



## **College of Southern Idaho Student Code of Conduct**

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This Student Code of Conduct has been approved by the College of Southern Idaho Board of Trustees. The statutory authority and the enumerated general powers and duties of the Board of Trustees of a junior (community) college district are established in Sections 33-2101, 33-2103 to 33-2115, Idaho Code.

The Board has the authority and may modify or change the Student Code of Conduct at any time and without advanced notice. In addition, the College reserves the right to, at any time and without advance notice, change the procedures contained in the Student Code of Conduct. Changes shall go into force whenever the proper authorities so determine. Reasonable effort will be made to notify those impacted by the changes by publishing the changes on the CSI Website.

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## Introduction

The **mission** of the College of Southern Idaho is to provide quality educational, social, cultural, economic, and workforce development opportunities that meet the diverse needs of the communities it serves. CSI prepares students to lead enriched, productive, and responsible lives in a global society.

The College of Southern Idaho promotes behavioral standards that create a positive environment in which students can learn, work, and live. The Student Code of Conduct is intended to help create and preserve this positive environment in support of the institution's mission, educational philosophy, purposes, and functions; to foster students' educational and civic development; and to protect the people, properties, systems, and processes that support the College.

Attending college is optional and voluntary. Students voluntarily assume obligations of performance and behavior established by the College. At the College of Southern Idaho, student members of the College community are expected to uphold and abide by certain standards of conduct that form the basis of the Student Code of Conduct. These standards are embodied within a set of core values that include integrity, fairness, respect, community, and responsibility. The College reserves the right to take necessary and appropriate action to protect the safety and well-being of the College community and maintain order and discipline on College property. Each member of the College community is expected to assume responsibility for self-conduct and to assume reasonable responsibility for the behavior of others. The College does not assume parental responsibility for the conduct of its students. Membership in the College community does not provide immunity from the laws and standards of local, state or federal jurisdictions.<sup>3</sup>

### **All CSI students are responsible for having read and abiding by the provisions of the Student Code of Conduct.**

It is the intent of the College to treat all students with equal care, concern, dignity, and fairness. Students should be aware that the student conduct process is different from criminal and civil court proceedings. The College disciplinary process does not intend to use criminal law concepts, and criminal law concepts or technical judicial hearing rules, like rules of evidence, do not apply to student discipline. Procedures and rights in student conduct proceedings do not include the same protections of due process afforded by the courts. When more severe sanctions such as suspension beyond ten (10) days or expulsion from the College are imposed for violation of the Student Code of Conduct, fair process within the College disciplinary procedures, assures notice and an opportunity to be heard. In cases involving less severe sanctions students are entitled to a different kind of due process, with fewer procedural protections. The nature of the procedures depends upon the circumstances of each particular case.<sup>2,3</sup>

## Student Responsibilities

All students of the College have certain responsibilities and obligations to the institution and to members of the College community. Student responsibilities and obligations include:

- a. The responsibility to be fully acquainted and comply with all published College policies and procedures.
- b. The obligation to comply with state, federal, and local laws and regulations.
- c. The responsibility for assuming the consequences of one's own actions and reasonable responsibility for the behavior of others.
- d. The responsibility to recognize that their actions reflect upon the entire College community.
- e. The obligation to respect the rights and property of others, including other students, faculty, staff, administration, and the College. The obligation to refrain from conduct that violates or adversely affects the rights of other members of the College community and/or the institution.
- f. The responsibility to provide proper identification upon request from College officials.
- g. The responsibility to cooperate with College officials in the performance of their duties.
- h. The responsibility to ensure that the conduct of persons who come to visit them at the College complies with the rules and regulations of the College.

## Applicability

The Student Code of Conduct and the student conduct process apply to the conduct of individual students and student organizations. The Student Code of Conduct shall apply to conduct that occurs on College premises, at College-sponsored activities, and may also apply to off-campus conduct when the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:<sup>3</sup>

- Any action that constitutes a criminal offense as defined by federal or state law;
- Any situation where it appears that the student may present a danger or threat to the health or safety of him/herself or others;
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder;
- Any situation that is detrimental to the educational interests of the College.<sup>3</sup>

The President of the College and/or designee(s) shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.<sup>3</sup>

The Student Code of Conduct applies to conduct from the time of application for admission through the actual awarding of a degree/certificate, transfer to another school, or

withdrawal/discontinuing attendance, even though conduct may occur before classes begin or after classes end, during intra-semester breaks and between semesters, as well as during the academic year and during periods between terms of actual enrollment. The Student Code of Conduct shall apply even if the student withdraws from the College while a disciplinary matter is pending. The Student Code of Conduct also applies to misconduct that occurs prior to, but is not reported until after the offending student graduated, transferred or stopped attending, as long as the misconduct is reported within six months of its occurrence. Otherwise, there is no time limit on reporting of violations of the Student Code of Conduct, as long as the offending student is still enrolled at the College. However, the longer someone waits to report an alleged offense, the harder it becomes for the College to make a determination regarding alleged violations. Those who are aware of misconduct are encouraged to report it as quickly as possible, in writing, to the Dean of Students. Further, the Student Code of Conduct applies to guests of College community members, whose hosts may be held accountable for the misconduct of their guests. Visitors to and guests of the College of Southern Idaho are also protected by the Student Code of Conduct, and may initiate grievances for violations of the Student Code of Conduct committed by members of the College community against them.<sup>3</sup>

## Definitions

1. The term “College” and “institution” mean the College of Southern Idaho (CSI).
2. The term “student” includes all persons taking courses at the College, either full-time or part-time, as well as those participating in all outreach programs, off-campus programs, and such other activities as may be sponsored by the College. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered “students” as are persons who are living in College residence halls, whether or not enrolled at the College. This Student Code of Conduct does apply at all locations of the College.<sup>4</sup>
3. The term “faculty” means any person employed by the College to conduct classroom or teaching activities (including labs, clinicals, tutoring, etc.) or who is otherwise considered by the College to be a member of its faculty.<sup>4</sup>
4. The term “College official” includes any person employed by the College, performing assigned administrative or professional responsibilities.<sup>4</sup>
5. The term “member of the College community” includes any person who is a student, faculty member, College official or any other person employed by the College. A person’s status in a particular situation shall be determined by the Dean of Students.<sup>4</sup>
6. The term “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, rented, leased, controlled or supervised by the College (including adjacent streets and sidewalks).<sup>4</sup>
7. “College-sponsored activity” means any activity on or off-campus that is initiated, aided, authorized, or supervised by the College.

8. The term “organization” means any number of persons who have complied with the formal requirements for College recognition.<sup>4</sup>
9. The term “Student Conduct Officer” means any person authorized by the Dean of Students to resolve Student Code of Conduct violation complaints including investigation, meeting and administering sanctions. The Dean of Students may serve in the role of a Student Conduct Officer.
10. The term “Student Conduct Administrator” means a College official authorized by the College to impose sanctions upon any student(s) found to have violated the Student Code of Conduct. The Dean of Students is that person designated by the Vice President of Student Services to serve as the Student Conduct Administrator and be responsible for the administration of the Student Code of Conduct.<sup>4</sup>
11. The term “policy” means the written regulations of the College applicable to students published in print or electronically on the College website, including but not limited to, the Student Code of Conduct, Non-Discrimination Policy, Sexual Harassment Policy, Drug-Free and Alcohol-Free Campus Policy, Smoke-Free Campus Policy, Residence Hall Handbook, Computer Use Policy, and Copyright and Intellectual Property Policy.<sup>4</sup>
12. The term "complaint" means a signed written statement, alleging a violation of the Student Code of Conduct or other published College policy or rule applicable to students, submitted to the Student Conduct Administrator or the Vice President of Student Services. Information submitted by other means will be reviewed and may, at the College's discretion, be acted upon but will not be treated as a formal complaint.
13. The term “complainant” means any person who submits a charge alleging that a student violated the Student Code of Conduct or other published College policy or rule applicable to students. When a student believes that he/she has been a victim of another student’s misconduct, the student who believes he/she has been a victim will have the same rights under this Student Code of Conduct as are provided to the complainant, even if another member of the College community submitted the charge itself.<sup>4</sup>
14. The term “accused student” means any student accused of violating the Student Code of Conduct or other published College policy or rule applicable to students.
15. The term “offender” means any student found to have violated the Student Code of Conduct or other published College policy or rule applicable to students.<sup>7</sup>
16. “Preponderance of Evidence” is the standard of evidence the College of Southern Idaho uses in college disciplinary proceedings. This standard of evidence asks decision-makers to consider whether it is more likely than not that a violation of policy occurred. This standard is lower than “beyond a reasonable doubt” which is typically seen in criminal systems.<sup>14</sup>
17. Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities that receive Federal financial

assistance. Title IX states that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Title IX requires all colleges to promptly respond to allegations of sex discrimination, including sexual violence and sexual harassment; limit its effects; and prevent its recurrence. Title IX prohibits all forms of sex and gender based discrimination including sexual harassment and sexual violence.

View CSI’s Unlawful Discrimination and Harassment policy here:

<http://www.csi.edu/studentHandbook/nonDiscrimination-policy.asp>

View CSI’s Title IX webpage and campus reporting information here:

<http://www.csi.edu/TitleIX/>

18. Consent is the affirmative, informed, unambiguous and voluntary mutual agreement to engage in a specific sexual activity. Consent can be limited to certain acts and revoked at any time. If coercion, intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. There is no consent when there is force, expressed or implied, or use of duress or deception upon the survivor. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing future consent.<sup>1,14</sup>
19. Dating and Relationship violence: Violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.<sup>19</sup>
20. Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.<sup>19</sup>
21. Sexual assault is any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual assault includes rape, attempted rape, fondling, incest and statutory rape.<sup>12</sup>
22. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.<sup>12</sup>
23. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the

victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.<sup>12</sup>

24. Incest: Sexual intercourse between people who are related to each other within the degrees wherein marriage is prohibited by law.<sup>12</sup>
25. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.<sup>12</sup>
26. Sexual Violence: Sexual acts perpetrated against a person's will where consent is not obtained or where a person is incapable of giving consent due to his/her use of alcohol or other drugs or other incapacitation.<sup>19</sup>
27. Sexual Coercion: Using pressure, force, alcohol or other drugs to have sexual contact with someone against his/her will is considered sexual coercion and is considered sexual violence.<sup>19</sup>

## Violations

While it is not possible to define each instance of misconduct, the following examples are intended to convey offenses which might result in student conduct action - any student found to have committed the following misconduct may be subject to disciplinary sanctions outlined in the Student Code of Conduct:

1. **Obstruction/Disruption** – Unduly disruption, interference with, or obstruction of the mission and/or orderly processes, procedures, or functions of the College. Behavior that is disorderly, unduly disruptive, disturbs the peace, impedes any College official in the lawful performance of his/her duties, or impedes a student in the lawful pursuit of his/her educational activities. Use of restraint, abduction, coercion, physical or verbal abuse, harassment, or intimidation, or when force and violence are present or threatened. Willfully denying the lawful freedom of movement of students, College officials, employees, and visitors on College premises. Participating in a demonstration, riot or activity that unduly disrupts the normal operations of the College and/or infringes on the rights of other members of the College community. Inciting others to disrupt scheduled and/or normal College activities.<sup>5</sup>
2. **Noncompliance/Complicity** – Violation of law or College Policy.
  - a. Violation of any College policy, procedure, or regulation applicable to students and published in hard copy or available electronically on the College website, including but not limited to:
    - i. *Non-Discrimination Policy* (covers discrimination and harassment)
    - ii. *Sexual Harassment Policy* – sexual misconduct includes but is not limited to:



- A. sexual harassment
  - B. non-consensual sexual contact
  - C. non-consensual sexual intercourse
  - D. indecent exposure
  - E. sexual exploitation
- iii. *Violations of Title IX*
  - iv. *Drug-Free and Alcohol-Free Campus Policy*
  - v. *Smoke-Free Campus Policy*
  - vi. *Firearms, Explosives, and Weapons Policy*
  - vii. *Gambling Policy*
  - viii. *Residence Hall Policy*
  - ix. *Computer Use Policy*
  - x. *Copyright and Intellectual Property Policy*
  - xi. *Student Government/Organizations Policies and Regulations*
- b. Intentionally aiding, influencing or attempting to influence another in the commission of any offense(s) listed in the Student Code of Conduct.
  - c. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.<sup>5</sup>
  - d. Willfully refuse or fail to leave College premises upon being requested to do so, with reasonable cause, by law enforcement personnel or Campus Security personnel.
  - e. Violation of federal, state or local law if the underlying behavior impacts or affects the interests of the College or the College community.

Note:

- β *Academic Integrity* – It is very important that students become familiar with academic integrity policies and procedures. Academic dishonesty/misconduct incidents and violations of other academic policies and procedures are handled through the Office of Instruction.
- β *CSI Parking and Traffic Regulations*- Parking and traffic incidents and violations are generally handled through Campus Security.
- β Within the College, entities such as departments or divisions have developed policies that outline standards of conduct governing their constituents and that sometimes provide procedures for sanctioning violations of those standards. This Code does not replace those standards; nor does it constrain the procedures or sanctions provided by those policies. The Student Code of Conduct will be used to address violations of these policies and procedures when the violation warrants a process or sanction beyond what is available in these policies.<sup>16</sup>

- 3. **Violence/Harm/Threat** - Conduct which physically harms another person or threatens or endangers the health or safety of another person.

4. **Safety/Emergency** - Tampering with or misusing emergency equipment. Knowingly causing, making, or circulating a false report, warning, threat, fire, explosion, crime or any other emergency.
5. **Dishonesty/Fraud** - Acts of dishonesty, including but not limited to the following:
  - a. Making, possessing, using, or knowingly furnishing false, falsified, altered, fabricated or forged information, document, or record to any College official or office.<sup>13</sup>
  - b. Misuse of any College document, record, account, or instrument of identification.
  - c. Assuming another person's identity or role through deception or without proper authorization. Communicating or acting, without proper authorization, under the guise, name, identification, account, signature, or indicia of another person, organization, entity, or unit.<sup>16</sup>
  - d. Misuse or unauthorized use of College or organizational names and images.<sup>3</sup>

*Note:* Academic dishonesty/misconduct incidents and violations of other academic policies and procedures are handled at the course and department level through the Office of Instruction and are not covered under this Student Code of Conduct. For more information refer to the *Academic Integrity Policy*.

6. **Theft/Destruction of Property** - Theft of and/or intentional or reckless destruction or damage to property of the College or property of a member of the College community or other personal or public property. Knowingly taking possession of stolen property.<sup>13, 18</sup>
7. **Unauthorized Access/Entry/Use** - Misuse of access privileges to College premises or unauthorized entry to or use of College premises, including trespass. Unauthorized possession, duplication or use of means of access (keys, cards, etc.) to any College premises. Unauthorized use of College property or equipment.<sup>13</sup>
8. **Fire/Arson** - Violation of state or local fire codes, or College fire policies and procedures, including but not limited to:
  - a. Intentionally or recklessly causing a fire which damages College or personal property, or which causes injury to any member of the College community.<sup>3</sup>
  - b. Failure to evacuate during a fire alarm. Entering or re-entering a building during fire alarm without permission.
  - c. Tampering with, damaging, or improperly engaging a fire alarm or other safety equipment on College premises.
9. **Lewd/Obscene Conduct** - Conduct that is lewd or obscene. Behavior that would be considered lewd or indecent by a reasonable person. Examples include, but are not limited to, voyeurism, public urination/defecation, and public exposure of private body parts.
10. **Stalking** - A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress. Examples of behavior that could rise to the level of stalking includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or

knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.<sup>14</sup>

11. **Hazing** - Endangering the mental or physical health or safety of a student, or destroying or removing public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim(s) will not be a defense.<sup>4</sup>
12. **Unauthorized Solicitation/Sales/Postings** – In furtherance of freedom of speech, CSI permits distribution of non-commercial informational material by students and the general community. Such material or its manner of distribution shall not:
  - Disrupt the orderly operation of the College;
  - Interfere with the educational process, for example, shall not disrupt classrooms;
  - Pose a campus safety or security risk;
  - Unduly block traffic or entrance to buildings;
  - Coerce;
  - Impede any passerby;
  - Harass an individual Harassment is defined as:
    - a) Engaging or attempting to engage in any act for the purpose of injuring, threatening or unreasonably alarming another or for the purpose of unreasonably interfering with any person's work, education, or the environment or activities surrounding one's work or education.
    - b) If a person has been advised not to engage in certain acts and subsequently does so, there shall be a rebuttable presumption that the subsequent acts were done for one or more of the purposes set forth in paragraph a).
    - c) This section shall be strictly construed so as not to infringe upon the constitutional rights of free speech and expression of any person and shall apply only to those acts described in paragraph a).<sup>17</sup>

Bulletin boards are provided for posting materials at campus locations convenient for use by students, employees and members of the public. All materials displayed on a bulletin board shall clearly indicate the author or group responsible for their production and shall be date stamped by the CSI Student Activities office. Materials may be displayed for a maximum of 20 days. Materials must be removed after completion of the event or after the expiration of the date stamp. CSI will designate reasonable posting areas. Once stamped, individuals or groups may post that material in a manner that does not obstruct other posted materials. The person or group posting material must timely remove it. Individuals or groups posting material are entirely responsible for the statements made in the material and the CSI date stamp shall impose no responsibility on the College for such material.

Postings are not allowed outside of designated areas. Prohibited posting locations include but are not limited to windows, interior and exterior walls, poles, trees, sidewalks and other physical plant structures.

Individuals or groups posting materials are entirely responsible for knowing current laws of libel, defamation, obscenity, fair labor relations, and other similar laws and regulations and shall not post material that violates the same. The individual or group posting material shall be solely responsible for its content and CSI does not assume any obligation or responsibility for the content of materials distributed or displayed.

### **Commercial Activities**

Persons or organizations wishing to engage in commercial transactions or to display goods or services for sale on campus grounds may be granted permission to do so by the Dean of Students or the Dean's designee in the Office of Student Affairs if the proposed activity aids achievement of the educational objectives of the campus and is conducted in accordance with the time, place, and manner regulations established below, unless such commercial transactions would be in violation of law or other CSI policies.

Any advertising or promotional materials intended for distribution to the CSI community must clearly identify the person(s) or organization(s) to which permission has been granted to engage in commercial transactions. The College seal, logo, or other College identification in any advertising or promotional material may not be used without permission from the College.

Commercial activity may not be conducted in competition with the usual business of the College or its departments, including the campus bookstore. Non-College vendors, enterprises, or individuals engaging in commercial activities on campus are responsible for paying any applicable tax for sales made on campus.

Persons, organizations, or enterprises wishing to engage in commercial solicitation on campus grounds may be granted permission if the proposed activity is conducted in accordance with the time, place, manner, and permit regulations established below.

**TIME:** On the required Application for Use of Facilities Form, non-CSI vendors, enterprises, or individuals must submit a request for the preferred date and time of its planned activity or event. Ordinarily, commercial solicitations are allowed Monday through Friday, from 10 a.m. to 4 p.m. However, the College will consider each request in light of other requests and campus activities and priorities, and will work with the applicant to identify a suitable date and time for the planned activity or event.

**PLACE:** Non-college vendors, enterprises, or individuals will be assigned to a table or area(s) most commonly in or near the Student Union Building. The College may assign other areas of the campus, as long as the planned activity does not interfere with normal college functions. Non-College vendors, enterprises, or individuals must remain at the designated area.

**MANNER:** Commercial transactions and commercial solicitation must be conducted in a manner that does not unreasonably interfere with classes or other normal college functions or obstruct the free flow of pedestrian and vehicular traffic. Commercial transactions and commercial solicitation must be carried out without voice amplification or other unduly loud noise, and without provocation, harassment, or undue disturbance of persons in the area. Any advertising or promotional materials, including all copies found on the ground within 30 feet of

the designated area, must be collected and removed by the permitted individual or organization upon leaving campus.

PERMIT: For approval to engage in commercial transactions or commercial solicitation on campus grounds, non-CSI vendors, enterprises, or individuals must complete the required Application for Use of Facilities Form found online at <https://www.csi.edu/forms/facilitiesuse/><sup>15</sup>

13. **Abuse of Power/Position** - Violations of positions of trust or authority within the College community.<sup>3</sup>
14. **Election Tampering** - Tampering with the election of any College recognized student organization.<sup>13</sup>
15. **Abuse/Interference/Failing to Comply with Student Code of Conduct Processes** – Abuse of, interference or failure to comply with the Student Code of Conduct system and processes, including but not limited to:
  - a. Falsification, distortion, or misrepresentation of information before the Student Conduct Administrator, Student Conduct Officer, College official, or law enforcement personnel.
  - b. Failure to provide, destroying or hiding information during an investigation of an alleged policy violation.
  - c. Disruption or interference with the orderly conduct of disciplinary proceedings.
  - d. Attempting to discourage an individual’s proper participation in, or use of, the student conduct system.
  - e. Attempting to influence the impartiality of the Conduct Administrator, a member of a Student Conduct Officer, or other College official prior to, and/or during the course of, conduct proceedings.
  - f. Harassment (verbal or physical) and/or intimidation of participants involved in the student conduct process.
  - g. Failure to comply with the sanction(s) imposed or mediated agreements under the Student Code of Conduct process.
  - h. Retaliation against any person filing a conduct complaint or against any person participating in disciplinary proceedings.<sup>11</sup>

## Sanctions

Sanctions are designed to promote the College’s educational mission. Sanctions may also serve to promote safety or to deter students from behavior which harms or threatens people or property. One or more of the following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:<sup>16</sup>

1. **Educational Conversation** – A verbal educational conversation conducted by a College official resulting from a student's misconduct, typically over misconduct deemed to be minor in affect and impact on the student community.
2. **Warning/Written Reprimand** - A notice in writing to the student that the student is violating or has violated institutional policy. The letter informs the student that

continued misconduct will result in further conduct action. The notice can be e-mailed and/or mailed to the student's campus or mailing address.<sup>2</sup>

3. **Educational Project** - Completion of an educational and/or developmental project such as, but not limited to, the following: attending a specific workshop or program, writing a research paper on a specified topic, making an oral presentation to a campus group, participating in specified counseling/evaluation, work assignment, and/or service to the College or the community.<sup>2</sup>
4. **Disciplinary Probation** - Probation is for a designated period of time during which the student is not in good standing with the College and includes the probability of more severe disciplinary sanctions if the student is found to violate any College policies, rules, or regulation(s) during the probationary period, whether or not this violation is related to the original violation for which conduct probation was imposed. Students on probation may be subject to additional restrictions and/or conditions.<sup>2</sup>
5. **Loss of Privileges** - Denial of specified privileges for a designated period of time. Privileges that may be lost include, but are not limited to, the following:
  - a. Restricted access: offender may be restricted from entering specified buildings or areas on campus, from attendance at specified campus events, or from use of specified equipment, facilities, resources, or services.
  - b. Residence hall room transfer: reassignment of the offender to another residence hall room, subject to the availability of space and approval of the Dean of Students.
  - c. Residence hall suspension: separation of the student from all residence hall for a definite period of time, after which the student is eligible to apply to the Dean of Students for readmission. Suspension includes all residence hall and visitation privileges (College owned housing property including residence hall and apartments and includes suspension of visitation privileges.) Conditions for readmission may be specified. Students suspended from housing are not eligible for a housing fee refund.
  - d. Residence hall and/or apartments expulsion: permanent separation of the student from the residence hall and/or apartments. Expulsion includes the residence hall and apartments including expulsion of and visitation privileges. Students expelled from housing are not eligible for a housing fee refund.
  - e. Barred from office: prohibition against holding office or leadership role in a student or College organization or activity; barred from representing the College in on- or off-campus events.<sup>2,6</sup>
6. **Fines** - Previously established and published fines may be imposed. In addition, the College may put a hold on the student's account, refuse to issue transcripts and/or grant degrees/certificates until such fine is paid.<sup>5</sup>
7. **Restitution** – Reasonable compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement. In addition, the College may put a hold on the student's account, refuse to issue transcripts and/or grant degrees/certificates until restitution is complete.<sup>5</sup>

8. **Withholding Degree** - The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.<sup>3</sup>
9. **Revocation of Admission and/or Degree** - Admission to the College or specific College program, and/or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining admission or the degree, or for other serious violations committed by a student prior to graduation.<sup>6</sup>
10. **College Suspension** - Separation of the student from the College and all privileges for a definite period of time. The offender may not be on College premises or involved in College-sponsored activities except for matters directly related to the suspension. In cases where suspension prevents course work, the student will be dropped or withdrawn from the course. There will be no refund of tuition or fees. Suspension requires administrative review and approval by the President and/or designee(s) and may be altered, deferred or withheld.<sup>3</sup>
11. **College Expulsion** - Permanent separation of the student from the College. There will be no refund of tuition or fees, and a barring of the student from being present on College premises and at College-sponsored activities. Expulsion requires administrative review and approval by the President and/or designee(s) and may be altered, deferred or withheld.

The following sanctions may be imposed upon groups or organizations:

- a. Those sanctions listed above.
- b. Deactivation. Loss of all privileges, including College recognition, for a specified period of time.<sup>13</sup>

Other sanctions: other sanctions may be imposed instead of or in addition to those listed above. More than one of the sanctions listed above may be imposed for any single violation.

## Procedures

The College will use the following procedures to respond to behavior which goes against the values of the College community as defined in the Student Code of Conduct. The College considers the procedures for resolving disputes a part of its educational mission. The Student Conduct Administrator may make necessary and reasonable modifications to conduct resolution procedures. Resolution and appeal processes are administrative functions and are not subject to the same rules of civil or criminal proceedings. Because some violations of these standards are also violations of law, students may be accountable to both the legal system and the College.

### Initiating the Resolution Process

Any member of the College community (including students, faculty, staff, administration, and visitors) may submit a complaint alleging a violation of the Student Code of Conduct. A student or College official may also submit a complaint based upon information reported to him/her. All complaints must be submitted to the Dean of Students, in writing and signed by

the individual making the complaint, preferable within ten (10) business days but no longer than six months of the incident(s) alleged in the complaint. The Dean of Students may waive the six-month limitation when a late submission is reasonable.

The Student Conduct Administrator may dismiss the complaint at any stage if he/she reasonably believes that the complaint is baseless or otherwise unsupported by the available evidence, or that the underlying grievance or problem is better resolved in a different manner.<sup>16</sup>

### **Resolution Process**

The Student Conduct Officer will conduct an investigation to determine whether the complaint has merit as soon as possible. Accused students should know that:

- a. Any statement(s) made to a Student Conduct Officer may be considered in the Student Conduct process;
- b. Student disciplinary records are confidential to the extent permitted or required by law;
- c. The student may consult with his or her advisor before accepting responsibility.
- d. Students have the right to be considered not responsible for any violation(s) until responsibility is established through a preponderance of evidence standard.<sup>16</sup>

Student conduct and/or dispute resolution methods may include, beginning with an initial meeting, the following:

1. **Initial Meeting** – after an initial inquiry, a Student Conduct Officer will meet with a student to discuss an open case. In this initial meeting, a student has the option of Mutually Resolving or choosing a Hearing.
2. **Mutual Resolution** - The accused student has the option of accepting responsibility for the alleged violation and accepting the sanction.
3. **Alternative Dispute Resolution (ADR)** - If all persons personally and directly affected by the conflict agree to resolve the complaint through the alternative dispute resolution (ADR) process, and if the Student Conduct Administrator and/or designee(s) determines that ADR is an appropriate form of resolution in this particular case, then the Student Conduct Officer will make arrangements for the ADR to occur.

ADR is a voluntary process which may or may not result in an agreement. When an agreement is reached by the parties, the case is resolved and parties are encouraged to use the Student Conduct Officer as a resource for future questions.

If the mediator reports that ADR process has failed, the accused student has the choice of accepting responsibility or proceeding to a hearing.<sup>16</sup>



4. **Hearing** – After an initial meeting, the accused student may choose to have a hearing with the Student Conduct Administrator and/or designee(s). In cases which involve more than one accused student, the Student Conduct Administrator and/or designee(s) has the option of choosing whether they have the same or separate hearings at the unanimous request of all students involved.

Each party may be accompanied at the hearing by one advisor at their own expense; however, the advisor may not participate directly in the proceedings, but may only advise the party. For example, the advisor may not question witnesses or make presentations. Any advisors from outside the College community must be pre-approved by the Student Conduct Administrator.

At a hearing, the Student Conduct Administrator and/or designee(s) will be in charge of preparing and submitting information gathered during the investigation. The hearing shall be conducted in private however hearings may be recorded for further review. Admission to the hearing of any other person besides the Student Conduct Administrator and/or designee(s) and/or witnesses, complainant, the accused student, and their advisors shall be at the discretion of the Student Conduct Administrator and/or designee(s). To ensure the privacy of the parties and to maximize the educational potential of the process, both the claimant and the accused student must agree to the admission of any other people (except witnesses, hearing administrators or advisors) to the hearing. Upon request, both parties may have access to all written or other information that will be considered prior to the hearing. Upon request, both parties have may have access to the names of witnesses providing information prior to the hearing.

During the hearing, -the Student Conduct Administrator and/or designee(s), accused student, complainant, may ask questions of the complaining and the accused student, and of any witnesses. Silence by the accused will not be used as evidence of responsibility for a charge. During the hearing the accused student may request a recess to consult with his or her advisor. Witnesses may be present in the hearing room only when they are presenting information. The accused student and the complainant may call any witness whose information is of value to the case, but the Student Conduct Administrator and/or designee(s) may exclude a witness if the witness is duplicative. The accused student, the complainant, witnesses, and the Student Conduct Administrator and/or designee(s) may also present written reports.

If an accused student who was notified does not appear for the hearing, the information in support of the charges can be presented and considered even if the accused student is not present.

The hearing is followed by deliberations. The accused student is presumed not responsible unless the information presented shows that more likely than not a violation of the Student Code of Conduct has occurred. The claimant, the accused student(s), their advisors, and witnesses are not allowed to participate in deliberations. At the conclusion of deliberations the Student Conduct Administrator and/or designee(s) will

issue a written decision containing findings of fact, conclusions as to responsibility, and rationales for all sanctions recommended. The Student Conduct Administrator may accept or modify the recommendation(s). All program and/or College suspension or expulsion decisions require review and approval by the College President and/or designee(s).<sup>16</sup>

## **Student Conduct Appeals**

Appeals may be filed for the following reasons:

1. Proper procedures were not followed
2. The evidence clearly does not support the finding(s)
3. Sanctions are insufficient or excessive relative to the violation
4. There is new evidence not reasonably available at the time of the hearing

All appeals must be submitted in writing to the Vice President of Student Services and/or designee(s) within ten (10) business days after notification of the Vice President of Student Services and/or designee(s)' decision to accept or modify the recommendations resulting from the hearing. The Vice President of Student Services and/or designee(s) may waive the ten (10) day limitation when a late submission is reasonable. The appeal will be reviewed by the Vice President of Student Services and/or designee(s) and possible outcomes are as follows:

- a. confirming the decision made through the hearing process,
- b. altering the sanction(s),
- c. striking the initial finding of responsibility and/or sanction(s) and remanding to the original fact-finder for further consideration with corrective instructions from the Vice President of Student Services and/or designee(s), or
- d. ordering a new hearing before a new fact-finder.

All program and/or College suspension or expulsion decisions require review and approval by the College President or designee(s). The decision rendered by the President or designee(s) is final.<sup>16</sup>

## **Special Procedures/Provisions**

### **A. Attempted Violations**

In most circumstances, the College will treat attempts to commit any of the violations listed in the Student Code of Conduct as if those attempts had been completed.<sup>16</sup>

### **B. College as Complainant**

As necessary, the College reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.<sup>16</sup>

### **C. False Reports**

The College will not tolerate intentional false reporting of misconduct. It is a violation of the Student Code of Conduct to make an intentionally false report of any law or College policy or rule violation, and it may also violate state criminal statutes and civil defamation laws. <sup>16</sup>

### **D. Group Violations**

When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any College policy or rule, they may be held accountable as a group, and a hearing may proceed against the group as joint accused students at the determination of the Student Conduct Administrator and/or designee(s). In any such action, however, determinations will be made with respect to the involvement of each accused individual. <sup>16</sup>

### **E. Selection of Mediators and Student Conduct Officers**

College mediators will be selected by the Student Conduct Administrator. The Student Conduct Administrator will try to identify College and non-College mediators who will serve parties at no charge or on a sliding fee scale. Student Conduct Officers are authorized by the Dean of Students. <sup>16</sup>

### **F. Student Access to Records**

Records and documents that will be considered during a Student Code of Conduct hearing (or any other time) may be made available in advance to all parties but may be redacted to protect the privacy rights of individuals not directly involved in the resolution process. <sup>16</sup>

### **G. Parental Notification**

The College reserves the right to notify parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under age 21 and are charged with alcohol and/or drug law or Policy violations. Where a student is not-dependent, the College reserves the right to contact parents/guardians to inform them of situations in which there is a health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA).<sup>3</sup>

### **H. Violation of Law and College Discipline**

College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the law and the Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the College President and/or designee(s).

Determinations made or sanctions imposed under the Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code of Conduct, the College may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters are typically handled within the College community. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on College premises and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with College policies).

A student undergoing civil or criminal action for the same behavior which forms the basis of a complaint under this Student Code of Conduct may request a reasonable delay of the Code of Conduct process until external proceedings are resolved. In determining whether a request is reasonable, the Dean of Students will evaluate the unique circumstances of the case, including the length of the delay and the impact of delay on the complainant and community, in addition to protecting the integrity of the resolution process. The final decision on granting a request for a delay rests with the President of the College. In granting a delay, the Dean of Students may implement conditions on continued enrollment, as appropriate.<sup>16</sup>

In some cases it may be in the best interests of students accused of crimes to withdraw from the College until the criminal charges are resolved. The College has a procedure for voluntary withdrawals. The accused student who voluntarily withdraws from the College may not be present on campus or at College-sponsored activities without special permission. The accused student must comply with any and all College efforts at investigation that will not prejudice his or her defense in the criminal trial, and the accused student must agree that in order to be reinstated to active student status, he or she must first be subject to and fully cooperative with a hearing and must comply with any sanctions that are imposed.<sup>10</sup>

### **I. Interim or Emergency Suspension**

When it has reasonable cause to separate a student from the College community, the College may suspend a student for a reasonable time pending the investigation of the violation of the Student Code of Conduct. Except in extraordinary circumstances a conduct meeting will be scheduled within two (2) business days. The student will be informed of the nature of the alleged violation, presented with available information, and given the opportunity to make a statement and present information. If the emergency suspension is continued, the student will be offered a hearing option as soon as practicable, preferably within ten (10) business days.<sup>16</sup>

The College reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or charges. The College will permit a

student who receives an interim suspension to request a meeting with the Student Conduct Administrator to show cause why an interim suspension is not merited. <sup>3</sup>

Interim suspension may be imposed to: a) to ensure the safety and well-being of members of the College community or preservation of College property; b) to ensure the student's own physical or emotional safety and well-being; or c) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.

During the interim suspension, a student shall be denied access to the residence halls and/or to the campus (including classrooms) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Student Conduct Administrator may determine to be appropriate.

The interim suspension does not replace the regular disciplinary process, which shall proceed on the normal schedule. However, the student will be notified in writing of this action and the reasons for the suspension. The notice should include the time, date, and place of a subsequent hearing at which the student may show cause why his or her continued presence on the campus does not constitute a threat (and at which he or she may contest whether a College rule was violated). <sup>6</sup>

#### **J. Reports of Actions**

Statistical reports of actions taken through the Student Conduct process will be made available to administration following each academic term. These data will cover the number of complaints and the types of violations, resolutions, and sanctions. <sup>16</sup>

#### **K. Notification of Outcomes**

The outcome of a student misconduct hearing is part of the education record of the accused student, and is protected from release under FERPA. The College shall not disclose or release information contained in student education records other than as permitted or required by applicable federal and state laws, rules, and regulations.

#### **L. Student Disciplinary Records**

Other than College expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Cases involving the imposition of sanctions other than residence hall expulsion, College suspension, College expulsion or revocation or withholding of a degree shall be expunged from the student's confidential record five (5) years after final disposition of the case. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, College suspension, College

expulsion, or revocation or withholding of a degree, upon request in writing submitted to the Student Conduct Administrator.<sup>18</sup>

Records will be maintained by the Dean of Students with regard to actions taken under the Student Code of Conduct. Accordingly, records will be maintained by the Dean of Students of complaints, mediations, hearings, findings, and sanctions. For each case in which a complaint is issued, including cases where the student accepts responsibility, the record will include the facts of all conduct found or admitted to be in violation of the Student Code of Conduct with sufficient specificity to indicate that a violation of the Code occurred. Confidentiality of records will be maintained to the extent permitted and required by law and the College's FERPA Policy ([www.csi.edu/FERPA](http://www.csi.edu/FERPA)). While student disciplinary records are protected as education records under the Family Educational Rights and Privacy Act (FERPA), there are certain reports and other records created and maintained by Campus Security relating to a possible violation of law or College Policy are not considered education records subject to FERPA (unless the records were created exclusively for the purpose of a possible disciplinary action against the student for a Student Code of Conduct violation). Campus Security records are maintained separately from education records. The College may disclose information from Campus Security records, including but not limited to outside law enforcement authorities, without student consent. <sup>16</sup>

Campus Security may be given access to personally identifiable information from students' education records. Campus Security must protect the privacy of education records it receives and may disclose them only in compliance with FERPA.

### Interpretation and Revision

- A. Disciplinary regulations at the College are set forth in writing in order to give students general notice of prohibited conduct. The regulations should be read broadly and are not designed to define misconduct in exhaustive or exclusive terms.
- B. Any question of interpretation or application of the Student Code of Conduct shall be referred to the Student Conduct Administrator.
- C. At any time, the College may consult with legal counsel about a case or procedure.
- D. The Student Code of Conduct shall be reviewed at least every five (5) years under the direction of the Student Conduct Administrator. <sup>6</sup>

#### Contact Information:

Persons who have questions about the Student Code of Conduct should contact the Student Conduct Administrator.

**Dean of Students**, (208) 732-6225 or **[jostrowski@csi.edu](mailto:jostrowski@csi.edu)**

## Acknowledgements

The College relied on the work of several individuals/institutions in developing its Student Code of Conduct. The College would especially like to acknowledge the work of the following individuals/institutions utilized in the development of our Code:

1. Edward Stoner, J.D. - *Reviewing Your Student Discipline Policy: A Project Worth the Investment*, United Educators Insurance Risk Retention Group, Inc., National Association of Student Personnel Administrators (NASPA), National Association of College and University Attorneys (NACUA), 2000 – [www.edstoner.com](http://www.edstoner.com)
2. Edward Stoner, J.D. and John Wesley Lowery, J.D. - *Navigating Past the “Spirit of Insubordination”*: A Twenty-First Century Model Student Conduct Code with a Model Hearing Script, *Journal of College and University Law*, Vol. 31, No. 1, 2004 - [www.edstoner.com](http://www.edstoner.com)
3. Bret Sokolow, J.D. - The National Center for Higher Education Risk Management (NCHERM), *Model Student Code of Conduct* – [www.ncher.org](http://www.ncher.org)
4. University of Michigan Statement of Student Rights and Responsibilities - <http://www.oscr.umich.edu/statement/>
5. Gary Pavela, J.D. - <http://www.garypavela.com>
6. Idaho State University Student Code of Conduct - <http://www.isu.edu/studenta/handbook/conduct.shtml>
7. Association for Student Conduct Administrators (ASCA) *Ethical Principles and Standards of Conduct* <http://www.theasca.org/en/cms/index.asp?60>
8. *Joint Statement on Rights and Freedoms of Students* <http://www.aaup.org/AAUP/pubsres/policydocs/contents/stud-rights.htm>
9. NASPA Standards of Professional Practice <http://www.naspa.org/programs/standards.cfm>
10. Harvey Silverglate and Josh Gewolb, *FIRE’s Guide to Due Process and Fair Procedure on Campus* (2004), Foundation for Individual Rights in Education (FIRE) <http://www.thefire.org/pdfs/due-process-2.pdf> Some of the material may be proprietary or copyrighted.

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