and all information that is present at the time of the hearing.
- q. To appeal. In cases involving harming behaviors, endangering behaviors, and/or policy violations outlined in the Sexual Misconduct Policy and Procedures, complainant(s) will be afforded the same opportunity to submit and appeal as a respondent. Refer to the *Appeals* portion of the Code (Part III.G) for information, policies and procedure for submitting an appeal.

## F. Sanctions

Students who are found to be responsible for violating the Code will be assigned appropriate sanctions based on the nature of the violation, the severity of the violation, the student’s conduct history, and/or other criteria as determined by the hearing officer or hearing board. Sanctions are typically based on precedent set by other similar cases. However, no two cases or students are exactly the same and sanctions may vary for seemingly similar incidents. Hearing officers and hearing board members are trained to determine appropriate sanctions.

1. The following sanctions may be imposed on any student found to have violated any college policy. This is not an exhaustive list of sanctions. Although sanctions may be imposed individually, most often time's findings of responsibility will result in various combinations to ensure the educational essence is emphasized throughout this process.

**Educational focus type sanctions example (applies to all students):**

- a. **Warning:** A letter that informs the student that she/he violated college policy and a notice that another violation will likely result in a more severe sanction which could include a college probation, suspension, or dismissal.
- b. **Restitution:** Reimbursement for damage to, destruction of, or misappropriation of, college property or any property of any member of the college community. The student may also be required to provide service appropriate to the violation (e.g. cleaning/repairing a vandalized area etc.).
- c. **Educational Programs and Assignments:** The student is required to complete a project and/or assignment specifically relevant to the policy violation(s). Some examples of educational programs and assignments are but not limited to: informative/research paper or presentation; reflection paper; bulletin board; appointments with Baird Health and counseling and/or outside counseling service at the students cost; anger management training; and 3rd Millennium Classroom Alcohol or Marijuana Course.
- d. **Fines:** A sum of money, independent of restitution, assessed against an individual. Fines are to be paid through the Colby-Sawyer Storefront located on the Financial Services [Web page](#). Refer to the findings letter for specifics on how to pay the fine.
- e. **Behavioral Agreement/Contract:** A statement of agreement between the student and a hearing forum or college official (1) acknowledging the infraction(s) of the Code, (2) identifying a behavior/action plan, and (3) agreeing to the specified consequence(s) of failure to adhere to the behavior/action plan.
- f. **Loss of Privileges:** The removal of certain student privileges, including but not limited to the following: the privilege to host guest on campus; the privilege to host guest in the student's assigned residence halls space or other college buildings; the privilege to have stereos or other sound equipment in your residence hall space; the privilege to participate in extra-curricular activities such as activities on campus or hosted by the college; participation in senior week activities; the privilege to participate in a club activity or dance; or the privilege to apply to reside in certain residence hall spaces such as Off Campus College Owned or Leased Properties.

**Traditional Residential Students (to include residential students who reside in off campus college owned/leased properties)**

- g. **Disciplinary Probation** is a designated period during which additional behavior in violation of college regulations will likely constitute grounds for further disciplinary action. The hearing officer or forum will determine the length of the sanction and determine if there are particular conditions and/or restrictions attached to the status. Further violations of the Code could result in sanctioning which includes, but is not limited to: housing contract probation; housing contract revocation; suspension; or dismissal from the college. During this probationary period a student's scholarship may be affected. For questions about whether scholarships are affected, the student should contact the Financial Aid Office. Be aware that college reserves the right to contact a student's parent or legal guardian to inform her/him if a student has been found responsible for violating the college's alcohol policy and the student is under the legal age to consume or possess alcohol; if a student has been found responsible for violating the

college's drug policy; and/or a student has been sanctioned housing contract probation, housing contract revocation, suspension, or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

- h. **Housing Contract Probation** is defined as a designated period during which additional behavior in violation of college regulations will constitute grounds for more serious disciplinary action. The hearing officer or forum will determine the length of the probation and determine if there are particular conditions and/or restrictions attached to the status. Further violations of the Code could result in sanctioning which includes, but is not limited to: housing contract revocation; suspension; or dismissal from the college. During this probationary period a student may be ineligible for college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. For questions about whether scholarship(s) are affected, student's should contact the Financial Aid Office. The college reserves the right to contact a student's parents or legal guardians to inform him/her if a student has been found responsible for violating the college's alcohol policy and the student is under the legal age to consume or possess alcohol; if a student has been found responsible for violating the college's drug policy; and/or a student has been sanctioned housing contract probation, housing contract revocation, suspension, or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- i. **Housing Contract Revocation:** Housing contract revocation is defined as a designated period during which a student is prohibited from living or visiting in college owned or leased residence halls and buildings. The hearing officer or forum will determine the length of the revocation and determine if there are particular conditions and/or restrictions attached to the status. During this time of housing contract revocation, a student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. Questions about whether scholarship(s) are affected, the student should contact the Financial Aid Office. The college reserves the right to contact a student's parents or legal guardians to inform her/him if a student has been found responsible for violating the college's alcohol policy and the student is under the legal age to consume or possess alcohol; if a student has been found responsible for violating the college's drug policy; and/or a student has been sanctioned housing contract probation; housing contract revocation; suspension; or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- j. **Off Campus College Owned or Leased Properties Contract Revocation:** If a student living in an off campus college owned/leased property is found responsible for a policy violation that would typically result in Housing Contract Probation, it is likely that he or she will lose the privilege of living in the off campus college owned/leased property and will be provided the option to return to housing on-campus at the discretion of the college. Examples of incidents that could result in this revocation could include, but is not limited to, policy violations in the following areas: failure to register a social function; violation of social function agreement; alcohol; disorderly conduct; failure to comply; occupancy/trespassing; drugs; endangering behaviors; harming behaviors; weapons/firearms; and hazing. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

**Non-Residential Students (Commuter Students)**

- k. **Visitation probation** is defined as a designated period during which additional behavior in violation of college regulations will constitute grounds for further disciplinary action to include but not limited to: visitation restriction; visitation revocation; suspension; or dismissal. The hearing officer or board will determine the length of the probation and determine if there are particular conditions and/or restrictions attached to the status. This probation does not limit a student in regards to where he or she can visit. During this probationary period, it is expected that the student will become fully knowledgeable about the Code of Community Responsibility and not violate the policies set forth in the document.
- l. **Visitation restriction** is defined as a designated period during which additional behavior in violation of college regulations will constitute grounds for more serious disciplinary action including, but not limited to: visitation revocation of college housing; and/or suspension or dismissal from the college. The hearing officer or forum will determine the length of the restriction and determine if there are particular conditions and/or restrictions attached to the status. This visitation restriction means that a student may only visit college owned or leased residential buildings between the hours of 7 a.m. – 7 p.m., Friday, Saturday and 7 a.m. – 9 p.m. Sunday, Monday, Tuesday, Wednesday, and Thursday. To visit the residential building non-residential student is required to be with a residential student at all times and must follow the same guidelines as any other guest of Colby-Sawyer College. Non-residential students on this restriction may not register as an overnight guest. During the visitation restriction period a student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. For questions about whether a scholarship is affected, the student should contact the Financial Aid Office. The college reserves the right to contact a student's parents or legal guardians to inform him/her if a student has been found responsible for violating the college's alcohol policy and the student is under the legal age to consume or possess alcohol; if a student has been found responsible for violating the college's drug policy; and/or a student has been sanctioned visitation restriction, visitation revocation, suspension, or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- m. **Visitation revocation** means that a student may NOT visit college owned or leased residential buildings. If for any reason a student who has had his or her visitation privileges revoked believes he or she needs to enter a residential building that is owned or leased by Colby-Sawyer College, that student must receive explicit permission by a professional department member from the Department of Residential Education, Campus Safety, Citizenship Education or the vice president/dean of students. If the student receives permission to enter a college owned or leased residential building that student must be accompanied by a professional department member from Residential Education or Campus Safety. Violations of this revocation will more than likely result in an extension of the revocation period and or further disciplinary action to include suspension or dismissal. During the time that a student's visitation privilege has been revoked, a student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. For questions about whether a scholarship is affected, the student should contact the Financial Aid Office. The college reserves the right to contact a student's parents or legal guardians to inform him/her if a student has been found responsible for violating the college's alcohol policy and you are under the legal age to consume or

possess alcohol; if a student has been found responsible for violating the college's drug policy; and/or a student has been sanctioned visitation restriction, visitation revocation, suspension, or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

**All students – probationary suspension, suspension and dismissal**

- n. **Probationary Suspension:** is defined as the highest level of probationary status, which will remain in place for a designated period of time. The hearing officer or board will determine the length of the probation and determine if there are particular conditions and/or restrictions attached to the status. Any violation(s) of specified policies, regardless of seriousness, which occurs during the probationary suspension period, will more than likely result in immediate activation of the suspension or dismissal from Colby-Sawyer College. During this probationary period the student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. For questions about whether a scholarship is affected, the student should contact the Financial Aid Office. The college reserves the right to contact a student's parents or legal guardians to inform him/her if a student has been found responsible for violating the college's alcohol policy and you are under the legal age to consume or possess alcohol; if a student has been found responsible for violating the college's drug policy; and/or a student has been sanctioned housing contract probation, visitation restriction, visitation revocation, housing contract revocation, suspension, or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- o. **Suspension:** Suspension from Colby-Sawyer College means separation from the college for a specified period of time after which the student may re-enroll or re-apply for re-admission. A suspended student is subject to arrest for trespass and is not allowed on college grounds without the prior written authorization by the vice president of student development and dean of students, the director of Campus Safety or his/her designee. In order to be eligible for readmission, the student must complete all portions of assigned the sanctions that the hearing officer or forum may additionally assign and be cleared by the Department of Citizenship Education. During the time of the suspension a student may be ineligible for certain college awards, honors, scholarships or to study abroad through Colby-Sawyer College affiliated programs. For questions about whether a scholarship is affected, the student should contact the Financial Aid Office. The college reserves the right to contact a student's parents or legal guardians to inform him/her if a student has been found responsible for violating the college's alcohol policy and the student is under the legal age to consume or possess alcohol; if a student has been found responsible for violating the college's drug policy; and/or a student has been sanctioned housing contract probation, visitation restriction, visitation revocation, housing contract revocation, suspension, or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- p. **Dismissal** is a permanent separation from the college with no opportunity to re-enroll or re-apply for re-admission. A dismissed student is subject to arrest for trespass and is not allowed on college ground without prior authorization from the vice president of student development and dean of students, the director of Campus safety or his/her designee. If for any reason the student believes he or she needs to enter Colby-Sawyer College property or Colby-Sawyer sponsored events after the date and time of your dismissal separation, the student must receive explicit permission from the vice president and dean of

students, the director of Campus Safety or his/her designee. If the student receives permission to enter Colby-Sawyer College property or college sponsored event, the student must be accompanied by a professional department member from Residential Education or Campus Safety. The college reserves the right to contact a student's parents or legal guardians to inform him/her if a student has been found responsible for violating the college's alcohol policy and the student is under the legal age to consume or possess alcohol; if a student has been found responsible for violating the college's drug policy; and/or a student has been sanctioned housing contract probation, visitation restriction, visitation revocation, housing contract revocation, suspension, or dismissal. Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

2. The following sanctions may be imposed upon registered student club and/or organization:
  - a. The sanctions listed above in Part III. F. #1, "a" through "e".
  - b. Loss of club/organization recognition: Loss of all college privileges for a designated period of time.
  - c. Loss of club/organization recognition for more than two consecutive semesters requires an organization to re-apply for college recognition. Conditions for future recognition may be specified.
3. **Aggravated Violations:** If a student is responsible for violation of any college policy that is directed toward an individual or group due to race, ethnicity, ancestry, national origin, religion, gender, sexual orientation, gender identity, or expression, age, physical or mental disabilities, including learning disabilities, intellectual development, disorders, and past/present history of mental disorder the hearing officer or hearing forum may increase the sanctions.

## G. Appeals

**Appeal process:** The purpose of the appeal process is to ensure that all students, clubs and organizations are treated fairly throughout Colby-Sawyer College's conduct hearing process. For this policy, when the term student is used, it may also referring to a club or organization. In cases involving harming behaviors, endangering behaviors, and/or policy violations outlined in the Sexual Misconduct Policy and Procedures, both the respondent(s) and complainant(s) may file an appeal in accordance with this policy and process. For prohibited conduct and definitions specific to the Sexual Misconduct Policy and Procedures, please refer to the **Sexual Misconduct Policies and Procedures**.

1. A respondent and/or complainant (if applicable) who has participated in the hearing process may file an appeal that demonstrates appropriate basis for an appeal that is based on the student conduct hearing process (to include hearings with a hearing officer or hearing board). All appeals must be completed and submitted by the respondent and/or complainant (if applicable) involved in the hearing process and also participated in the hearing process. Appeals submitted by any person other than the student who is appealing, such as a support person and/or some other representative, will not be reviewed and will be automatically denied.
2. All appeals must demonstrate one or more of the following criteria and the student must explain in detail each basis of appeal:
  - a. new information that was not available and/or known at the time of the hearing, which would likely have had a significant effect on the outcome of the hearing. This new information will be considered only if it is clear that the evidence could not have been known by the student(s) at the time of the original hearing;

- b. procedural error, in that the hearing was not conducted in accordance with the procedures prescribed by the Colby-Sawyer College Code and the procedural error must have impaired a student's right to a fair hearing; and/or
- c. the severity of the sanction is not appropriate for the violation(s), and the student's past conduct history (if applicable).

Information that **is not considered sufficient criteria for an appeal or a reasonable claim of an appeal**, by way of illustration, but not limitation, includes:

- a. disagreement with the finding and/or sanction of a hearing forum;
  - b. failure to appear at an appropriately scheduled hearing; and/or
  - c. failure to comply with a sanction.
3. For an appeal specific to a One on One hearing, Community Council Hearing Board, and/or and Administrative Hearing Board, all appeals will be reviewed by an Appellate Board that is comprised of at least three (3) board members who were not original participants of the board or hearing. All members of the Appellate Board have been trained in the Code and Hearing Process and are actively involved in the hearing process as a Community Council Hearing Board Member, an Administrative Hearing Board Member, a Sexual Misconduct Administrative Hearing Board Member, and/or hearing officer. In some cases, the vice president for student development and dean of students and/or his/her designee may direct a department member of Citizenship Education to review the appeal individually without a board. If this occurs, the department member of Citizenship Education selected to review the appeal will be a department member that did not serve as the hearing officer for a one on one hearing or serve as the hearing board's adviser assigned to the original case/hearing.
  4. For an appeal specific to a Sexual Misconduct Administrative Hearings Boards, all appeals will be reviewed by an Appellate Board that is comprised of at least three (3) Faculty/Staff members who were not original participants of the board or hearing. All members of the Appellate Board or department member of Citizenship Education have been trained in the Code, Hearing process, Title IX, and are actively involved in the hearing process as a Sexual Misconduct Administrative Hearing Board Member, and/or hearing officer. In some cases, the vice president for student development and dean of students and/or his/her designee may direct a department member from Citizenship Education to review the appeal individually without a board. If this occurs, the department member of Citizenship Education selected to review the appeal will be a department member that did not serve as the hearing officer for a one on one hearing or serve as the hearing board's advisor assigned to the original case/hearing.
  5. The record on appeal is limited to a review of the written appeal document submitted by the appellant(s), the written record of the incident in question, any other documentation presented at the hearing, an interview with the original hearing officer or the adviser of the hearing board, and any alleged "new information" in an appeal based, in whole or in part, or a claim of "new information," as described above in Part III.G.2."a".
  6. The appeal review meeting is considered closed unless the Appellate Board or designated department member from Citizenship Education reviewing the appeal requests the respondent and/or complainant (if applicable) to attend the appeal review meeting to explain any possible "new information". The decision to request the respondent and/or complainant (if applicable) to attend is at the discretion of the Appeal Board adviser and/or the Appeal Boards or designated department member of Citizenship Education who is reviewing the appeal.

7. If the appeal is granted, the student will receive written notification from the appeal board hearing adviser or department member of Citizenship Education who conducted the review that the appeal was accepted. This notification will be generally made 5-10 business days from the date of the decision. The Appellate Board or the designated department member from Citizenship Education who reviews the appeal can take one of the following actions:
  - a. If the appeal is granted based on the appropriateness of the sanction(s) issued, the matter will be referred to the hearing officer, Community Council Hearing Board, the Administrative Hearing Board, or the Sexual Misconduct Administrative Hearing Board, which originally heard the case to allow reconsideration of the original determination and/or sanction(s). In these instances a complete review of the student(s) conduct history, including previous sanction(s), will take place.
  - b. If the appeal is based on new information that was not available at the time of the hearing the matter will be referred to the hearing officers, Community Council Hearing Board, the Administrative Hearing Board, or the Sexual Misconduct Administrative Hearing Board, which originally heard the case to allow for consideration of the new information.
  - c. If the appeal indicates procedural error, the matter will be referred to a new hearing officer, Community Council Hearing Board, an Administrative Hearing Board, or a Sexual Misconduct Administrative Hearing Board, to allow for reconsideration of the results of the original finding(s).
8. If the appeal is not granted, the student will receive written notification from the adviser of the board or the hearing officer that the appeal has been denied. In the event an appeal is denied the decision made by the hearing board or the department member of Citizenship Education who reviewed the appeal and sanction(s) assigned will remain in effect. This notification will generally happen within 5-10 business days from the decision of the appeal review.

In cases involving harming behaviors, endangering behaviors, and/or policy violations outlined in the Sexual Misconduct Policy and Procedures, complainant(s) will be notified of the findings of the respondent(s).

The decision of an Appellate Board or the department member of Citizenship Education who reviewed the appeal cannot be appealed.

Sanctions are effective as of the date of the letter advising the student of the finding of responsibility and sanction. All appeals must be submitted five (5) days from the written delivery date of the findings letter.

9. **Instructions for submitting an appeal:**
  - a. The student who wishes to appeal must contact the Department of Citizenship Education by email indicating an intent to appeal, you will then be sent instructions on how to properly appeal and provided with the “Electronic Appeal Form” as an attachment to the email (**This is not an appeal, this is only requesting instructions on how to properly appeal**).
  - b. An appeal of a finding and/or sanction imposed by a Community Council Hearing Board, an Administrative Hearing Board, a Sexual Misconduct Administrative Hearing Board, or the Hearing Officer must be completed on the “Electronic Appeal Form”.
  - c. Once the student receives the instructions and the “Electronic Appeal Form” and has reviewed the Appeal Process outlined in this document, the completed “Electronic Appeal Form” must be submitted within five (5) days of written delivery of the decision of the hearing forum via email to the appeals



email address: [studentconduct@colby-sawyer.edu](mailto:studentconduct@colby-sawyer.edu) where it will be forwarded and reviewed by an Appellate Board or by a designated department member for Citizenship Education.

- d. Once the student receives the instructions and the “Electronic Appeal Form” and has reviewed the Appeal Process outlined in this document, the completed “Electronic Appeal Form” must be submitted within five (5) days of written delivery of the decision of the hearing forum via email to the appeals email address: [studentconduct@colby-sawyer.edu](mailto:studentconduct@colby-sawyer.edu) where it will be forwarded and reviewed by an Appellate Board or by a designated department member for Citizenship Education.

## H. Accommodations for Students with Disabilities

By federal law, a person with a disability is a person who: 1.) has a physical or mental impairment; 2.) is regarded as having such an impairment, which substantially limits one or more major life activities such as self-care, walking, seeing, hearing, speaking, breathing, or learning.

A student requesting an accommodation to any portion of the student conduct process to include but not limited to, the investigation, prehearing meetings, hearing, follow up meetings etc. must follow the appropriate process for requesting an accommodation through the college’s Access Resources Department. The department member from the Access Resources that approves any such request will need to notify the appropriate department member the student is working with the student that the accommodation has been reviewed, approved and shall be followed.

Reasonable accommodations depend upon the nature and degree of severity of the documented disability. While the Americans with Disabilities act of 1990 requires the priority consideration be given to the specified methods requested by the student, it does not imply that a particular accommodation must be granted if it is deemed not reasonable and other suitable techniques are available.

## Part IV: Student Conduct File Maintenance and Review, Notifications, Publications, and Refund Policy

### A. Student Conduct File Maintenance and Review

Student conduct files shall not be released to parties outside the college unless there is written consent from the student. However certain information from the files may be provided to individuals within or outside the college who have legitimate legal or educational interest in obtaining a student’s conduct file. If required to release records in compliance with a legal/court order or subpoena, the college will show due diligence in attempting to notify the student prior to complying as permitted by said order. Refer to the federal Family Educational Rights and Privacy Act of 1974 (FERPA) policy located with the college’s Registrar’s Office.

The Department of Citizenship Education retains disciplinary records in accordance with the following.

1. If a student is found not responsible for a violation of the Code of Community Responsibility, the record pertaining to the disciplinary proceeding will be shredded when the student withdraws or graduates from Colby-Sawyer College.

Student conduct records with findings of not responsible will not be disclosed to other agencies or institutions inquiring about student conduct. These records kept for the purpose of appropriate record maintenance only. Any findings of not responsible are not and will not be considered by any hearing officer or hearing board for any subsequent hearings that may occur.

2. Records of minor disciplinary action (e.g., warning letter, fines \$50 and under) are kept on file until the student withdraws or graduates from the college.
3. Records of general disciplinary action (e.g., behavioral agreement, disciplinary probation, housing contract probation, and removal from housing) are kept on file for seven years.
4. Records of major disciplinary action (i.e., suspension, dismissal) are maintained permanently in the Department of Citizenship Education.

## B. Student Official Transcript Notations

**Transcript notations:** As of August 15, 2016, any student conduct cases that result in a sanction of “suspension” will be noted on the student’s official transcript for as long as the “suspension” is in effect. Any cases that results in a sanction of “dismissal” will be noted on the student’s official transcript which is held with the college’s Registrar’s Office.

### **Request for Suspension or Withdrawal Pending a Hearing Transcript Notation Removal**

Students may request (in writing) that *suspension* notations and *withdrawal pending a hearing* notations be removed from his or her academic transcript. Such request may be granted at the discretion of the vice president of student development and dean of students or designee.

### **Request specific to Suspension Transcript Notations:**

In order to have a student conduct suspension notation removed from the student’s academic transcript, the student must complete all of the requirements of the assigned sanction associated with the disciplinary case in question. If the student has been involved in subsequent disciplinary incident(s) prior to such request, notation removal will not be considered until any subsequent matter(s) is resolved and any sanctions assigned for subsequent matter are fulfilled.

Factors that the vice president of student development and dean of students or designee will consider prior to the removal of suspension notations will include, but is not limited to: (a) The present demeanor of the student; (b) The student’s conduct subsequent to the violation; (c) The nature of the specific violation associated with the suspension, including the issue of premeditation and/or the severity of any resulting damage, injury, or harm to self or others.

To submit a petition for a notation to be removed, students must include the following:

1. A brief description of the incident and sanction imposed specific to the suspension.
2. A reflection on the petitioning student’s actions, how those actions have affected the petitioning student and others, and how the petitioning student might respond if faced with a similar situation in the future.
3. An account of petitioning student’s behaviors since the incident (for example: academic performance from other institutions, extracurricular activities, community service, etc.).
4. An explanation of why the petitioning student believes he or she would be a good candidate for a record notation to be removed.
5. Any supporting materials (letters of recommendations, proof of community service, etc.).

**Request specific to Withdrawal Pending Transcript Notations:**

In order to have *withdrawal pending a student conduct hearing* notations removed from the student's academic transcript, the students must submit the following in their request (in writing):

1. A brief description of the allegations against the petitioning student at the time of withdrawal.
2. A reflection on the petitioning student's actions, and how those actions have affected the petitioning student and others.
3. An account of petitioning student's behaviors since the time of withdrawal (for example: academic performance from other institutions, extracurricular activities, community service, etc.).
4. An explanation of why the petitioning student believes he or she would be a good candidate for this notation to be removed.
5. Any supporting materials (letters of recommendations, proof of community service, etc.).

All request can be sent to:

Robin Davis - Vice President for Student Development and Dean of Students  
Colby-Sawyer College  
541 Main Street, New London, NH 03257

E-mail: [rdavis@colby-sawyer.edu](mailto:rdavis@colby-sawyer.edu)

Generally, the record will NOT be removed from the academic transcript if the record involves any of the following: policy violations of endangering behaviors, sexual misconduct, hazing, and conduct which leads to the death or serious physical injury to another person.

Decisions made by the vice president for student development and dean of students or designee are considered final and there are not further actions that can be taken.

**C. Parental Notification Policy**

The college considers student conduct records to be part of a student's educational record, and as such the college complies with all applicable legislation, including but not limited to the Family Educational Rights and Privacy Act (FERPA). Further, the college's primary relationship is with its students, and not with their parents or guardians.

However, the college recognizes that parents or guardians maintain an interest in their students' behavior while at college. Parents or guardians may play a positive role in preventing further misconduct. Therefore, the college may notify the parents or guardians of a dependent student under the age of twenty-one who is placed on housing contract probation, probationary suspension, suspended, or is dismissed from the college. The college also reserves the right to notify the parents or guardians of any dependent student under the age of twenty-one who has been found responsible for violating any drug or alcohol polices. Notification may be deferred at the discretion of the vice president of student development and dean of students or his/her designee and/or a department member from the Department of Citizenship Education.

This notification is intended as a means to encourage communication between students and their parents or guardians to provide the greatest level of support for the student. Regardless of whether notification has occurred, the college's priority and obligation is to correspond and otherwise conduct business directly with students, and not through parents, guardians, or any other third party.

#### **D. Withholding Grades, Diplomas, and Students Official Transcripts**

The college reserves the right to withhold grades, diplomas or transcripts until all student conduct matters are resolved (to include completion of appeal process), restitution made, or fines paid.

#### **E. Police Notification**

As per the Memorandum of Understanding (MOU) between Colby-Sawyer College and the New London Police Department (NLPD), there are times when the college must notify NLPD of alleged conduct violations. Please contact the **Department of Campus Safety** at [cssafety@colby-sawyer.edu](mailto:cssafety@colby-sawyer.edu) for more specific information concerning these parameters.

#### **F. Conduct Violation Publicity**

In accordance with Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, commonly known as the Clery Act and Public Law 101-542, The Campus Security Act of 1990, as amended, Colby-Sawyer College reserves the right to publish, or otherwise communicate information about alleged violations of the Code, as well as alleged violations of public laws, including investigations in progress as specified by, but not limited to the provisions of the aforementioned law. Please go to the **Campus Safety** Web page [here](#): to review the Annual Security Report and Annual Fire Report located under the Clery Act tab at the top of the page.

#### **G. Refund Policy for Student Conduct Cases**

No refunds for tuition, fees, or room and board are given for violations of the Code and/or other student conduct/disciplinary matters. Some examples of sanctioning that this refund policy applies to are, but not limited to, findings that result in the loss of housing, suspension, or dismissal of a student.

### **Part V: Interim Administrative Actions/Short Term Absence or Withdrawal: Medical/Mental Health Reasons**

#### **A. Interim Administrative Actions**

In certain circumstances, the vice president of student development and dean of students and/or his/her designee, may impose an interim administrative action(s) such as, but not limited to, an interim non-contact order, interim restrictions for clubs/organizations/college sponsored activities or events, or sporting teams, interim residence hall removal or relocation, and/or interim suspension prior to a conduct hearing. Interim administrative restrictions are effective immediately without prior notice. Such actions may be taken when, in the professional judgment of the college official, a threat of imminent harm to persons or property exists.

Any interim administrative actions taken neither are a part of the hearing process or are the actions taken formal student conduct sanctions. It is taken in an effort to protect the safety and well-being of the respondent, of others, of the college, or of property. An interim administrative action is preliminary in nature; it is in effect only until a hearing for the alleged policy violation(s) occurs and a final outcome is rendered. Interim

administrative actions imposed by the vice president for student development and dean of student or his/her designee and are not subject for appeal.

For the “*interim measures*” policy and procedure specific to the Sexual Misconduct Policy and Procedures, please refer to the **Sexual Misconduct Policies and Procedures**.

### **B. Short Term Absence or Withdrawal: Medical/Mental Health Reasons**

Students claiming an inability to participate in the student conduct process for medical, psychological or emotional reasons may be allowed to voluntarily withdraw from the college prior to initiation of any portion of the conduct process and/or the start of the formal hearing. Voluntary and involuntary withdrawal does not preclude the student conduct process from occurring. In these specific instances, at the recommendation of vice president of student development and dean of students or his/her designee, the student conduct process may be delayed or held in abeyance and the student will be placed on ineligible hold, thus prohibiting future class registration and/or awarding of certificates or degree’s. If/when the student attempts to re-enter the college for registration and/or awarding of certificates or degree’s, the pending student conduct proceedings will be reinstated. Please contact the college’s **Academic Dean Office** at [academicdeansoffice@colby-sawyer.edu](mailto:academicdeansoffice@colby-sawyer.edu) for further details.

## **Part VI: Interpretation and Revision**

1. Any question of interpretation regarding the Code shall be referred to the Department of Citizenship Education for final determination. You may contact the Department of Citizenship Education at [citizenship@colby-sawyer.edu](mailto:citizenship@colby-sawyer.edu).
2. The Code shall be reviewed at least every three (3) years under the direction of the vice president for student development and dean of students.

## Appendix “A” – Alcohol and Drugs

### Expectations regarding Alcohol and Drugs

The college recognizes its duty to educate students, faculty, and staff members concerning the significant problems surrounding the misuse of alcohol and other drugs. The abuse and illegal use of alcohol and other drugs is detrimental to scholastic endeavors, enjoyable social activity, personal growth, and the welfare of the campus community.

### Individual Responsibility Statement for Alcohol and Drug policies

All members of the Colby-Sawyer community are expected to be familiar with and abide by college policies governing the use of alcohol and other drugs. Members of the college community, as well as visitors and guests are legally responsible and also responsible to the college if their behavior, with respect to alcohol or other drug use, jeopardize themselves, the safety or welfare of any person, or result in damage to property. Alcohol or drug consumption is not a valid excuse for inappropriate behavior. Behavior resulting from intoxication, or any chemical substance which causes or can be expected to cause harm to any person, damage to property, or disruption to the college environment is not acceptable and will be dealt with directly through the policies and procedures outline throughout the Code, other relevant college policies, and/or the appropriate federal, state, or local law(s).

Refer to “Annual Security Report” as distributed annually by the Department of Campus Safety, which can be found [here](#), for information about campus resources and New Hampshire State Laws regarding alcohol and illicit drug use as well as information about the Drug-Free Schools and Communities Act of 1989 (Public Law 101-226).

## Alcohol: Alcohol Expectations, Resources, and Policies

### Alcohol Policies

Confiscated alcohol will be disposed of by authorized college personnel (i.e., Campus Safety officers, Residential Education staff, etc.). Colby-Sawyer College authorized personnel have the right to question and receive clarification from any person regarding containers or rooms that may contain an alcoholic beverage.

### If you are under 21

#### Underage possession of alcohol:

- Underage persons may not possess alcohol.
- Underage students who possess alcohol containers with any amount of alcohol will be considered in possession of alcohol.
- Underage students are prohibited from possessing and displaying alcohol containers.

#### Underage consumption of alcohol:

Underage persons may not consume alcohol. The determination of whether or not an underage student has/has not consumed alcohol will be based upon:

1. a campus safety officer or law enforcement officer administering a Field Sobriety Test (FST);
2. a campus safety officer or law enforcement officer administering a portable breath test with a Breath Alcohol Content (BrAC) resulting in levels .01 and above; or
3. based on college official’s physical observation, odor, and need not rely on any mechanical, electrical or chemical sobriety instrument.

New Hampshire State Law prohibits underage persons to internally possess alcohol. Any underage person found to be possessing alcohol internally will also be charged with Underage consumption of alcohol.

*Policies that limit the amount and location of alcohol consumption for those over 21 also apply to students under 21 and will serve as additional violations if applicable.*

**Students aged 21 years old or over**

Persons of legal age (21 years old or older) may possess or consume alcohol in residence hall student rooms where at least one of the assigned room and residents is of legal age and present. Persons of legal age may purchase and consume alcoholic beverages in a licensed campus area during college-sponsored events.

**Alcohol use during Vacation Housing Periods:**

Persons of legal age may not possess or consume alcohol during temporary housing periods. For example, student under a temporary housing contract for reasons such as, but not limited to: pre-season sports, holidays, time between end of semester and beginning of next semester etc.

For exceptions to this policy refer to the Department of Residential Education Vacation Housing policy located [here](#).

*Any student under the age of 21 who violates the Alcohol during Vacation Housing Periods policy will be charged with Underage consumption/possession of alcohol and Alcohol during Vacation Housing Periods along with any other possible policy violations that may apply.*

**Supplying Alcohol to Minors:**

Persons of legal age may not buy, sell, provide, furnish, barter or exchange alcoholic beverages under any circumstances to/with minors.

New Hampshire also has a Party Host Liability Law. Students should be familiar with their responsibilities under this law. For more information click [here](#).

Persons of legal age when allowing an underage person to consume alcohol in the legal aged person's assigned living space will more than likely be charged with Supplying alcohol to minors.

**Open Containers:**

Consumption of alcohol and open containers of alcoholic beverages are prohibited in all common or public areas unless at a college sponsored event. Students consuming alcohol in private rooms with the doors open will more than likely be considered consuming alcohol publicly.

*Any student under the age of 21 who violates the open container policy will be charged with Underage consumption or possession of alcohol and Open Container along with any other possible policy violations that may apply.*

**Excessive Possession of Alcohol:**

Persons of legal age may not possess more than any one of the following:

- 30, 12-ounce containers or beer or equivalent;
- 20, 12-ounce wine coolers;
- 12, 12-ounce mixed alcoholic packaged beverages;
- one half gallon of wine; or
- 1.75 liters of distilled spirits.

*Any student under the age of 21 who violates the Excessive Possession policy will be charged with Underage consumption/possession of alcohol and Excessive Possession along with any other possible policy violations that may apply.*

**High Risk Consumption:**

A student may not drink alcohol in a high risk manner or to the point of intoxication. Any student may not knowingly serve another to the point of intoxication, regardless of age. Behavioral symptoms associated with excessive consumption or intoxication may include: Impaired motor skills, difficulty communicating, vomiting, glazed/red eyes, the smell of alcohol on one's breath, verbal and physical aggressiveness, destructive or disruptive behavior, and engaging in any behavior that may endanger oneself or others. The determination of high risk drinking or an intoxicated state will be based upon:

1. a campus safety officer administering a Field Sobriety Test;
2. a campus safety officer administering a portable breath test with a Breath Alcohol Content (BrAC.) resulting in levels .08 and above; or
3. based on college official's physical observation, odor, and need not rely on any mechanical, electrical or chemical sobriety instrument.

Students who comply with a Campus Safety Officer's request to perform a Portable Breath Test (PBT) and whose results reveal a Breath Alcohol Content (BrAC) of .08 or above may have the option to participate in the college's H.O.P.E. Program.

A Student who does not comply with a Campus Safety Officer's request to perform a PBT, will be referred to the New London Police Department as per the Memorandum of Understanding (MOU) between Colby-Sawyer College and the New London Police Department. This student will also likely be charged with Colby-Sawyer College's Failure to Comply policy.

**Prohibited Alcohol:**

Persons may not possess or consume grain alcohol on the college's owned or leased property.

*Any student under the age of 21 who violates the Prohibited Alcohol policy will likely be charged with Underage consumption/possession of alcohol and Prohibited Alcohol along with any other possible policy violations that may apply.*



### **Common Sources of Alcohol:**

Persons of legal age may not possess any common source(s) of alcohol on college owned or leased property. Common sources are only permitted at college sponsored events where the event has received authorization from the Department of Student Activities or the college's events coordinator. Some examples of "common sources of alcohol" could include but not limited to:

- kegs;
- party balls;
- bars – multiple containers of alcohol; and
- alcoholic punches – a homemade beverage consisting of wine or spirits mixed with fruit juice soda, water, etc. and/or served from a common container.

*Any student under the age of 21 who violates the Common Sources of Alcohol policy will be charged with Underage Consumption or Possession of alcohol and Common Sources of Alcohol along with any other possible policy violations that may apply.*

### **Drinking Practices that Promote Intoxication/Drinking Games:**

Drinking practices that promote intoxication and any paraphernalia that support drinking practices are not allowed. Drinking games are contests or practices in which participants encourage or require other participants to consume alcohol. Drinking game paraphernalia could include cards, dice, or board games in the presence of alcohol. Some examples of Drinking Practices that Promote Intoxication could include, but are not limited to:

- Funneling;
- Card games that promote alcohol consumption: "Kings," "Power Hour," "Up and Down the River," etc.;
- "Flip Cup";
- "Pong", "Beer Pong", "Beirut", "Water Pong";
- "Quarters"; and
- Movie drinking games, song drinking games, name games, etc.

*Any student under the age of 21 who violates the Drinking Practices that Promote Intoxication/Drinking Games policy will be charged with Underage consumption/possession of alcohol and Drinking Practices that Promote Intoxication along with any other possible policy violations that may apply.*

### **Operating a Motor Vehicle**

Students are prohibited from operating motor vehicles while under the influence of alcohol or drugs.

### **Failure to Register a Social Function:**

Social events involving or serving alcohol must be registered with at least one person of legal age to consume alcohol and have one designated non-drinking person (sober host) responsible for monitoring the behavior of guests at the event. Only persons of legal age may register a social function.

For information about registering a social function for on campus residence halls, contact **Residential Education** at [residential@colby-sawyer.edu](mailto:residential@colby-sawyer.edu). For information about registering a social function for one of the college owned or leased off campus residences, click [here](#).

### **Campus Pub Policy**

The campus pub, Galligan's Pub, at Lethbridge Lodge opened in February 2015 in collaboration with the Brewing Science class and offering a menu of locally sourced produce. The pub is managed by college employees and operates in conjunction with college's outsourced food services company. The pub is usually open 1 p.m. to 1 a.m. Days and hours of operation may vary and will be posted on CSC displays. Galligan's Pub is open to students, faculty, staff, alumni and their guests. Galligan's Pub provides a comfortable environment to socialize and promote social responsibility. Pub service includes local beers, wines, and non-alcoholic beverages.

*The campus pub is a privilege and the college reserves the right to withdraw serving alcohol if inappropriate behavior or illegal drinking occurs.*

To consume alcohol at the campus pub:

- must be 21 years of age;
- must provide identification if requested. A valid driver's license, an identification card issued by a department of motor vehicles, an armed services identification card, or a valid passport are acceptable forms of identification.
- Must drink responsibly. Individuals are responsible for the behavior of their guest(s) and to insure that underage guests, including students do not sample or drink an alcoholic beverage. Any unfinished alcohol beverage must be left at the bar. If drinking at a table, any remaining alcohol must be given to the Pub staff.

Alcohol Management:

The Galligan's Pub is licensed to provide beer and wine during hours of operation. The term alcohol in this policy refers to only beer and wine that is available by the college at the college pub. Any alcohol consumed at the college pub must be sourced directly from the college pub, and not brought in by an independent source unless licensed to do so.

The campus pub employs the following controls to assure compliance to legal requirements.

- Video cameras/recorders are located in the campus pub to record behaviors.
- Representatives from the New Hampshire State Liquor Commission, law and fire officials have the right to be on the premise of the campus pub at any time and act with legal authority.
- Any person who uses or attempts to use false identification for the purposes of acquiring alcohol at the campus pub will likely be prohibited access to the campus pub when alcohol is being served.
- Drinking games are not permitted in the pub.
- Pub staff will monitor alcoholic consumption levels and will deny alcohol service if intoxication or inappropriate behaviors are apparent.
- Pub staff will provide drinks and confirm the person to be of age to consume alcohol.
- Alcoholic drinks must be consumed in the 1st floor great room of the campus pub unless a special function permits consumption elsewhere.

## **Drugs**

### **Definition**

Controlled drugs are defined by law as those having stimulant, depressant, or hallucinogenic effects upon the higher functions of the central nervous system and having potential for abuse or for physiological and psychological dependence or both. Controlled drugs are classified as: amphetamine, barbiturate, cannabis (marijuana), cocaine,

morphine-type, hallucinogenic, and other stimulant and depressant drugs, excluding alcohol, nicotine, and caffeine. Synthetic drugs (synthetic marijuana, bath salts and the like) are also prohibited (possession of or by ingestion) at Colby-Sawyer College and New Hampshire state law.

Students who are suspected of possessing, using, or distributing synthetic drugs will be referred to an *Administrative Hearing Board* and face suspension or dismissal from the college. As per the college's Memorandum of Understanding (MOU) with the New London Police Department, information related to synthetic drug possession and use will be forwarded to the New London Police Department.

**The following are prohibited behaviors:**

**The sale or distribution of drugs** is interpreted as the:

- transaction;
- exchange;
- gift or offer of; and/or
- prescription, administration, and dispensation of drugs as defined above.

**The manufacture of drugs** is interpreted as the:

- compounding;
- mixing;
- cultivating, growing;
- processing and/or preparing of controlled drugs.

Students who are suspected of manufacturing or distributing drugs will be referred to an *Administrative Hearing Board* and face suspension or dismissal if found responsible. As per the college's memorandum of understanding with the New London Police Department, information relating to the possible manufacture or distribution of drugs will be forwarded to the New London Police Department.

**The possession of drugs** is interpreted as:

- having drug under control;
- controlling any premises or vehicle where a controlled drug is illegally kept or deposited; and/or
- aiding, assisting, or abetting a person, knowing that such a person is illegally in possession of a controlled drug.

As per the college's Memorandum of Understanding (MOU) with New London Police Department, possession of 7grams or more of marijuana, baggies, various measured out bundles, a scale, cash or a combination of the aforementioned is enough reasonable suspicion to charge a student with distribution. To access the Memorandum of Understanding with New London Police Department, contact **Campus Safety** at [cssafety@colby-sawyer.edu](mailto:cssafety@colby-sawyer.edu).

**The use of drugs** is interpreted as:

- ingesting or inhaling controlled drugs;
- ingesting or inhaling another person's prescription drugs; or
- using over the counter medication or products in ways or for purposes other than their intended use.

**The possession of drug paraphernalia**, which is interpreted as paraphernalia which supports, facilitates, or disguises the use of drugs. Drug paraphernalia could include bongos, clips, pipes, toilet paper rolls with fabric softener on them, modified soda bottles, etc.

### **Operating a Motor Vehicle**

Students are prohibited from operating motor vehicles while under the influence of alcohol or drugs.

### **Federal Drug Trafficking Penalties**

Colby-Sawyer College students, employees, visitors and guests are responsible for informing themselves of federal and state laws prohibiting the use, possession, manufacture or sale of controlled drugs. The federal and state laws concerning controlled drugs are supported by Colby-Sawyer College. The college will not interfere with the legal prosecution of anyone who is apprehended using drugs. Drug violations may be either misdemeanor or felony offenses. For more information regarding [Alcohol/Drug Laws](#) please refer to the Annual Security Report which can be found [here](#).

### **Sanctions for College Alcohol of Drug Policy Violations**

The purpose of sanctions is to educate students and strengthen the community. When students violate the Code of Community Responsibility, one or more of the following sanctions may be imposed. Sanctions may include but are not limited to:

- Disciplinary Probation
- Educational Program or Service Project
- Restitution
- Fine
- Behavioral Agreement
- Loss of Privileges
- Housing Contract Probation or Suspension
- Probationary Suspension
- Suspension
- Dismissal

## **Resources On & Off Campus**

### **On Campus**

Refer to [H.O.P.E.](#) and [alcohol education programs](#) for a list of resources on campus surrounding drugs and alcohol.

Refer to <http://colby-sawyer.edu/alcohol-drug-programs> for a list of Alcohol and Drug Prevention Programs.

### **Off Campus Organizations**

- Headrest Hotline: Call (603) 448-4400 or visit their Web page [here](#) (a 24-hour crisis intervention and information and referral hotline dealing with suicide, alcohol, other drug problems, AIDS, etc.)
- Alcoholics Anonymous: Call (800) 593-3330 or visit their Web page [here](#) (information and support regarding alcohol and alcohol abuse)
- Al-anon Alateen: Call (603) 369-6930 or visit their Web page [here](#) (a fellowship of young people, whose lives have been affected by someone else's drinking)

The Code of Community Responsibility – Final  
August 2017

Please contact **Baird Health and Counseling** at [bhcc@colby-sawyer.edu](mailto:bhcc@colby-sawyer.edu) for information of the off campus resources specific to drugs and alcohol.

### **NH State Laws Regarding Alcohol and Drugs**

For additional information specific to New Hampshire State Laws regarding alcohol and illicit drugs refer [here](#) or contact New London Police Department for assistance.