

Earlham College Student Standards of Community Respect

The Earlham College Student Standards of Community Respect (SSCR) is updated to include local, state, and federal guidelines issued by the United States Department of Education, and to reflect similar codes from partner institutions of the Great Lakes Colleges Association. The SSCR is a living document that is meant to change as the community grows and develops over time (Updated June, 2018).

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I. PREFACE

Earlham College's Student Standards of Community Respect exists within the context of Earlham's Principles and Practices. Further, this conduct policy, as well as Principles and Practices, exists within the mission of Earlham College as an educational community committed to pursuing truth wherever that pursuit is present, and to educating morally sensitive leaders. It is our community's hope that disputes be confronted directly and honestly among the parties involved. Further, we hope that personal conduct can be influenced by the development of a student's sense of responsibility to the community, and through the practices of self-examination and restraint by individuals and groups.

The Student Standards of Community Respect are designed to provide clear, fair, and consistent procedures and policies relevant to all student conduct. Earlham College's Principles and Practices outline the Friends' testimonies that help shape and sustain the community we strive to become and the practices that are necessary if our community is to thrive. Earlham's principles of respect for persons, integrity, commitment to peace and justice, concern for human and global resources, and governance based on consensus decision-making provide the ideological framework for the College and its Student Standards of Community Respect. Therefore, Earlham stresses peaceful resolution of conflict, equality of persons, and high moral standards of personal conduct.

These policies and procedures are the methods of an educational community, not a state or a court of law. Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all but do not include the same protections afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of policy without information showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

Exemplary Student Standards of Community Respect encourage compassionate and thoughtful student, staff, and faculty involvement in students' lives. They focus on the maintenance and development of a community based upon thoughtful interpersonal education and early intervention.

Earlham College students are responsible for knowing the information, policies and procedures outlined in this document. The College is obligated to regularly review and make changes to this code to comply with federal and state regulations. Once any changes are posted online, they are in effect. Students are encouraged to check online for the updated versions of all policies and procedures:

<https://www.earlham.edu/policies-and-handbooks/community/student-code-of-conduct>.

Please note that Earlham College's Policy on Sex/Gender Harassment, Discrimination and Misconduct (Title IX) can be found at

<http://earlham.edu/media/3655006/sexual-misconduct-policy.pdf>

II. MISSION STATEMENT

The Earlham College community is committed to fostering a campus environment that is conducive to academic inquiry and a safe, productive campus culture that promotes integrity. The Division of Student Life is committed to an educational and developmental conduct process that balances the interests of individual students with the needs of the College community. At its core, the Division of Student Life is committed to providing opportunities for Earlham students to grow as ethical, culturally competent life-long learners committed to respectful engagement and shared responsibility for the world around them.

A community exists on the basis of shared values and principles. Earlham's students are expected to uphold and abide by certain standards of conduct that form the basis of the Standards of Community Respect. These standards are embodied within the set of core values outlined in Principles and Practices, which include integrity, peace and justice, respect for persons, community, and simplicity.

Below is a brief summary of our shared institutional values:¹

- ***Integrity:*** Integrity calls us to be truthful, honest, and fair and to take responsibility for our actions and decisions. We are respectful and honest in our evaluations of each other's work and behavior. We undertake all our commitments and responsibilities in good faith. We hold each other mutually responsible for living in accordance with our principles and policies. Earlham College students seek to exemplify honesty, honor and a respect for the truth in all of their dealings.
- ***Community:*** Quakers strive towards a community of caring that fosters the intellectual, physical, spiritual, and emotional well-being of its members. Therefore, an important dimension of learning to which Quakers aspire is discerning the needs of others. As members of a community informed by Quaker values, we strive to consider the well-being of others in all our choices. Earlham College students seek to build and enrich their community.
- ***Peace and Justice:*** The Quaker Peace Testimony holds that violence - whether physical, emotional, or verbal - is an injustice that harms all parties involved and is never the means to achieving a just and lasting peace. We work actively for the just and peaceful transformation of conflict and for the removal of causes of violence and injustice. We recognize and accept conflict as a necessary part of life with others and work from conflict towards more just, non-violent and sustainable communities.
- ***Respect for Persons:*** We aspire to be a community whose members act with regard for the intellectual, physical, and emotional well-being of everyone. We

¹ For the full version of Earlham's *Principles and Practices*, please see the website: <http://www.earlham.edu/about/mission-beliefs/principles-practices/>

seek to find mutual respect, trust, and happiness in our relationships with persons of every race, ethnicity, class, religious preference, gender identity, physical ability, sexual orientation, or age, even seeking to respect persons removed by time and place.

- *Simplicity*: The Quaker Testimony of Simplicity invites us to recognize what is central in our lives by listening to inward leadings and learning from others. That listening can give us clarity as we make choices about the responsible use of our time and resources. A life guided by the testimony of simplicity can lead us to recognize what makes us genuinely happy and to be good stewards of personal, community and global resources.

All members of the College community bear responsibility for their conduct and assume reasonable responsibility for the behavior of others, consistent with Principles and Practices. When student members of the community fail to demonstrate these five values, we share the responsibility to challenge one another respectfully and peacefully. When behavior occurs that may violate standards designed to uphold the academic purpose of the College and the right of the community to an environment free of harassment, violence and criminal behavior, more structured dialogue and intervention will occur.

The Earlham College student conduct process is fundamentally focused first on education and support; it exists to protect the interests of the community and to challenge those whose behavior fails to respect others. Sanctions are intended to challenge students' moral and ethical decision-making, develop empathy and personal responsibility, and to help them navigate the wider world safely and respectfully. When a student is unable or unwilling to be accountable to the community's standards or repeatedly disrupts the academic mission, the student risks the privilege of participating in this community.

In voluntarily choosing Earlham, students agree to a way of living and learning that upholds Principles and Practices and that supports the community's need for reasonable expectations of safety, respect and the orderly operation of the College. Freedoms in decision-making and life in the community are accompanied by the responsibility to hold one another accountable when expectations are unmet. Students should be aware that the student conduct process is not a criminal or civil court proceeding. Procedures and rights in student conduct procedures are conducted fairly and consistently, but they do not include the same protections and procedures afforded by the legal system, given Earlham's mission as an academic institution. Due process (as defined within our procedures) does, however, provide for written notice and the right to be heard. No student will be found in violation of Earlham College policy without information showing that it is more likely than not that a policy violation occurred, and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

III. JURISDICTION OF THE COLLEGE

Students are provided a copy of the Student Standards of Community Respect annually in the form of a link on the Earlham College website. Hard copies are available upon request

from the Office of Student Life. Students are responsible for reading and abiding by the provisions of the Student Standards of Community Respect. Members of the College community also have responsibilities to federal, state, and local laws. The College may, at the discretion of the Dean of Students or designee, report possible felonies to proper authorities. For the purpose of this Code, a “student” is defined as any person who is admitted, enrolled or registered for study at Earlham College, both undergraduate and graduate, for any academic period and/or those who may attend other educational institutions but reside in an Earlham residence facility. Those who are not officially enrolled for a specific term but who have a continuing relationship with, or an educational interest in, Earlham College are considered “students”. A person also shall be considered a student during any period in which the student is under suspension from the institution or when the person is attending or participating in any preparatory activity prior to the beginning of school including, but not limited to: pre-orientation experiences, orientation, placement testing, and residence hall check-in.

Earlham College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student’s ability to re-enroll, and/or obtain official transcripts and/or graduate. All sanctions must be satisfied prior to re-enrollment eligibility.

The Student Standards of Community Respect apply to behaviors that take place on the campus, at Earlham College-sponsored events and may also apply off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any situation where it appears that the conduct may present a danger or threat to the health or safety of the student or others; and/or
- Any situation that significantly infringes upon the rights, property or achievements of self or others; significantly breaches the peace, and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the College.

The Student Standards of Community Respect may be applied to behavior conducted online, via email or other electronic media. Students should also be aware that online postings, including blogs, web postings, chats and social networking sites that are in the public sphere and are not private, can subject a student to allegations of conduct violations if evidence of policy violations is posted online. Earlham College does not regularly search for this information but may take action if and when such information is brought to the attention of Earlham officials.

The Student Standards of Community Respect also apply to guests of community members and hosts may be held accountable for the misconduct of their guests. The Standards may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual

agreements. Visitors to and guests of Earlham College may seek resolution through these procedures regarding offenses by students of the College community.

There is no time limit on reporting violations of the Student Standards of Community Respect; however, the longer someone waits to report an offense, the harder it becomes for Earlham officials to obtain information and witness statements and to make determinations regarding alleged violations.

Anonymous complaints are permitted, however doing so may limit the College's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Life and/or Campus Public Safety.

Students facing an alleged violation ("respondent") of the Standards of Community Respect cannot be barred from leaving Earlham College. However, no student who withdraws pending disciplinary action will be re-admitted until all allegations are resolved. Students leaving/withdrawing under these conditions will have a pending allegation memorandum placed in their student file. The Registrar's Office will be notified of pending disciplinary actions under these conditions.

The Earlham College email is the College's official means of communication with students. Students are responsible for all communication delivered to their College email addresses, including the expectation that spam filters be monitored and adjusted as needed to permit email from campus offices, teaching and administrative faculty and staff.

Any member of the Earlham community wishing to bring a complaint involving a faculty or staff member may do so by reporting it to Human Resources Department, located in the basement of Carpenter Hall. The College protects students' civil rights, including the right to a degree of privacy as outlined by federal and state law, freedom from discriminatory harassment, access to a fundamentally fair conduct process as defined in these procedures, access to information, and participation in College governance.

IV. VIOLATIONS OF LAW AND INTERIM ACTIONS

Alleged violations of federal, state and local laws may be investigated and addressed under the Standards of Community Respect. When an offense occurs over which Earlham College has jurisdiction, the College conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident, though short delays may be granted as warranted.

Earlham College reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint or in any situation that poses a substantial risk of harm to the community. Interim suspensions may be imposed until a hearing on the allegations can be held, typically within two weeks. Within that time, the suspended student may request an immediate hearing from the Dean of Students or designee to show cause why the interim suspension should be lifted or modified. This hearing may resolve the allegation or may be held to determine if the interim suspension should be continued. The interim suspension may be continued if a danger to

the community is posed and the College may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, Earlham College will only delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will typically be no longer than two weeks from notice of the incident unless a longer delay is requested in writing by the reporting party to allow the criminal investigation to proceed before the College process.

Students accused of crimes may request to take a leave from Earlham College until the criminal charges are resolved. In such situations, the College procedure for a voluntary leave of absence is subject to the following conditions:

- The responding party must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding party must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- The responding party must agree that, in order to be reinstated to active student status, that person must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed.

V. THE EARLHAM PRINCIPLES AND PRACTICES CONNECTION

As noted above, Earlham's Student Standards of Community Respect are inextricably related to the Friends' testimonies cited in our Principles and Practices. Respect for persons, for example, requires that each community member acts with respect, responsibility, and caring for all people. Any behavior that counteracts that imperative is subject to review under the Student Standards of Community Respect. At the same time, the Student Standards of Community Respect review process requires that persons under its purview be treated with respect.

This dual application of the testimonies to individual behavior and to institutional process applies to each principle. Integrity not only requires that individuals behave truthfully, honestly, and fairly with each other and the institution, but also that the College be truthful, honest, careful and fair in its evaluations of potential violations of the Student Standards of Community Respect. Peace with justice works against violence whether physical, emotional or verbal, as manifested in our institutional process and personal associations. Simplicity not only requires clarity, calm, and focus in Earlham's Student Standards of Community Respect, but it also speaks to individual behavior that causes or results in distraction, stress, and excess. Community participation in the Student Standards of Community Respect is guided by the College's commitment to consensus governance. The acceptance of the result of consensus decisions speaks to the responsibility of all persons who participate in the Student Standards of Community Respect.

The goals and process of Earlham's Student Standards of Community Respect attempt to reflect our highest aspirations for living in community. Once engaged, the student conduct system seeks, as a primary goal, to address the most basic expectations of student conduct at the College through education and intervention.

Below is a list of actions that are subject to disciplinary sanctions. The list is not all-encompassing, and any attempts to commit any of the acts listed below will be treated as if the act had been completed. Being under the influence of drugs and/or alcohol will not serve as an excuse for violation of the Student Standards of Community Respect.

Integrity: Earlham College students exemplify honesty, honor, and a respect for the truth in all of their dealings. Integrity calls us to be truthful, honest, and fair and to take responsibility for our actions and decisions. We strive to be respectful and honest in our evaluations of each other's work and behavior. We strive to undertake all our commitments and responsibilities in good faith. We aim to hold each other mutually responsible for living in accordance with our principles and policies. Behavior that violates the value of integrity includes, but is not limited to:

1. **Falsification.** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments;
2. **Unauthorized Access.** Unauthorized access to any College building (i.e. keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any college building or failing to report a lost College identification card or key in a timely manner;
3. **Collusion.** Action or inaction with another or others which violate the Student Standards of Community Respect;
4. **Violations of Trust.** Violations of positions of trust within the community, (e.g. sharing confidential student information with others as a result of student employment or elected role, fiscal mismanagement of organization funds, permitting others into College offices or confidential spaces or similar);
5. **Election Tampering.** Tampering with the election of any College-recognized student organization (minor election code violations are addressed by the Earlham Student Government);
6. **Taking of Property.** Intentional and/or unauthorized taking of College property or the personal property of another, including goods, services and other valuables;
7. **Stolen Property.** Knowingly taking or maintaining possession of stolen property;

8. **Misuse of College Property or Resources (#18-Fronting also included in this).** Knowingly using College property, vehicles, materials, human or financial resources in violation of their intended purpose or mission and/or in violation of the terms of use;

Community: Quakers strive towards a community of caring that seeks the intellectual, physical, spiritual, and emotional well-being of its members. Therefore, an important dimension of learning to which Quakers aspire is discerning the needs of others. Earlham College students build and enhance their community by concern for human and global resources. As members of a community, we consider the well-being of others in all our choices. Earlham College students build and enhance their community. Behavior that violates this value includes, but is not limited to:

9. **Disruptive Behavior.** Students at Earlham College have the right to express their views, feelings, and beliefs inside and outside the classroom and to support causes publicly, including by demonstrations and other means. These freedoms of expression extend so far as conduct does not impinge on the rights of other members of the community or the orderly and/or essential operations of the College. Substantial disruption of College operations, including obstruction of teaching, research, administration, other College activities, and/or other authorized non-College activities which occur on campus. Causing, inciting or participating in any disturbance that presents an unsafe situation to self or other members of the community, causes physical harm to others, or damage and/or destruction of property;
10. **Unauthorized Entry.** Misuse of access privileges to College premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a College building;
11. **Trademark.** Unauthorized use (including misuse) of College or organizational names and images, including appropriating the College name for organizations or activities outside of the College recognition process;
12. **Damage and Destruction.** Intentional, reckless and/or unauthorized damage to or destruction of College property or the personal property of another;
13. **IT and Acceptable Use.** Violating the College Acceptable Use and Computing Policy, found online at: <http://legacy.earlham.edu/ecs/html/policies/index.html>;

14. **Gambling.** Gambling as prohibited by the laws of the State of Indiana. Gambling may include raffles, lotteries, sports pools and online betting activities; Recognized clubs and organizations must seek approval for fundraising through the Student Life Office.

15. **Weapons.** Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than three inches, including the storage of any item that falls within the category of a weapon in a vehicle parked on College property;

16. **Tobacco.** Smoking or tobacco use in any area of campus are prohibited. The policy can be found at <https://www.earlham.edu/policies-and-handbooks/community/smoking-policy/>;

17. **Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:
 - a. Any unauthorized fires or bonfires outside of the College's approved fire pit location and reservation process;
 - b. Intentionally or recklessly causing a fire which damages College or personal property or which causes injury;
 - c. Failure to evacuate a College-controlled building during a fire alarm;
 - d. Improper use of College fire safety equipment; or
 - e. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on College property. Such action may result in a local fine in addition to College sanctions;
 - f. Storing grills of any kind within a College residence. Grills, whether personal or those belonging to the College may not be stored on porches, balconies, or within 15 feet of a College-owned residence;

18. **Ineligible Association (Fronting – please note that if a group uses another group as a front to apply for funds and uses those funds).** Misuse, other than purposes of what was intended, of College property, funds, or other resources by individual students as an informal group, however affiliated, without having met eligibility requirements and having received recognition established by College policies and the designated branch(es) of Earlham Student Government. Associating with a student organization without having met eligibility requirements established by the College. Copyright, branding purposes – cannot use the Earlham College name, logo, etc. Usage of resources that violate Earlham policies

19. **Animals.** Animals, with the exception of approved assistance (service/emotional support) animals and pets as outlined in the Residence Life and Earlham Stables

policies, are not permitted on campus, unless permission is granted by the Dean of Students or designee. The Certification Form for an Assistance Animal in College Housing can be found at <https://earlham.edu/academic-enrichment-center/disability-services/>;

20. **Wheeled Devices.** With the exception of those approved for medical purposes, skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted to be ridden inside College buildings, residence halls or on tennis courts. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities. Individuals may be liable for damage to College property caused by these activities.

Commitment to Peace and Justice: Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing college community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage violence and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:

21. **Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person;
22. **Threatening Behaviors:**
- a. **Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
 - b. **Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another;
23. **Hazing.** Defined as an act that endangers the mental or physical health or safety of a student, or that 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 or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent, and/or failing to discourage, and/or failing to report those acts may also violate this policy. Additionally, hazing is a violation of Indiana state law (See *Indiana Code 35-42-2-2 Criminal recklessness; element of hazing*);
24. **Bystanding.**
- a. The Quaker principle of Integrity aims for us to hold each other mutually responsible for living in accordance with our principles and policies. Bystanding

is defined as one who is present but not taking part in a situation or event; standing by being a spectator. Depending on the severity of the act, this could be an educational discussion. If students see something wrong, they should step up and say something, particularly in a potentially harmful or severe situation.

- b. Complicity with or failure of any student to appropriately address known or obvious severe violations of the Student Standards of Community Respect or law;
- c. Complicity with or failure of any organized group to appropriately address known or obvious severe violations of the Student Standards of Community Respect or law by its members.

25. Abuse of Conduct Process. Abuse or interference with, or failure to comply in, College conduct and academic integrity hearings includes, but is not limited to:

- a. Falsification, distortion, or misrepresentation of information;
- b. Failing to provide, destroying or concealing information during an investigation of an alleged policy violation;
- c. Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
- d. Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
- e. Failure to comply with the sanction(s) imposed by the campus conduct system;
- f. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

26. Health and Safety. Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.)

27. Bullying and Cyberbullying. Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally. The College includes the sharing or posting of intimate or graphic images of romantic and/or sexual partners without the express permission of that individual to be a violation of this standard, if not otherwise covered by the College's sexual misconduct policy.

28. Stalking. Consistent with Indiana law, stalking is defined as a knowing or an intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened;

29. Sexual Misconduct. Sexual misconduct includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation, as well as intimate partner/relationship violence (See Earlham College Sexual Misconduct Policy at

<http://earlham.edu/media/3655006/sexual-misconduct-policy.pdf> for further information);

Respect for Persons: We aspire to be a community whose members act with regard for the intellectual, physical, and emotional well-being of everyone. We seek to find mutual respect, trust, and happiness in our relationships with persons of every race, ethnicity, class, religious preference, physical ability, sexual orientation, or age, even seeking to respect persons removed by time and place. Earlham students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing learning community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. Behavior that violates this value includes, but is not limited to:

- 30. Public Exposure.** Excluding events and endeavors deemed as artistic, includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.
- 31. Alcohol.** Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the College's Alcohol Policy at <http://earlham.edu/policies-and-handbooks/community/approach-to-alcohol/guidelines-for-alcohol-use-at-earlham-college/>;
- 32. Drugs.** Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the College's Drug Policy (<http://earlham.edu/policies-and-handbooks/community/illegal-drug-and-drug-paraphernalia-policy/>);
- 33. Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
- 34. Failure to Comply.** Failure to comply with the reasonable directives of College officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
- 35. Financial Responsibilities.** Failure to promptly meet financial responsibilities to the institution, including but not limited to: knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.

- 36. Arrest.** Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any crime (including non-custodial or field arrests) to the Office of Student Life within seventy-two (72) hours of release.
- 37. Other Policies.** Violating other published College policies or rules, including all Residence Hall policies;
- 38. Violations of Law.** Evidence of violation of local, state or federal laws, when substantiated through the College's conduct process.

VI. CONDUCT POLICY: ACADEMIC VIOLATIONS

The Conduct Policy for Academic Violations is based on Earlham's academic expectations of its students as set forth in the College's policies.

Please refer to the Academic Policy listing at the website and the explanation of Academic Integrity in the Academic Life section of the Student Handbook.

A. College Authorities for Academic Violations

1. The Academic Dean or his/her designee is responsible for advising the faculty member and the student(s) about the conduct process, for oversight of the process, and reporting results of non-hearing cases.
2. A past Dean from Academic Conduct Council will convene a hearing when one is required. If necessary, the Academic Dean or the Sr. Assoc. VP for Academic Affairs can designate a convener other than a past Associate Academic Dean.
3. The Conduct Council (CC) Faculty Pool is a minimum of three faculty approved by the Faculty Nominating Committee for three-year overlapping terms with the option of renewal after the term has ended. Nominations for this pool can come from Faculty Nominating Committee in consultation with Student Development. Members of this pool function as faculty representation on Academic and Social Conduct Councils as well as all Appeals Boards. The selection process should strive for gender, race, class, and national diversity.
4. The Conduct Council (CC) Student Pool is a minimum of four students approved by the Earlham Student Government Executive Council. Nominations for this pool can come from Earlham Student Government in consultation with Student Development. Students must have completed a minimum of two semesters at the College, be in and maintain good academic standing, and not subject to any conduct sanction(s) in the semester for which they are nominated or during their tenure. Students may serve up to three one-year terms. Members of this pool function as

student representation on Academic and Social Conduct Councils as well as all Appeals Boards. The selection process should strive for gender, race, class, and national diversity.

5. Academic Conduct Council (ACC) is coordinated by the Sr. Assoc. VP for Academic Affairs, past Associate Academic Deans, one faculty member, assigned in rotation from the CC Faculty Pool, and two students from the CC Student Pool and selected by the Sr. Assoc. VP for Academic Affairs or past Associate Academic Dean that will serve as Convener. ACC hears cases of alleged academic infractions assigned to them by the Academic Dean and all members participate in reaching consensus. In instances where there may be a conflict of interest, a Council Member may remove themselves, at which time the Convener will designate another member.
6. The Faculty Member (or another designated member of the Faculty) bringing the charge is responsible for gathering the information to support the charge.
7. Two Support People, one for the accused and one for the complainant, may be chosen to accompany each party to any meeting related to the conduct process and to the hearing. A Support Person may be any faculty or staff member of the College community.

The role of the Support Person is to provide support, advice, or assistance to the person requesting his or her presence. The Support person is to advise the student or faculty member they are accompanying in preparing for the hearing, understanding the conduct processes and potential outcomes, and to offer consultation during the hearing itself. During a Conduct Council, the Support Person functions solely as an adviser to the student or faculty member requesting their presence and may not address the Council unless requested by the Council to do so. The Support Person is not permitted to serve as a witness, examine parties or witnesses or provide statements to the Council.

8. The Academic Conduct Council Appeals Board (ACC-A), which considers the merit of an appeal and is convened if warranted, is composed of one faculty member and one student member, both of whom are assigned from their respective pools, and both of whom did not participate in the original ACC process, and a Dean from Academic Conduct Council. All ACC-A members participate in consensus and all decisions of the ACC-A are final.

B. Conduct Procedures for Academic Violations

1. Filing the Complaint: Any member of the College Teaching Faculty may bring a charge against a student(s). A student may report themselves for committing an academic infraction. Any student may also bring to the attention of the faculty member suspected acts of academic infraction.

2. Disposition of Academic Infraction Charge: If a member of the teaching faculty suspects that an academic infraction has occurred, the faculty member will normally first notify the student and the Academic Dean.
3. A First Violation: The Academic Dean will determine if this alleged infraction would be the first recorded infraction by the student. If this would be the First Infraction, the faculty member and student will meet.
4. If the student and faculty member agree that no infraction occurred, the matter ends.
5. If they agree that an infraction has occurred, the faculty member will assess an appropriate sanction and will decide whether this will be considered an Infraction or a Warning (see Sanctions for when a Warning is appropriate).
6. If the student and faculty member agree on the sanction, the faculty member will report the infraction and sanction to the Academic Dean, who will see that the sanction is appropriately recorded in the student's permanent College file as an Infraction, or the Dean's Warning File. The Academic Dean will communicate to the student concerning the serious consequences of any subsequent academic infractions.
7. If a student receives a Warning and has no further academic infractions, that student's name will be removed from the Dean's Warning File upon graduation or withdrawal from the College.
8. If the student and faculty member do not agree that an infraction has occurred or do not agree concerning the sanction, the faculty member will report this to the Senior Associate Vice President for Academic Affairs.
9. If the student has no history of Infractions or Warnings, the student may choose either a Dean's Hearing or an ACC Hearing.
10. The Dean's Hearing or the ACC Hearing will determine whether or not an infraction has occurred, what the appropriate sanction is, and whether it will be termed a Warning or a First Infraction.
11. The Dean's Hearing would involve only the designated Dean from Academic Conduct Council, the student, the faculty member, any appropriate witnesses, and if requested, a support person on behalf of the faculty member and/or student.
12. In all other cases, the Senior Associate Vice President for Academic Affairs will arrange for an ACC Hearing.
13. A Second or Third Infraction or an Infraction following a Warning: If the student's or the Dean's Warning File contains a record of one or more prior academic Infraction(s) or Warning(s), the faculty member will be notified to determine if

- he/she is ready to proceed with the charge of an Infraction. If so, an ACC Hearing will be arranged.
14. If the student and faculty member agree that no infraction occurred, the matter ends.
 15. If proceeding with a charge of an infraction, the faculty member will report to the Senior Associate Vice President for Academic Affairs in writing the formal charge of an academic Infraction and the result of the conversation with the student.
 16. The Senior Associate Vice President for Academic Affairs will advise the student about procedures and options and present written notification of the charges to the student.

C. The ACC Hearing Procedure for Academic Violations

1. In response to receiving a charge and in advance of the hearing, a Dean from the Conduct Council will contact involved parties concerning the time of the hearing and process to be followed.
2. The Senior Associate Vice President for Academic Affairs will schedule an ACC Hearing, which will normally occur no sooner than 24 hours but no longer than 10 business days after the student is sent written notification of the charges.
3. Persons who must be available at the time of an ACC Hearing include: the members of the Council; two students and one faculty member; the Senior Associate Vice President for Academic Affairs; the accused; and the faculty member(s) unless the right to be present is waived in writing prior to the scheduled hearing. An optional Support Person for either party to the case may also be present. All members of the ACC Hearing will participate in the consensus in responding to the charges. The hearing will not be open to the community.
4. An ACC Hearing is not a court of law and does not adhere to rules of procedure or evidence followed in a state or federal courtroom. An ACC Hearing determination shall be made on the basis of a “preponderance of evidence”: whether it is “more likely than not” that the accused student violated the academic policy.
5. The Dean from Academic Conduct Council convenes and conducts the hearing and has the authority to decide on procedural issues and questions and to dismiss disruptive persons from the proceedings.
6. After introductions of persons present, the hearing begins with the Dean from Academic Conduct Council reading the charges. The Dean from Academic Conduct Council, the faculty member and the accused may make brief opening statements. The accused may choose not to speak at any point during the hearing.

7. Witnesses and evidence may be presented, first by the faculty member and then by the accused. If the faculty member has waived his/her right to attend, another Dean from Academic Conduct Council will present the evidence. Any member of the Council may ask questions, as may the faculty member or accused. All relevant evidence will be admissible. The Dean from Academic Conduct Council determines relevancy and will identify in the hearing any evidence that will be inadmissible.
8. The faculty member or designated Dean from Academic Conduct Council and accused may make final personal statements.
9. The ACC will then deliberate privately to consider, first, whether the accused is accountable. If the accused is found to be accountable, the ACC then engages in deliberations to determine what sanction(s) is appropriate.
10. To encourage the application of similar sanctions for similar infractions, the Dean from Academic Conduct Council will explain what sanctions are usually applied to an infraction.
11. A student's academic conduct history will be taken into consideration during the sanction phase of a hearing.
12. ACC may choose one of, or several among, all available sanctions and may also design a specific sanction for a specific infraction.
13. Immediately after ACC reaches a decision, the Dean from Academic Conduct Council will notify the student and faculty member of the results in the presence of the ACC. Parties to the case will receive a written and/or electronic statement of the decision, including information about the appeals process, within three business days of the decision. Students will be directed to pick up the final letter and sign for it at the Office of the Academic Dean.

D. Appeals Process for Academic Violations

1. The only acceptable grounds for appeal are: a lapse of process that might have made a difference in the outcome, persuasive new evidence, or an inappropriate sanction. The petition for an appeal must address one or more of these three grounds in detail.
2. A petition for an appeal, from either the complainant or the accused, must be given to the Academic Dean within five business days from the day the ACC decision was sent or within a calendar week should the decision occur at the end of a semester or before an academic break period. The Dean will determine if there are acceptable grounds for an appeal to go forward to an Appeals Council. Should the Dean determine there are not acceptable grounds, the matter ends with the decision of the Dean.

3. Should the Academic Dean determine that an appeal is warranted, an Appeals Board will be convened to review the petition.
4. The Hearing Officer for Appeals is an alternate member of the Academic Conduct Council who did not participate in the original ACC Hearing process.
5. The Appeals Board includes one alternate faculty member and one alternate student who did not participate in the original ACC process.
6. All decisions of the Appeals Board are final. The Appeals Board will issue its results at the close of the meeting and forward copy of minutes to those involved.

E. Sanctions for Academic Violations

1. Sanctions resulting from an Academic Violation include, but are not limited to:
2. A First Infraction or a Warning will usually result in a 0 or F on a specific work or for the course.
3. The first time a student is accused of a breach of academic integrity, the student and faculty member, or the ACC, may decide that this was an educational experience for the student.
4. Some infractions are clearly intentional and egregious, such as buying a paper from an on-line source, stealing a paper from a classmate, or using a cell phone to cheat on a test. Infractions the faculty member, the Dean from Academic Conduct Council or ACC deems egregious and intentional will be called a First Infraction.
5. Some infractions are clearly opposed to academic integrity as stated in our policy but are less clearly the result of dishonesty on the student's part; the student may not fully understand the rules of citation or what constitutes producing independent work.
6. Since plagiarism does not rely solely on intention, students may need to learn how to actively avoid plagiarism. In these cases, the student will receive a Warning rather than a First Infraction.
7. Because the student is expected to learn from this experience, if a student commits additional infractions, that Warning will be treated as if it were a First Infraction.
8. For a Second Infraction or an Infraction following a Warning, a student will normally be suspended for the remainder of the semester and for the following semester.

9. Students who are suspended as a consequence of academic dishonesty will not be able to transfer College credits toward an Earlham degree from courses taken elsewhere while on suspension.
10. A student may return to Earlham after a period of suspension on the condition that he/she provides a written statement affirming commitment to Earlham's standard of academic integrity.
11. The statement should be sent to the Academic Dean who will include it in Academic Conduct Council files.
12. The statement will be placed in the student's permanent academic file.
13. For a Third Infraction, including a Second Infraction following a Warning, a student will usually be expelled from the College.

VII. CONDUCT POLICY: SOCIAL VIOLATIONS

A. Roles of Professionals for Social Violations

1. **The Vice President for Student Life and Dean of Students (VPDS)** or designee is responsible for investigating and coordinating a response to violations of social conduct. The VPDS or designee may also bring a complaint on behalf of the College and function as the "College's voice" in hearings where no other reporting party exists or is willing/able to participate.
2. **The Conduct Adviser** is an Associate Dean or designee who is responsible for initiating an investigation of possible College social policy violations, bringing charges for alleged policy violations, and coordinating the College's response. A student always has a right to an SCC hearing. The Conduct Adviser may offer students alternatives for resolving an issue without resorting to a Social Conduct Council (SCC) Hearing but may not require a student to accept the alternatives. The Conduct Adviser determines whether a case is heard by a SCC. The Conduct Adviser may, in the course of investigation or during a SCC, call additional witnesses on behalf of the College, who may not have appeared at the request of the parties. The Hearing Officer and the Conduct Adviser have two distinct roles and shall not be the same individual.
3. **The Conduct Council (CC) Faculty Pool** is a minimum of three faculty approved by the Faculty Nominating Committee for three-year, overlapping terms with the option of renewal after the term has ended. Nominations for this pool come from the Faculty Nominating Committee in consultation with Student Life. Members of this pool function as faculty representation on Academic and Social Conduct Councils as well as all Appeals Boards. The selection process should strive to reflect the diversity of the Earlham community.

4. **The Conduct Council (CC) Student Pool** is a minimum of four students approved by the Earlham Student Government Executive Council. Nominations for this pool come from Student Government in consultation with Student Life. Students must have completed a minimum of two semesters at the College, be in and maintain good academic standing and not subject to any conduct sanction in the semester for which they are nominated or during their tenure. Students may serve up to three one-year terms. Members of this pool function as student representation on Academic and Social Conduct Councils as well as all Appeals Boards. The selection process should strive to reflect the diversity of the Earlham community.
5. **Social Conduct Council (SCC)** is made up of two faculty members selected from the CC Faculty Pool, and two students selected by the CC Student Pool. The names of SCC members will be shared with the parties at least 48 hours in advance of any SCC hearing. The parties may object to any SCC member on the basis of conflict-of-interest. In the event of a conflict, an alternate will be chosen. SCC members should also remove themselves if they identify a conflict, at which time the Conduct Adviser will designate another member. A non-consensing Hearing Officer is also part of the SCC hearing process. A SCC hears cases of alleged social violations assigned to them by the Conduct Adviser. It determines responsibility for such violations and assigns sanctions appropriate to the circumstances.
6. **The SCC Hearing Officer** for social violations is a Student Life administrative faculty member or a former CC Faculty Pool member designated by the Conduct Adviser. In instances where there may be a conflict of interest, the Hearing Officer may remove themselves at which time the Conduct Adviser will designate another Hearing Officer. The Hearing Officer, with administrative support from Student Life staff, oversees all matters germane to the SCC hearing portion of the conduct process, meets with the parties and serves as a procedural resource for the parties and the SCC, but is not a member of a SCC consensus decision. The Hearing Officer and the Conduct Adviser have two distinct roles and shall not be the same individual.
7. **The Conduct Investigative Team** is made up of the Conduct Adviser and the Director of Public Safety. Investigations typically include, but are not limited to: meetings with parties and possible witnesses, collecting physical evidence, and/or consulting with relevant reporting offices. For procedures related to investigation under Title IX and/or involving sexual misconduct, see <http://earlham.edu/media/3655006/sexual-misconduct-policy.pdf>.
8. **The Social Conduct Council Appeals Board (SCC-A)**, which considers the eligibility of an appeal request, is convened if warranted. It is composed of one faculty member, one student member and a Hearing Officer, all of whom are assigned from their respective pools, and who did not participate in the original SCC process. With the exception of the Hearing Officer, all SCC-A members participate in consensus and all decisions of the SCC-A are final.

9. **The SCC for Appeals** is convened when the SCC-A Board has determined an appeal request is eligible. It is made up of the SCC-A Hearing Officer, two alternate CC Faculty Pool members and two alternate CC Student Pool members who have had no prior involvement with the case.

10. **One Support Person for Each Party** may be chosen to accompany each party to any meeting related to the conduct process and to the hearing. A Support Person may be a member of the college community (faculty, staff member, student) or any individual selected by the participating party who has successfully been educated to understand the conduct processes and potential outcomes, preferably through the Office of Student Life. Members of Earlham Counseling Services, Public Safety, and Residence Life staff may not be used as a Support Person. Support people should not be direct reports to anyone on the SCC. The role of the Support Person is to provide support, advice, or assistance to the person requesting his or her presence. The Support Person is to advise the student in preparing for the hearing, understanding the conduct processes and potential outcomes, and to offer consultation during the hearing itself. During a SCC, the Support Person functions solely as an adviser to the student requesting their presence and may not address the Council, or speak aloud, unless requested by the Council to do so. The Support Person is not permitted to serve as a witness, examine parties or witnesses, or provide statements to the Council. For adviser procedures that are related to Title IX and/or sexual misconduct, please <http://earlham.edu/media/3655006/sexual-misconduct-policy.pdf>.

B. Conduct Procedures for Social Violations

1. **Filing a Complaint:** Any member of the College community, guest and/or visitor may bring a complaint that a student or student group has violated these Standards. Students may also report themselves for social violations. The initial complaint will be referred to an Associate Dean of Student Life. A consultation is then scheduled between the Conduct Adviser and the reporting party. This meeting may result in a written statement of complaint and/or referral to Campus Public Safety for a formal incident report.

2. **Disposition of Social Violation Complaints**
 - a. Once a complaint has been made and/or a report has been filed, the Conduct Investigative Team oversees an investigation.

 - b. If a complaint is deemed to have merit, and depending upon the seriousness of the offense, the Conduct Adviser may officially charge the accused student and/or may offer the parties more than one conduct option. Charges are made in writing and include details of all policies allegedly violated, the

procedures that will be used to address the charges, and any possible sanctions that could result.

- c. If a reporting party withdraws a complaint during the course of an investigation and/or a disciplinary proceeding, the College will evaluate whether to end its conduct process. The College reserves the right to continue the conduct process on the basis of evidence other than the testimony of the reporting party, if available.
- d. An option to pursue a conduct matter outside of the SCC process is entirely up to the Conduct Adviser, depending on the nature and context of the allegations.
 - i. Mediation between the parties, except in cases of sexual misconduct or physical violence, may be offered with the understanding that it is entirely voluntary and results in a mutually acceptable agreement that may not be appealed and will be enforced. If an agreement cannot be reached, the matter will be referred to the SCC. Any breach of the agreement is also a violation subject to conduct response.
 - ii. If the responding party agrees to an administrative alternative and admits to violation(s) of the Student Conduct policies/procedures, disciplinary sanctions may be invoked or applied as outlined in Section D: Conduct Sanctions for Social Violations. Agreements reached through administrative alternatives are final and may not be appealed.

3. If the conduct matter is referred to a SCC, a statement identifying the allegation, the date of its occurrence, and date of the SCC hearing will be sent to the parties.

- a. A SCC hearing will usually be scheduled not less than three but no more than ten business days after the student is sent an allegation statement and when all parties are free from class obligations.
- b. Co-curricular involvement is not a barrier to scheduling a hearing.
- c. Any party may request the Hearing Officer to reschedule a hearing once. The request must be made in writing at least one business day prior to the scheduled hearing.

4. The SCC Hearing Procedure for Social Violations

- a. The hearing process never presumes that a violation has occurred, but instead evaluates whether it is more likely than not that a policy violation has

occurred, taking into account the totality of all relevant evidence available from credible sources.

- b. The Hearing Officer, in advance of the SCC, will meet with all parties to assure the conduct process is understood by everyone and that procedures have been followed.
 - i. The Hearing Officer determines what witnesses and Support Persons will be present at the hearing.
 - ii. The Hearing Officer provides written information regarding the formalities of the hearing and participant rights.
 - iii. The Hearing Officer determines the case information to be presented at the hearing. All witnesses' names and sources evidence must be given by the parties to the Hearing Officer (or administrative support staff) no less than three business days before a scheduled hearing. The Hearing Officer will exchange all evidence, including any investigation reports or summaries and witness lists between the parties, at least 48 hours prior to the hearing.
- c. A digital recording will be made of the hearing, but not of the SCC deliberations. In the event of an appeal, this recording will be made available to the parties and the SCC-A Board. The recording will remain in the possession of the College at all times and will be retained with other records of the proceedings for one semester after the responding party graduates or leaves the College.
- d. The Hearing Officer convenes and conducts the hearing. The Hearing Officer has the authority to exclude/remove disruptive persons from the proceedings and is present as the facilitator of deliberations. The Hearing Officer makes all decisions about admissibility of evidence.
- e. After introductions of the persons present and procedural matters, the hearing begins with the Hearing Officer reading the allegations statement. If the responding party is not present, the hearing will proceed, and decisions will be reached on the basis of the available evidence.
- f. The reporting party and then the responding party may make opening statements. The Investigative Team's report will also be presented at this time.
- g. Witnesses may be presented, first by the reporting party and then by the responding party. The parties, Hearing Officer, Conduct Adviser, and all

members of the SCC may question the witnesses. Witnesses will be present only at times when they offer evidence.

- h. All members of SCC may question the parties, and they may question each other. The Hearing Officer and the Conduct Adviser may ask clarifying questions of the parties.
- i. Allegations of past social violations and/or behaviors are not admissible within a SCC Hearing. Previous findings of social violations are not admissible during the hearing and are only considered in deliberations as they impact on sanctioning.
- j. The parties may make final statements. Following final statements, the parties and their support persons are dismissed to their assigned waiting areas during deliberations.
- k. During deliberations the SCC members will consider, first, whether the responding party is in violation of College policy or policies. The Hearing Officer and/or Conduct Adviser are present during deliberations. Deliberations generally will not proceed later than 9 p.m., however, if all participants do agree, deliberations may continue past 9 p.m. Incomplete deliberations will be reconvened as soon as possible. Decisions should be rendered as soon as reasonably possible, but no later than five business days after the hearing has been completed. If the responding party is found in violation, the SCC then engages in deliberations to determine the appropriate sanction(s).
 - i. The Hearing Officer will explain what sanction(s) have been applied to similar offenses in the past to encourage comparable sanctions. The Conduct Adviser may also be consulted.
 - ii. A student's conduct history will be taken into consideration when determining a sanction(s).
 - iii. The SCC may choose one or more sanctions from the suggestions contained within this policy. The SCC may also design a specific sanction(s) for a specific social violation in consultation with the Hearing Officer and/or Conduct Adviser.
 - iv. The Hearing Officer and/or the Conduct Adviser, in consultation with Counseling Services, may require the responding party to participate in counseling following completion of a SCC Hearing.

- l. The Hearing Officer will bring together the parties and their support persons to hear the decision but may provide the outcome to the parties separately, if warranted.
- m. The parties will receive a written and/or electronic statement of the decision, including information about the appeals process, within three business days of the decision. Students will also be notified by e-mail and/or telephone that the letter has been sent.

C. Appeals Process for SCC Hearings of Social Violations

1. The only acceptable grounds for appeal are: a material deviation from process that would likely have resulted in a different outcome, persuasive new evidence that was previously unavailable, and/or a sanction that falls outside the range of sanctions commonly assigned for similar offenses, considering the social conduct history or the responding party. The petition for an appeal must address one or more of these three grounds in detail.
2. A petition for an appeal from either party must be given to the Conduct Adviser within five business days from the day the SCC decision was sent or within a calendar week should the decision occur at the end of a semester or before an academic break period.
3. The Social Conduct Council Appeal Board (SCC-A) must be convened within five business days of receipt of the petition.
4. The Hearing Officer of the Social Conduct Council Appeal Board (SCC-A) receives the petition and, with the SCC-A members, considers its merit. This may require a review of the file and the recording of the hearing.
 - a. SCC-A makes the determination if an appeal is to be granted or denied and all decisions are final. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. When any party requests an appeal, the Hearing Officer of the Social Conduct Council Appeal Board will share the appeal request with the other party(ies), who may file a response within three days and/or bring their own appeal on separate grounds. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three days. These response or appeal requests will be shared with each party.
 - b. The SCC-A's decision is rendered in writing to the Conduct Adviser and he/she sends it to both parties within five business days.

5. If the SCC-A agrees that a petition has merit, it is then referred to SCC for Appeals. This group follows the procedures below.
6. Decisions by the SCC for Appeals are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.
7. Appeals are not intended to be full re-hearings (de novo) of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the investigation and hearing and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original SCC merely because they disagree with its finding and/or sanctions.
8. Appeals granted based on new evidence should normally be remanded to the investigator(s) or SCC for reconsideration. Other appeals may be remanded at the discretion of the SCC for Appeals or, in limited circumstances, heard by the four-member appeals panel and determined by the preponderance of the evidence.
9. The Hearing Officer of the Social Conduct Council Appeal Board will confer with the appeals panel, incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within three days of the resolution of the appeal or remand.
10. Where appeals result in no change to the finding or sanction, that decision is final. Where an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above, and in accordance with these procedures.
11. All parties will be informed in writing within three business days of the outcome of the SCC for Appeals.
12. In rare cases where a procedural error cannot be cured by the original investigator(s) or SCC (as in cases of bias, for example), the SCC for Appeals may recommend a new investigation and/or SCC Hearing. The results of a remand cannot be appealed. The results of a new SCC process can be appealed, once, on any of the three applicable grounds for appeals.

D. Conduct Sanctions for Social Violations

1. **Recommended Responses for Social Violations**
 - a. Disciplinary Probation or Suspension:

Disciplinary probation means a status in which a student may remain enrolled in the College upon the condition that the student complies with specified standards of conduct or other requirements or restrictions on privileges, for a specified period of time.” Probation is assigned as a result of a non-academic misconduct investigation.

- i. Acts of emotional or physical harm.
 - ii. Serious disorderly conduct.
 - iii. Possession and/or consumption of illegal drugs or drug paraphernalia.
- b. Expulsion:
- i. Serious acts of emotional or physical harm.
 - ii. Providing, sharing and/or selling illegal drugs or drug paraphernalia.
 - iii. Arson

2. Recommended MINIMUM Responses for Specific Social Violations

- a. Acts of emotional or physical harm: For a first offense, the response is disciplinary probation (as defined in VII, D.1.a.) or suspension from the College; for the second offense, suspension from the College; for a third offense, expulsion from the College.
- b. Disorderly behavior or violation of other College rules while possessing or consuming alcohol and other drugs: For a first offense, the response is disciplinary probation (as defined in VII, D.1.a.); for a second offense, assessment and treatment and/or one semester’s suspension from the College; for a third offense, one year’s suspension from the College (which may also include assessment by a professionally licensed counselor to determine whether any further educational component may be recommended).
- c. Possession and/or consumption of illegal drugs or drug paraphernalia: For a first offense, the response is disciplinary probation; for a second offense, counseling and/or one semester’s suspension from the College; for a third offense, one year’s suspension from the College (which may also include assessment by a professionally licensed counselor to determine whether any further educational component may be recommended).
- d. Providing, sharing and/or selling illegal drugs or drug paraphernalia: Penalties up to and including expulsion from the College.

- e. Arson: Expulsion from the College.
3. **Repeat Violations:** In the case of repeated violations or violation in deliberate disregard of a specific warning, a student will be subject to more serious sanctions than would otherwise be the case.

VIII. REVIEW AND REVISION OF THIS DOCUMENT

A review of these Conduct Policies and Procedures will occur every two years. Any community member or group may propose amendments by contacting the student and faculty leadership of the Campus Life Advisory Committee (CLAC). Generally, major amendments need to be reviewed by the Faculty, and in some cases, approved by the Board of Trustees. Educational/listening sessions will occur each year with the Earlham community to explain, inform, and clarify the Student Standards of Community Respect.

IX. ADMINISTRATIVE AUTHORITY

Earlham College defines administrative authority in the following manner:

In the event of unforeseen difficulties (including changes of local, state, or federal requirements/procedures) with this policy and process as it pertains to academic violations, the Vice President and Dean of Academic Affairs, in consultation with the enumerated Conduct Process Authorities, may institute changes as appropriate.

In the event of unforeseen difficulties (including changes of local, state, or federal requirements/procedures) with this policy and process as it pertains to social violations, the Vice President for Student Life and Dean of Students, in consultation with the enumerated Conduct Process Authorities, may institute changes as appropriate.

As a general rule the President of Earlham College is not involved in issues of Student Conduct. However, he/she is empowered to determine the status of any student at any time and may review any College process he/she chooses. However, he/she has an obligation to try to assure the safety of individuals and to preserve the property, legal status and educational process of Earlham College. Therefore, the President may, at any time, use executive authority to remove, suspend, withdraw or expel any student from the College. The President may concern themselves with a case that is deemed particularly complicated or troubling. No student may be expelled from the College without the President's consent.

This code creates no rights beyond those of the background laws generally governing such codes. Earlham College retains the right interpret any inconsistent or ambiguous terms within this Code, and to make non-material changes to procedure as necessary to carry out

its conduct responsibility. Material changes to this Code can be made as necessary in accord with the College's process for making such changes and will take effect when published to the community, online or by other communications.

X. MAINTENANCE OF RECORDS

All conduct records are maintained by the College for seven years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, which are maintained indefinitely.

Revisions Completed Spring 2018; passed Board of Trustees June, 2018