

The Code of Community Responsibility

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Disclaimer

The provisions of this document do not constitute a contract, express or implied, between Colby-Sawyer College and any applicant, student's family, or faculty or staff member. Colby-Sawyer College reserves the right to change the policies, procedures, rules, regulations, and information in this document at any time. Changes will become effective at the time the proper authorities so determine. There may be times when the college will be required to make changes to this document during the academic year. When situations arise that requires change, notifications will be made to the college community. This document is a general information publication only, and it is not intended to nor does it contain all regulations that relate to students. Because there may be times when policies, procedures, rules, regulations and information may change, please be sure to use the online version of the Code of Community Responsibility, which can be found at <http://colby-sawyer.edu/assets/citizenship/code-of-conduct.pdf>.

Introduction

Colby-Sawyer College seeks to balance the needs and the rights of the individual with the welfare of the community as a whole. Students are expected to conduct themselves in a manner that is consistent with the values embraced by the college community and reflected in its various policies, contracts, rules and regulations, including those contained throughout this document.

One way the college teaches student responsibility is by holding individuals accountable for their behavior. This document is intended to describe the types of acts that are not acceptable in this college community as well as the general process by which they will be addressed (including the types of sanctions that may be imposed). Procedural rules consistent with the provisions of this Code of Community Responsibility (Code) will be developed as necessary from time to time so that fundamental fairness may prevail.

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

Purpose

The need for human beings to resolve conflicts is recognized by the college as an opportunity for individual growth, as well as a time to affirm the Code of Community Responsibility (Code). Though it is not designed to be a contentious process, we do recognize that people do not always agree.

Maintaining a balance between the individual and the community is a continual process that requires insight, sensitivity, and diligence on the part of each member of the college. Colby-Sawyer student community members are expected to read and understand the college's policies and procedures, the student conduct hearing process and procedures as well as their student rights and responsibilities as outlined throughout the Code.

Part I: Definitions

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

1. **“Appellate Board” or “Appeal Board”** means a group of trained faculty, staff and students of the Colby-Sawyer College Community who will consider an appeal that has been submitted by a student and decide whether or not the appeal meets one or more of the specific criteria for an appeal to be granted.
2. **“Business day”** means any day, Monday through Friday between the hours of 8 a.m. and 5 p.m. that Colby-Sawyer College is open.
3. **“Coercion”** includes the use of pressure and/or oppressive behavior, including express or implied threats of harm, intimidation, which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's

words or conduct amount to coercion if they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity. Please refer to the [Sexual Misconduct Policies and Procedures](#) for further information.

4. **“Colby-Sawyer community members”** means any person who is a student, faculty or staff member, or any other person employed or contracted by the college.
5. **“College”** means Colby-Sawyer College (CSC).
6. **“College official”** means any person employed by CSC, performing assigned administrative or professional responsibilities.
7. **“College property” or “College premises”** means all land, buildings, facilities, and other property in the possession of or owned, used or controlled by the college (including adjacent streets and sidewalks).
8. **“Complainant”** means any person who submits an allegation that a student violated the Code.
9. **“Consent”** means permission for something to happen or agreement to do something. Please refer to the [Sexual Misconduct Policies and Procedures](#) for further information.
10. **“Faculty and Staff member”** refers to any person hired by the college to conduct classroom activities or facilitate out of classroom experiences.
11. **“Hearing”** refers to a forum for addressing alleged conduct policy violations.
12. **“Hearing adviser”** refers to a college official designated by the vice president of student development and dean of students to advise hearing board members, complainants, and respondents on procedural issues related to the hearing process and policies as outlined in the Code.
13. **“Hearing Board” and “Hearing officers”** refers to a group of trained faculty, staff and students of the college community who will be designated to review all of the facts of the case and make a determination as to whether or not a student did or did not violate the Code of Community Responsibility, and if so determines appropriate sanctions.
14. **“Incident Report/Statement”** refers to information which explains the circumstances relating to the alleged violation of any policy outlined in the conduct system.
15. **“Incapacitation”** is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious or semi-conscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if he/she/they demonstrate that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements (stumbling), lack of awareness of circumstances or surroundings (unconscious or semi-conscious), or the inability to communicate for any reason (slurring). An individual may experience a blackout state in which he/she/they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. The relevant standard that will be applied is whether the respondent knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity. Please refer to the [Sexual Misconduct Policies and Procedures](#) for further information.
16. **“Clubs” and/or “Organizations”** refers to an association or group of persons that has complied with the formal requirements for college recognition (i.e. a club). Please contact the **Student Activities Office** at activities@colby-sawyer.edu to request further information pertaining to Clubs and/or Organizations or visit their Web page [here](#). For inquiries specific to Athletic Clubs

and/or Organizations/Student Recreational Sports please contact **Colby-Sawyer College Recreational Sports Department, Assistant Director** at ewinters@colby-sawyer.edu or visit their Web page [here](#).

17. **“Policy”** is defined as the written regulations, standards, and student conduct expectations adopted by the college and found in, but not limited to, the Code of Community Responsibility; the on-campus housing contract; the off-campus college owned or lease contract; academic catalogs; and other publicized college notices or documents.
18. **“More likely than not” or “Preponderance of Evidence”** is the standard that every board member, and/or hearing officer will use while deciding whether or not a student violated Colby-Sawyer College Code of Community Responsibility. The standard sometimes is known as the “more likely than not” standard. In other words, would a reasonable person (the hearing officer or hearing board member), looking at all of the information presented by the complainant, find that it is more likely than not (at least 51%) that the respondent(s) violated college policy(s)?
19. **“Respondent”** means any student accused of violating any policy at Colby-Sawyer College.
20. **“Student” or “Student community members”** means any person, who has been admitted to, registered or enrolled in, attended or is attending Colby-Sawyer College, college courses, or college conducted program. A person engaged in other college study programs through Colby-Sawyer College (i.e., study abroad) and persons who are not officially enrolled for a particular term, but who have a continuing relationship as a student with the college is also considered a student.
21. **“Student conduct file”** means the printed/written/electronic file which may include but is not limited to incident reports(s)/statements, correspondence, academic transcripts or schedules, witness statements, and/or student conduct history.
22. **“Hearing support person”** refers to a person chosen by the complainant (when a complainant is present and is a participant in the hearing process) and/or respondent who is from within the college community and who may accompany the complainant or respondent as support person throughout the hearing process. Refer to *“hearing support person”* for specific parameters outlined for the hearing support person.
****In cases of Sexual Misconduct Policies and Procedures please refer to the *“hearing support person”* section of the [Sexual Misconduct Policies and Procedures](#) for further information.
23. **“Witness”** means any person or other college community member who has direct knowledge of the incident or a portion of the incident in question. Character witness testimony is considered irrelevant and will not be permitted.

Part II: Proscribed Conduct

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

A. Jurisdiction of Colby-Sawyer College

1. Each student shall be responsible for his/her conduct from the time of admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during periods between terms of actual enrollment (and even if his/her conduct is not discovered until after the degree is awarded). Should a student withdraw or separate from the college prior to a conduct hearing, the case will be considered pending. Students may not continue in any program offered by Colby-Sawyer College until the disciplinary process is concluded.
2. If a student withdraws or separates from Colby-Sawyer College during a time that a previously assigned sanction was imposed, the student's file and sanction(s) will be placed in a pending status until the time a student chooses to return as a student. If or when the student returns to Colby-Sawyer College as a student, the sanction that was previously imposed prior to the time of withdrawal or separation will again resume. For example, if a student is on "disciplinary probation" at the time of withdrawal or separation from the college, the disciplinary probation will be placed on hold until he/she returns. At the time of return, the student will be placed on the "disciplinary probation" or the remainder of the time left.
3. Generally, the college jurisdiction shall be limited to student conduct that occurs on or about college premises or in connection with college-sponsored or college-supervised events, programs, and activities (including students involved with off-campus internships and study abroad programs). However, the college may apply the Code to students whose misconduct may have an adverse impact on the college community, its members, and/or the pursuit of its objectives regardless of where such conduct may occur.

The following examples describe the kinds of off-campus acts that may be addressed through the Code process (this list is not all inclusive):

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

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

4. College student conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and Colby-Sawyer College Code policy(s) (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 Code may be carried out prior to or simultaneously with civil or criminal proceedings at the discretion of the Department of Citizenship Education, the vice president for student development and dean of students and/or his/her designee. The college cooperates with law enforcement, or other agencies, in the enforcement of laws on campus and in regards to its students. This includes providing information requested by subpoena or as otherwise permitted by law.

Determinations made or sanctions imposed under the Code 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.

B. Conduct Policies

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

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

1. **Abuse of the college's student conduct process**, including but not limited to:
 - a. Disruption or interference with the orderly conduct of student conduct proceedings. Please note that this also applies to any witness failing to attend a hearing he/she has been called in to attend and/or providing false or inaccurate information throughout the process.
 - b. Falsification, distortion, or misrepresentation of information to a college investigator (to include but not limited to, a non-college community member investigator and/or law enforcement official, student conduct hearing officer, or hearing forum).
 - c. Influencing or attempting to influence another person to commit an abuse of the student conduct system.
 - d. Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
 - e. Attempting to intimidate or retaliate against a member of the hearing forum, a student conduct hearing officer, or any participant prior to, during, and/or after a student conduct proceeding.
 - f. Institution of a student conduct code proceeding in bad faith.
 - g. Failure to comply with the sanction(s) imposed under the Code.
2. Violations of the **Academic Honesty**: Allegations or violations of Academic Honesty and the policy procedures associated with academic honesty can be found in Colby-Sawyer College Catalog. Please refer to the **Registrar's office** for access to [Colby-Sawyer College Catalog](#).
3. **Alcohol and Other Drugs**: All students are expected to be familiar with and abide by college policies governing the use of alcohol and other drugs. Refer to [Appendix A](#) of this document for policies associated with alcohol and other drugs.
4. **Damage/Vandalism** is defined as the intentional or reckless involvement in behavior which results in, or presents a strong probability of damage; destruction of college property or other personal or public property. Individuals may also be charged with Disorderly Conduct or Disruption if the operation of the college is affected as a result of the vandalism.
*For Residential Education policy/procedure specific Residence Hall Damage/Vandalism, please contact the **Department of Residential Education** at residential@colby-sawyer.edu and request further information pertaining to residential education policies and procedures.

5. **Dishonesty:** Honesty is a foundation for positive relationships that allow for learning to occur. When student(s) make dishonest representations to the college or its officials, it is a violation of the Code. These violations can occur in and out of the classroom. Example of dishonesty outside the classroom include, but are not limited to: (i) Using another person's college ID or parking permit or knowingly permitting another to use one's college ID or parking permit; (ii) knowingly furnishing false information to a college official; (iii) forgery (falsifying a signature or any document for fraudulent purposes).
*For academic Honesty policy/procedure, please refer to the [Colby-Sawyer College Catalog](#).
6. **Disorderly or Lewd Conduct/Disruptive Behavior** is defined as participating in or inciting other(s) to participate in the disruption, obstruction or has a negative impact of any college activity, including but not limited to: teaching, research, events, administration, student conduct proceedings, the living/learning environment, or other college sponsored activities, on or off-campus; or of other non-college activities when the conduct occurs on college property/premises, or of the living environment, on or off-campus; or by unauthorized use of electronic equipment.
7. **Endangering behavior** includes, but it is not limited to, conduct that threatens or endangers the health or safety of any person including one's self by way of intimidation, humiliation, dating/domestic violence, physical contact and/or responding to behavior that is considered endangering in nature with behavior that is also considered endangering in nature. Please refer to the [Sexual Misconduct Policies and Procedures](#) for information, and/or allegations pertaining to policies outlined in the Sexual Misconduct Policies and Procedures.
8. **Failure to comply** is defined as uncooperative behavior which includes, but is not limited to, uncooperative behavior and/or failure to comply with the directions of, providing false information too, and/or failure to identify oneself to a college official and/or law enforcement officer acting in the performance of their duties.
9. **Fire Safety:** The setting of or participation in unauthorized fires; the possession or use of fireworks, the unauthorized or improper possession, use, removal, or disabling of fire safety equipment and warning devices; failure to follow standard fire safety procedures or evacuation procedures; or interference with firefighting equipment or personnel or any other policy provided is a violation of college policy.
 - Due to safety concerns regarding fire safety, hover boards are prohibited at Colby-Sawyer College effective immediately. Hover boards includes but is not limited to self-balancing scooters, battery operated scooters, hands free Segways, and electric powered skateboards.
*For Residential Education policy specific to Residence Hall Fire Safety, please contact the **Department of Residential Education** at residential@colby-sawyer.edu and request further information pertaining to residential education policies and procedures.
10. **Guest/Host:** Colby-Sawyer College students are responsible at all times for the behavior and property of their guests (non-student and student). Students are also responsible for ensuring their guests (non-student and student) are familiar with and observe the Code of Community Responsibility. The host of a guest (non-student and student) who violates the Code of Community Responsibility may be charged with any conduct violation(s) committed by his/her guest (non-student and student). Any Non-student guests who are visiting campus to include Colby-Sawyer College owned or leased buildings at any time must register with Campus Safety (whether sleeping here or not) immediately upon arrival and no later than the start of quiet hours. Non-Student guests under the age of 18 must have a

completed Guest Registration Form signed by his or her parent or guardian. The host of a non-student guest will be deemed to be in violation of this policy if he/she fails to properly register any non-student guest or for failing to accompany that non-student guest while the guest is on campus.

*For Colby-Sawyer College's complete policy/procedure specific to the Student Guest/Host, please contact the **Department of Campus Safety** at cssafety@colby-sawyer.edu or their policy Web page [here](#).

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

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

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

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

12. **Hazing** is defined as an act which engages the mental or physical health or safety of a student, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group, club or organization. The express or implied consent of the victim will not be a defense. A student is responsible for behavior when he or she solicits aids, agrees or attempts to aid another person in planning or committing the behavior, regardless of

- whether the person committing the behavior is charged. Apathy and/or acquiescence in the presence of hazing are neutral acts; they are violations of this policy.
13. **Service Animals/Companion Animals:** In accordance with the Americans with Disabilities Act (ADA), service animals/companion animals are permitted in college facilities and on college grounds as long as the animal meets the ADA definitions of service animal/companion animal, is specifically trained, is certified to perform a service function(s) and the service animal/companion animal has been authorized by the college.
*For information/application for your service animal/companion animal to be authorized at the college, please contact the **Access Resources Department** at accessresources@colby-sawyer.edu or their policy Web page [here](#).
*For Residential Education’s policy specific to pets and/or a service animals/companion animal in the Residence Halls please contact the **Department of Residential Education** at residential@colby-sawyer.edu and request further information pertaining to residential education policies and procedures.
 14. **Sexual Misconduct** – College’s Sexual Misconduct Policy and Procedures includes but is not limited to policies such as: sexual harassment, sexual violence to include domestic violence, dating violence, sexual assault, sexual exploitation and stalking, and/or cyber-stalking. For policies and procedures pertaining to the college’s Sexual Misconduct Policies and Procedures, please refer to the [Sexual Misconduct Policies and Procedures](#) for further information.
 15. **Smoking/Vaporizing** - College owned and leased buildings and curtilage are considered tobacco free. Smoking, vaping, and/or the use of tobacco products are prohibited within 20 feet of any college campus owned or leased building or curtilage. In all cases the right of the nontobacco user to a smoke-free environment will take precedence over the tobacco user’s desire to utilize tobacco.
 16. **Theft** - is defined as the taking of property belonging to the college, a business, a college service (i.e., the Dining Hall or Information Technology – abuse of computer facilities and resources), a college community member, or a non-college community member. Examples of theft include, but are not limited to: intentional taking of or willful concealment of stolen property; receiving or possessing stolen property from another person; mislaid or lost property; or shoplifting.
*For Dining Hall Services policy specific to Theft of Services please contact the **Dining Hall Services General Manager** at mheffern@colby-sawyer.edu and request further information pertaining to residential education policies and procedures.
*For Information Technology policy specific to Abuse of Computer Facilities and Resources please contact the **Department of Information Technology** at helpdesk@colby-sawyer.edu.
 17. **Unauthorized use or entry** is defined as any unauthorized entry or use of any college owned, college leased, or college controlled buildings or property. This includes but is not limited to the unauthorized use, possession and/or duplication of any college key or access card.
 18. **Violation of any college policy, rule, or regulation** published or posted in hard copy, available electronically on the college website, or distributed via email.
 19. **Violation of the On-Campus and Off- Campus Housing Contract, policies, rules or regulations.**
 20. **Weapons, Firearms, Fireworks, Projectiles, Etc.:** CSC prohibits the possession of dangerous weapons. Except for those persons specifically exempted under the college’s weapons, firearms, fireworks, projectile, Etc. policy or otherwise explicitly authorized by the college’s

director of Campus Safety to have a weapon, no one may possess, carry, use, transport, store, or otherwise have in their custody or control – however temporary – any weapon while on college owned or controlled property or at any college sanctioned event, wherever situated.

*For the college’s weapons, firearms, fireworks, projectiles, Etc. policy please contact the **Department of Campus Safety** at cssafety@colby-sawyer.edu or their policy Web page [here](#).

Part III: Student Conduct Process and Procedures

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

A. Allegations

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

B. General Student Conduct Hearing Board Information

1. Colby-Sawyer College may use a variety of different hearing forums for resolution. A department member from Citizenship Education and/or the vice president of student development and dean of students will determine which hearing forum will be utilized depending on allegations, circumstances surrounding the incident in question and/or potential outcomes. All forms of hearings aim to resolve cases impartially and treat all individuals involved in the process with respect and objectivity.
2. All forms of hearings specific to student conduct take priority over all other non-academic college activities. If a student does not attend his/her scheduled hearing or submits a

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

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

5. **Hearing support person** for all hearings *excluding cases involving Sexual Misconduct Policies and Procedures*. A complainant or respondent involved with the hearing process may have a hearing support person from within the Colby-Sawyer College community (excluding another student) accompany him/her to any meeting or hearing the person is supporting. Such support persons may confer with the complainant or respondent during the hearing, but may not interfere with, advocate for or speak in place of the involved party. Disruptive behavior by a hearing support person will result in that person's removal from the hearing. Non college community members (to include legal counsel) are not permitted to serve as a hearing support person for all hearing forums with the exception of cases involving Sexual Misconduct Policies and Procedures. For the "*hearing support person policy*" that is specific to allegations of Sexual Misconduct Policies and Procedures please refer to the [Sexual Misconduct Policies and Procedures](#).

C. Student Conduct Hearing Forums

1. **One on One Hearing:** A department member from Citizenship Education and/or the vice president of student development and dean of students will designate and train college officials who are authorized to serve as a hearing officer for One on One Hearings. Hearing officers may conduct hearings on any type of alleged violation of the Code and may impose any sanction that could range from written warning, housing contract revocation/visitation revocation, suspension, or dismissal for findings of responsibility as appropriate.
2. **Hearing Boards:** Typically, student conduct hearing boards will bring several people together in an effort to allow for full consideration of an allegation that a student has violated the Code. The hearing participants may include the investigator, respondent(s), complainant(s), witnesses, and the members of the hearing forum, the hearing forum adviser, and a hearing support person for each respondent/complainant. The different forms of hearing boards are Community Council Hearing Boards, Administrative Hearing Boards, and Sexual Misconduct Administrative Hearing Board. All decisions made by hearing boards are determined by majority vote.
 - a. **Community Council Hearing Board:** Community Council Hearing Boards are comprised of no less than three members from the student community. A student representative will serve as a chair for the hearing. All board members are provided with an initial training period (approximately six (6) hours), followed by weekly hearings to hear and review cases, make findings, and assign sanctions if appropriate. Community Council Hearing Board membership is open to any students who have achieved sophomore, junior, or senior standing, and have been enrolled at the college for at least two semesters. Typically, Community Council Hearing Boards will be referred cases of alleged student conduct violations that could result in sanctioning from a written warning to housing contract revocation/visitation revocation for findings of responsibility.

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

- b. **Administrative Hearing Board:** Administrative Hearing Boards are comprised of no less than three members of the college community, two professional faculty/staff members of the college community and a minimum of one student. A professional staff/faculty member will serve as a chair for the hearing. All board members are provided with an initial training period (approximately six (6) hours), followed by hearings to hear and review cases, make findings, and assign sanctions as appropriate. Typically, Administrative Hearing Boards will be referred cases of alleged student conduct violations that could result in sanctioning from written warning, housing contract revocation/visitation revocation, suspension or dismissal for findings of responsibility.

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

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

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

D. Hearing Process

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

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

- b. A hearing shall be conducted in private in accordance with the process outlined throughout this document.
- c. Admission of any person into the hearing room shall be at the discretion of the chair of the hearing forum and/or hearing adviser. The chair and/or hearing adviser shall have the authority to discharge or to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.
- d. When a hearing involves more than one respondent, the chair and/or hearing adviser may at his/her or their discretion may permit the hearing concerning each student to be conducted either separately or jointly.
- e. If a respondent or complainant (if applicable), after receiving notification at least two business days prior, does not appear for a hearing, the hearing will proceed without the student present.
- f. Except as directed by the chair and/or hearing adviser, the hearing support person shall limit his/her role in a hearing to that of a consultant to the respondent, complainant (if applicable), and shall not speak for the respondent or complainant (if applicable) nor shall the support person address the board. Refer to the *hearing support person* section for specific parameters and procedures. For the *hearing support person policy* section specific to Sexual Misconduct Policies and Procedures, please refer to the [Sexual Misconduct Policies and Procedures](#).
- g. The hearing officer, and/or hearing adviser may arrange for witnesses to present pertinent information to the hearing forum. The witness will provide information to and answer questions from the hearing board members or hearing officer. Questions may be suggested to the chair of the hearing by a respondent or complainant. All questions will be directed to the chair of the hearing rather than to the individual directly. Questions of whether potential information will be received and asked shall be at the discretion of the chair and/or hearing adviser. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Please refer to PIII.B.#4 for further information specific to “*witnesses*”.
- h. Pertinent records, exhibits, and written statements (including student impact statements) should be provided during the investigating stage of the process. Any additional information may be accepted for consideration by the hearing officer or hearing board at its discretion as long as such information was provided in accordance with the Code.
- i. Any information (to include, but not limited to acts of dishonesty) presented by a student during a hearing that indicates a potential violation of the Code may be investigated and addressed at a future time.
- j. The vice president for student development and dean of students and/or the department member of Citizenship Education will review the final investigation report/incident report to determine whether the investigation was conducted in a fair, impartial, and reliable manner. In conducting this review, the vice president for student development and dean of students and/or the department member of Citizenship Education may accept or reject the investigation report/incident report in whole or in part. If vice president for student development and dean of students and/or the department member of Citizenship Education rejects the final investigation report/incident report, the case will be referred back to the investigating office to re-initiate investigation.

- k. After the information gathering portion of the hearing concludes, the hearing officer or hearing board shall determine whether the respondent has violated any section of the Code which the student is alleged to have violated on the basis of whether a reasonable person would find that it is “more likely than not” that the respondent violated the Code.
 - l. When a student respondent has been found “responsible” on any violation, the hearing officer or board shall review the student’s student conduct history prior to imposing the appropriate sanction(s). If a student has prior conduct policy violation, this information will be taken into account when sanctions are assigned.
 - m. All procedural questions are subject to the final decision of the hearing adviser and/or hearing officer/chair of the hearing.
 - n. The hearing officer (for a One on One Hearing) or board adviser (for a board) will send the decision letter from the hearing to the respondent and appropriate college officials.
 - o. In cases involving harming behaviors, endangering behaviors, and or policies outlined in the Sexual Misconduct Policies and Procedures, the hearing officer (for a One on One Hearing) or board adviser (for a board) will notify the complainant the findings of the respondent(s).
 - p. The college reserves the right to consult with the college attorney when deemed necessary. The college also reserves the right to request the college attorney be present for any portion of the hearing process.
3. The college reserves the right to choose to audio record or video record student conduct hearings. If the college chooses to record a hearing, the college will maintain the audio recordings until the completion of the appeal process. Participants are prohibited from making their own recordings in anyway. Upon written request to a department member of Citizenship Education or the vice president of student development and dean of students a respondent or complainant (if applicable) may listen to the audio recording on the college premises with a designated department member of Citizenship Education or vice president of student development and dean of students and/or his/he designee.

E. Student Rights

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

- a. Be notified of all alleged violations by means of the student address (assigned college mailing address, residence hall address via. hand delivery, permanent address, college email, or in person).
- b. Review the completed incident report and any associated statements that will be used at the hearing.
- c. Request a meeting with a department member from the Department of Citizenship Education to discuss questions or concerns pertaining to the Code and/or the hearing process.
- d. A reasonable period of time to prepare for a hearing (no less than 48 hours prior to the start of the hearing).
- e. Request a delay of a hearing due to extenuating circumstances. Note: the decision to grant or deny any such request is within the discretion of the hearing adviser and/or the vice president of student development and dean of students.
- f. Be informed of any person’s name that submits/reports information that alleges misconduct and/or submits a complaint.

- g. Be informed of the identity of witnesses who have been called and requested to present information at the hearing.
- h. Be present and participate throughout the fact gathering portion of the hearing process. *The deliberations and sanctioning phase of the hearing are private and will be closed.
- i. Be notified of the finding(s) of a hearing and assigned sanctions (if appropriate).
- j. In cases involving harming behaviors, endangering behaviors, hazing, and/or policy violations outlined in the Sexual Misconduct Policy and Procedures, complainant(s) will be notified of the findings of the respondent(s)
- k. Present witnesses and incident witness statements (that is not included in the incident reports and statement) when deemed appropriate and relevant by the hearing board, hearing board adviser, or hearing officer. This information will need to be disclosed to the hearing officer (if a One on One Hearing) or to the hearing adviser (if hearing is assigned to a board) no less than 48 hours prior to the start of the hearing. The hearing officer, hearing board chair and/or the hearing board adviser will make the determination whether or not to call the witness in to the hearing and/or review the information provided in the additional statements. If a witness is called to the hearing the witness will provide information to and answer questions from the hearing board members or hearing officer. Questions may be suggested to the chair of the hearing by a respondent or complainant. All questions will be directed to the chair of the hearing rather than to the individual directly. Questions of whether potential information will be received and asked shall be at the discretion of the chair and/or hearing adviser. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Please refer to PIII.B.#4 for further information specific to “witnesses”.
- l. Request accommodations/modification of the hearing structure; accommodations/modifications may include partition panel during the hearing so as not to directly view the complainant/respondent, utilizing technology, such as a phone or Skype. This request must be made 48 hours prior to the scheduled hearing. **Please refer to the *accommodation request* section for specific parameters and procedures.
- m. Challenge participation of a specific hearing officer or board member in the event a conflict of interest is present. This challenge must be made prior to start of the hearing.
- n. Present a personal or community impact statement specific to the incident and/or allegations to the hearing forum or hearing officer. A community impact statement is an account in the student’s own words of the *effect* that the incident has had on. The student may, for example, have suffered a physical injury, be affected psychologically, or be at a loss financially. A community impact statement is **not** a character statement. Character statements will not be permitted during the hearing.
- o. Have a hearing support person during all phases of the conduct process. A student should select a hearing support person whose schedule allows attendance at the scheduled date and time of any meeting and/or hearing because delays will more than likely not be allowed due to the scheduling conflicts of a hearing support person. Refer to the *hearing support person* section for specific parameters and procedures. For the *hearing support person policy* specific to Sexual Misconduct Policies and Procedures, please refer to the [Sexual Misconduct Policies and Procedures](#).
- p. Remain silent at the hearing. In the event a respondent chooses to remain silent, it should be noted that the hearing officer or hearing board will proceed with the hearing

and make a determination of the case based on any and all information that is present at the time of the hearing.

- q. To appeal. In cases involving harming behaviors, endangering behaviors, and/or policy violations outlined in the Sexual Misconduct Policy and Procedures, complainant(s) will be afforded the same opportunity to submit and appeal as a respondent. **Please refer to the *Appeals* portion of the Code for information, policies and procedure for submitting an appeal.

F. Sanctions

Students who are found to be responsible for violating Colby-Sawyer College policy and/or procedure will be assigned appropriate sanctions based on the nature of the violation, the severity of the violation, the students conduct history, and/or other criteria as determined by the hearing officer or hearing board. Sanctions are typically based on precedent set by other similar cases. However, since no two cases or students are exactly the same, sanctions may vary for seemingly similar incidents. Hearing officers and hearing board members have been trained to determine appropriate sanctions and do not frivolously assign sanctions. They take their jobs very seriously and seek to find education-based solutions to deter future problem behaviors and/or reconcile inappropriate behavior.

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

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

- a. **Warning:** A letter that informs the student that she/he violated college policy and a notice that another violation will result in a more severe sanction which could include a college probation, suspension, or dismissal.
- b. **Restitution:** Reimbursement for damage to, destruction of, or misappropriation of, college property or any property of any member of the college community. The student may also be required to provide service appropriate to the violation (e.g. cleaning/repairing a vandalized area etc.).
- c. **Educational Programs/Assignments:** The student is required to complete a project and/or assignment specifically relevant to the student's policy violation(s). Some examples of educational programs/assignments are, but not limited to, informative/research paper or presentation, reflection paper, bulletin board, appointments with Baird Health and counseling and/or outside counseling service at the students cost, anger management training, 3rd Millennium Classroom Alcohol or Marijuana Course, Substance Abuse Intervention Team (SAIT).
- d. **Fines:** A sum of money, independent of restitution, assessed against an individual. Fines are to be paid through the Colby-Sawyer Storefront located on the financial services [Web page](#). Refer to the findings letter for specifics on how to pay the fine.
- e. **Behavioral Agreement/Contract:** A statement of agreement between the student and a hearing forum or college official (1) acknowledging the infraction(s) of the Code, (2) identifying a behavior/action plan, and (3) agreeing to the specified consequence(s) of failure to adhere to the behavior/action plan.

- f. **Loss of Privileges:** The removal of certain student privileges, including but not limited to the following: the privilege to host guest on campus, the privilege to host guest in the student's assigned residence halls space or other college buildings, the privilege to have stereos or other sound equipment in your residence hall space, the privileged to participate in extra-curricular activities such as activities on campus or hosted by the college, participation in senior week activities, the privilege to participate in a club activity or dance, or the privilege to apply to reside in certain residence hall spaces such as Off Campus College Owned or Leased Properties.

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

- g. **Disciplinary Probation** is a designated period during which additional behavior in violation of college regulations will constitute grounds for further disciplinary action. The hearing officer or forum will determine the length of the sanction and determine if there are particular conditions and/or restrictions attached to the status. Further violations of the Code could result in sanctioning which includes, but is not limited to, housing contract probation, housing contract revocation, suspension, or dismissal from the college. During this probationary period a student's scholarship may be affected. For questions about whether scholarships are affected, the student should contact the Financial Aid Office. Be aware that Colby-Sawyer College reserves the right to contact a student's parent or legal guardian to inform her/him if a student has been found responsible for violating the college's alcohol policy and the student is under the legal age to consume or possess alcohol; if a student has been found responsible for violating the college's drug policy; and/or a student has been sanctioned housing contract probation, housing contract revocation, suspension, or dismissal.
- h. **Housing Contract Probation** is defined as a designated period during which additional behavior in violation of college regulations will constitute grounds for more serious disciplinary action. The hearing officer or forum will determine the length of the sanction and determine if there are particular conditions and/or restrictions attached to the status. Further violations of the Code could result in sanctioning which includes, but is not limited to, housing contract revocation, suspension, or dismissal from the college. During this probationary period a student may be ineligible for certain college awards, honors, scholarships or be ineligible to study abroad through Colby-Sawyer College affiliated programs. For questions about whether scholarship(s) are affected, the student should contact the Financial Aid Office. Be aware that Colby-Sawyer College reserves the right to contact a student's parent or legal guardian to inform him/her if a student has been found responsible for violating the college's alcohol policy and the student is under the legal age to consume or possess alcohol; if a student has been found responsible for violating the college's drug policy; and/or a student has been sanctioned housing contract probation, housing contract revocation, suspension, or dismissal.
- i. **Housing Contract Revocation:** Housing contract revocation is defined as a designated period during which a student is prohibited from living in college owned or leased residence halls and buildings. The hearing officer or forum will determine the length of the sanction and determine if there are particular conditions and/or restrictions attached to the status. During this time of housing contract revocation, a student may be ineligible for certain college awards, honors, scholarships or be ineligible to study abroad through Colby-Sawyer College affiliated programs. For questions about whether

scholarship(s) are affected, the student should contact the Financial Aid Office. Be aware that Colby-Sawyer College reserves the right to contact a student's parent or legal guardian to inform her/him if a student has been found responsible for violating the college's alcohol policy and the student is under the legal age to consume or possess alcohol; if a student has been found responsible for violating the college's drug policy; and/or a student has been sanctioned housing contract probation, housing contract revocation, suspension, or dismissal. Please note that Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

- j. **Off Campus college Owned or Leased Properties Contract Revocation:** If a student living in an off campus college owned/leased property is found responsible for a policy violation that would typically result in Housing Contract Probation, it is likely that he or she will lose the privilege of living in the off campus college owned/leased property and will be provided the option to return to housing on-campus at the discretion of the college. Examples of incidents that could result in this revocation could include, but is not limited to, policy violations in the following areas: social functions, alcohol, disorderly conduct, failure to comply, occupancy/trespassing, drugs, violence, harmful behaviors, weapons/firearms, and hazing. Please note that Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

Non-Residential Students (Commuter Students)

- k. **Visitation probation** is defined as a designated period during which additional behavior in violation of college regulations will constitute grounds for further disciplinary action to include but is not limited to visitation restriction, visitation revocation, suspension or dismissal. The hearing officer or board will determine the length of the sanction and determine if there are particular conditions and/or restrictions attached to the status. This probation does not limit a student in regards to where he or she can visit. During this probationary period, it is expected that the student will become fully knowledgeable about the Code of Community Responsibility and not violate the policies set forth in the document.
- l. **Visitation restriction** is defined as a designated period during which additional behavior in violation of college regulations will constitute grounds for more serious disciplinary action including, but not limited to, visitation revocation of college housing and/or suspension or dismissal from the college. The hearing officer or forum will determine the length of the sanction and determine if there are particular conditions and/or restrictions attached to the status. This visitation restriction means that a student may only visit the residential buildings, which include London House, Red House, White House, Gray House, Yellow House and Cottage Lane as well as all traditional residence halls, between the hours of 7 a.m. – 7 p.m., Friday, Saturday and 7 a.m. – 9 p.m. Sunday, Monday, Tuesday, Wednesday, and Thursday. To visit the residential building non-residential student is required to be with a residential student at all times and must follow the same guidelines as any other guest of Colby-Sawyer College. Non-residential students on this restriction may not register as an overnight guest. During the visitation restriction period a student may be ineligible for certain college awards, honors, scholarships or be ineligible to study abroad through Colby-Sawyer College affiliated programs. For questions about whether a scholarship is affected, the student should contact the Financial Aid Office. Be aware that Colby-Sawyer College reserves the right

to contact a student's parent or legal guardian to inform him/her if a student has been found responsible for violating the college's alcohol policy and the student is under the legal age to consume or possess alcohol; if a student has been found responsible for violating the college's drug policy; and/or a student has been sanctioned visitation restriction, visitation revocation, suspension, or dismissal. Please note that Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

- m. **Visitation revocation** means that a student may NOT visit college owned or leased residential buildings which includes London House, Red House, White House, Gray House, Yellow House and Cottage Lane as well as all traditional Residential Halls. If for any reason a student who has had his or her visitation privileges revoked believes he or she needs to enter a residential building that is owned or leased by Colby-Sawyer College, that student must receive explicit permission by a professional department member from the Department of Residential Education, Campus Safety, Citizenship Education or the vice president/dean of students. If the student receives permission to enter a residential building that student must be accompanied by a professional department member from Residential Education (for on-campus residential halls), Parent and Community Partnership Coordinator (for London House, Red House, White House, Gray House, Yellow House and Cottage Lane) or Campus Safety. Violations of this revocation will more than likely result in an extension of the revocation period and or further disciplinary action to include suspension or dismissal. During the time that a student's visitation privilege has been revoked, a student may be ineligible for certain college awards, honors, scholarships or be ineligible to study abroad through Colby-Sawyer College affiliated programs. For questions about whether a scholarship is affected, the student should contact the Financial Aid Office. Be aware that Colby-Sawyer College reserves the right to contact a student's parent or legal guardian to inform him/her if a student has been found responsible for violating the college's alcohol policy and you are under the legal age to consume or possess alcohol; if a student has been found responsible for violating the college's drug policy; and/or a student has been sanctioned visitation restriction, visitation revocation, suspension, or dismissal. Please note that Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

All students – probationary suspension, suspension and dismissal

- n. **Probationary Suspension:** Probationary Suspension is defined as the highest level of probationary status, which will remain in place for a designated period of time. The hearing officer or board will determine the length of the sanction and determine if there are particular conditions and/or restrictions attached to the status. Any violation(s) of specified policies, regardless of seriousness, which occurs during the probationary suspension period, will more than likely result in immediate activation of the suspension or dismissal from Colby-Sawyer College. During this probationary period the student may be ineligible for certain college awards, honors, scholarships or be ineligible to study abroad through Colby-Sawyer College affiliated programs. For questions about whether a scholarship is affected, the student should contact the Financial Aid Office. Be aware that Colby-Sawyer College reserves the right to contact a student's parent or legal guardian to inform him/her if a student has been found responsible for violating the college's alcohol policy and you are under the legal age to consume or possess alcohol; if a student has been found responsible for violating the college's drug policy; and/or a

student has been sanctioned housing contract probation, visitation restriction, visitation revocation, housing contract revocation, suspension, or dismissal. Please note that Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.

- o. **Suspension:** Suspension from Colby-Sawyer College means separation from the college for a specified period of time after which the student may re-enroll or re-apply for re-admission. A suspended student is subject to arrest for trespass and is not welcome on college grounds without the prior written authorization by the vice president of student development and dean of students, the director of campus safety or his/her designee. In order to be eligible for readmission, the student must complete all portions of assigned the sanctions that the hearing officer or forum may additionally assign and be cleared by the Department of Citizenship Education. During the time of the suspension a student may be ineligible for certain college awards, honors, scholarships or be ineligible to study abroad through Colby-Sawyer College affiliated programs. For questions about whether a scholarship is affected, the student should contact the Financial Aid Office. Please be aware that Colby-Sawyer College reserves the right to contact a student's parent or legal guardian to inform him/her if a student has been found responsible for violating the college's alcohol policy and the student is under the legal age to consume or possess alcohol; if a student has been found responsible for violating the college's drug policy; and/or a student has been sanctioned housing contract probation, visitation restriction, visitation revocation, housing contract revocation, suspension, or dismissal. Please note that Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
- p. **Dismissal** is a permanent separation from the college with no opportunity to re-enroll or re-apply for re-admission. A dismissed student is subject to arrest for trespass and is not welcome on college ground without prior authorization from the vice president of student development and dean of students, the director of campus safety or his/her designee. If for any reason the student believes he or she needs to enter Colby-Sawyer College property or Colby-Sawyer sponsored events after the date and time of your dismissal separation, the student must receive explicit permission from the vice president and dean of students, the director of campus safety or his/her designee. If the student receives permission to enter Colby-Sawyer College property or college sponsored event, the student must be accompanied by a professional department member from Residential Education (for on-campus residential halls), Parent and Community Partnership Coordinator (for London House, Red House, White House, Gray House, Yellow House and Cottage Lane) or Campus Safety. Please note that Colby-Sawyer College's refund policy for disciplinary cases stipulates that no refunds for tuition, fees, or housing are given for disciplinary action.
2. The following sanctions may be imposed upon registered student club and/or organization:

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

past/present history of mental disorder the hearing officer or hearing forum may increase the sanctions.

G. Appeals

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

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

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

- a. Disagreement with the finding and/or sanction of a hearing forum;
 - b. Failure to appear at an appropriately scheduled hearing; and/or
 - c. Failure to comply with a sanction.
3. For an appeal specific to a One on One hearing, Community Council Hearing Board, and/or and Administrative Hearing Board, all appeals will be reviewed by an Appellate Board that is comprised of at least three (3) board members who were not original participants of the board or hearing. All members of the Appellate Board have been trained in the Code and Hearing Process and are actively involved in the hearing process as a Community Council Hearing Board Member, an Administrative Hearing Board Member, a Sexual Misconduct Administrative Hearing Board Member, and/or hearing officer.
 4. For an appeal specific to a Sexual Misconduct Administrative Hearings Boards, all appeals will be reviewed by an Appellate Board that is comprised of at least three (3) Faculty/Staff members who were not original participants of the board or hearing. All members of the Appellate Board have been trained in the Code, Hearing process, Title IX, and are actively

- involved in the hearing process as a Sexual Misconduct Administrative Hearing Board Member, and/or hearing officer.
5. The record on appeal is limited to a review of the written appeal document submitted by the appellant(s), the written record of the incident in question, any other documentation presented at the hearing, an interview with the original hearing officer or the adviser of the hearing board, and any alleged “new information” in an appeal based, in whole or in part, or a claim of “new information,” as described above in Part III. G. #2, “a”.
 6. All Appellate Board review are considered closed and unless the Appellate Board requests the respondent and/or complainant (if applicable) to attend the appellate board review to explain any possible “new information”. The decision to request the respondent and/or complainant (if applicable) to attend is at the discretion of the Appeal Board adviser and/or the Appeal Boards.
 7. If the appeal is granted, the student will receive written notification from the appeal board hearing adviser that the appeal was accepted. This notification will be generally made 5-10 business days from the date of the decision. The Appellate Board can take one of the following actions:
 - a. If the appeal is granted based on the appropriateness of the sanction(s) issued, the Appellate Board will remand the matter to the hearing officer, Community Council Hearing Board, the Administrative Hearing Board, or the Sexual Misconduct Administrative Hearing Board, which originally heard the case to allow reconsideration of the original determination and/or sanction(s). In these instances a complete review of the student(s) conduct history, including previous sanction(s), will take place.
 - b. If the appeal is based on new information that was not available at the time of the hearing the Appellate Board will remand the matter to the hearing officers, Community Council Hearing Board, the Administrative Hearing Board, or the Sexual Misconduct Administrative Hearing Board, which originally heard the case to allow for consideration of the new information.
 - c. If the appeal indicates procedural irregularity, the matter will be referred to a new hearing officer, Community Council Hearing Board, an Administrative Hearing Board, or a Sexual Misconduct Administrative Hearing Board, to allow for reconsideration of the results of the original finding(s).
 8. If the appeal is not granted, the student will receive written notification from the adviser of the board that the appeal has been denied. In the event an appeal is denied the decision made by the hearing board and sanction(s) assigned will remain in effect. This notification will generally happen within 5-10 business days from the decision of the Appeal Board.

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

The decision of an Appellate Board cannot be appealed.

Note: Sanctions are effective as of the date of the letter advising the student of the finding of responsibility and sanction. Even when an appeal is requested, the sanction must be followed. If a student wishes to have a sanction suspended pending the outcome of an appeal, the student must make this request, in writing, to the vice president of student development or their designee no more than 24 hours after the originally scheduled hearing

which the decided findings and sanction was delivered. Request such as these are not the appeal, it is merely a request to postpone the implementation of the sanction until the completion of the appeal process. All appeals must be submitted five (5) business days from the written delivery date of the findings letter. Making a request to postpone the implementation of the sanction until the completion of the appeal process does not and will not affect the policies of the appeal process as outlined in this section. It is at the discretion of the vice president of student development or designee, as to whether to grant a suspension of a sanction pending the appeal outcome.

9. Instructions for submitting an appeal:

- a. The student who wishes to appeal must contact the Department of Citizenship Education by email indicating an intent to appeal, you will then be sent instructions on how to properly appeal and provided with the “Electronic Appeal Form” as an attachment to the email (**This is not an appeal, this is only requesting instructions on how to properly appeal**).
- b. An appeal of a finding and/or sanction imposed by a Community Council Hearing Board, an Administrative Hearing Board, a Sexual Misconduct Administrative Hearing Board, or the Hearing Officer must be completed on the “Electronic Appeal Form”.
- c. Once the student receives the instructions and the “Electronic Appeal Form” and has reviewed the Appeal Process outlined in this document, the completed “Electronic Appeal Form” must be submitted within five (5) business days of written delivery of the decision of the hearing forum via email to the appeals email address: studentconduct@colby-sawyer.edu where it will be forwarded and reviewed by an Appellate Board.
- d. Any appeal submitted by the respondent and/or complainant (if applicable) after the allotted five (5) business days will not be reviewed and will be automatically denied.

H. Accommodations for Students with Disabilities

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

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

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

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

A. Student Conduct File Maintenance and Review

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

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

1. If a student is found not responsible for a violation of the Code of Community Responsibility, the record pertaining to the disciplinary proceeding will be shredded when the student withdraws or graduates from Colby-Sawyer College.
 - * Student conduct records with findings of not responsible will not be disclosed to other agencies or institutions inquiring about student conduct. These records kept for the purpose of appropriate record maintenance only.
 - **Any findings of not responsible are not and will not be considered by any hearing officer or hearing board for any subsequent hearings that may occur.
2. Records of minor disciplinary action (e.g., warning letter, fines \$50 and under) are kept on file until the student withdraws or graduates.
3. Records of general disciplinary action (e.g., behavioral agreement, disciplinary probation, housing contract probation, and removal from housing) are kept on file for seven years.
4. Records of major disciplinary action (i.e., suspension, dismissal) are maintained permanently in the Department of Citizenship Education.

B. Transcript Notations

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

C. Parental Notification Policy

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

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

of student development and dean of students or his/her designee and/or a department member from the Department of Citizenship Education.

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

D. Withholding Grades

The college reserves the right to withhold grades, diplomas or transcripts until all student conduct matters are resolved, restitution made, or fines paid.

E. Police Notification

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

F. Conduct Violation Publicity

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

G. Refund Policy for Student Conduct Cases

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

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

A. Interim Administrative Actions

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

Any interim administrative actions taken neither are a part of the hearing process or are the actions taken formal student conduct sanctions. It is taken in an effort to protect the safety and well-being of the respondent, of others, of the college, or of property. An interim administrative action is preliminary in nature; it is in effect only until a hearing for the alleged policy violation(s) occurs and a final outcome is rendered. Interim administrative actions imposed by the vice president for student development and dean of student or his/her designee and are not subject for appeal.

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

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

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

Part VI: Interpretation and Revision

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

Appendix “A” – Alcohol and Drugs

Expectations regarding Alcohol and Drugs

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

Individual Responsibility Statement for Alcohol and Drug policies

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

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

Alcohol: Alcohol Expectations, Resources, and Policies

Alcohol Policies

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

If you are under 21

Underage possession of alcohol:

Underage persons may not possess alcohol.

Underage students who possess alcohol containers with any amount of alcohol will be considered in possession of alcohol.

Underage students are prohibited from possessing and displaying alcohol containers.

Underage consumption of alcohol:

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

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

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

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

If you are 21 or over

Persons of legal age (21 years old or older) may possess or consume alcohol in residence hall student rooms where at least one of the assigned residents is of legal age and present. Persons of legal age may purchase and consume alcoholic beverages in a licensed campus area during college-sponsored events. *For exceptions to this policy please refer to the “Alcohol during vacation housing periods” policy and/or contact Department of Residential Education at residential@colby-sawyer.edu to review your temporary housing contract.

Alcohol during Vacation Housing Periods:

Persons of legal age may not possess or consume alcohol during temporary housing periods.

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

Supplying Alcohol to Minors:

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

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

**Persons of legal age allowing underage person to consume alcohol in the legal age person’s assigned living space will more than likely be charged with “Supplying alcohol to minors”.

Open Containers:

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

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

Excessive Possession of Alcohol:

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

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

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

High Risk Consumption:

A student may not drink alcohol in a high risk manner or to the point of intoxication, nor may he/she knowingly serve another to the point of intoxication, regardless of age. Behavioral symptoms frequently associated with excessive consumption or intoxication may include: Impaired motor skills, difficulty communicating, vomiting, glazed/red eyes, the smell of alcohol on one's breath, verbal and or/physical aggressiveness, destructive or disruptive behavior, and engaging in any behavior that may endanger oneself or others. The determination of high risk drinking or an intoxicated state will be based upon:

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

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

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

Prohibited Alcohol:

Persons of legal age may not possess or consume grain alcohol on Colby-Sawyer College owned or leased property.

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

Common Sources of Alcohol:

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

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

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

Drinking Practices that Promote Intoxication/Drinking Games:

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

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

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

Operating a Motor Vehicle

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

Failure to Register a Social Function:

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

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

Campus Pub Policy

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

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

If you consume alcohol at the campus pub:

The Code of Community Responsibility – Final
August 2016

- You must be 21 years of age.
- You must provide identification upon request. A valid driver's license, an identification card issued by the director of motor vehicles, an armed services identification card, or a valid passport are acceptable forms of identification.
- Your alcoholic drink is your responsibility. You are responsible for the behavior of your guests, and to insure that underage guests (including students) do not sample or drink your alcoholic beverage. Any unfinished beer is to be left at the bar. If drinking at a table, any remaining alcohol must be given to the bar staff.

Alcohol Management:

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

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

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

Drugs

Definition

Controlled drugs are defined by law as those having stimulant, depressant, or hallucinogenic effects upon the higher functions of the central nervous system and having potential for abuse or for physiological and psychological dependence or both. Controlled drugs are classified as: amphetamine, barbiturate, cannabis (marijuana), cocaine, morphine-type, hallucinogenic, and other stimulant and depressant drugs, excluding alcohol, nicotine, and caffeine. Synthetic drugs (synthetic marijuana, bath salts and the like) are also prohibited (possession of or by ingestion) at Colby-Sawyer College and New Hampshire state law.

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

The following are prohibited behaviors:

The sale or distribution of drugs, which is interpreted as the:

- transaction;

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

The manufacture of drugs, which is interpreted as the:

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

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

The possession of drugs, which is interpreted as:

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

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

The use of drugs, which is interpreted as:

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

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

Operating a Motor Vehicle

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

Federal Drug Trafficking Penalties

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

Sanctions for College Alcohol of Drug Policy Violations

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

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

Resources On & Off Campus

On Campus

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

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

Off Campus Organizations

- Headrest Hotline: Call (603) 448-4400 or visit their Web page [here](#) (a 24-hour crisis intervention and information and referral hotline dealing with suicide, alcohol, other drug problems, AIDS, etc.)
- Alcoholics Anonymous: Call (800) 593-3300 or visit their Web page [here](#) (information and support regarding alcohol and alcohol abuse)
- Al-anon Alateen: Call (603) 369-6930 or visit their Web page [here](#) (a fellowship of young people, whose lives have been affected by someone else's drinking)

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

NH State Laws Regarding Alcohol and Drugs

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