

I. STUDENT CODE OF CONDUCT

Approved July 1994 by the Dean of Students (revised January 2012).

II. PURPOSE

Student Conduct at Lewis & Clark College establishes clear expectations of behavior that foster academic and communal integrity. Joining this community obliges each member to observe the following principles:

- * mutual respect
- * personal and academic integrity
- * civil discourse
- * responsible decision-making

By adhering to these principles, members of the community expand their perspective beyond themselves. They are supported as they test boundaries with educationally reflective opportunities to practice self-advocacy and personal responsibility.

III. DEFINITIONS

When used in this Code:

A. the term “institution” or “College” means the College of Arts and Sciences, Lewis & Clark College. Students attending the Graduate School of Professional Studies and Northwestern School of Law are bound by College policies.

B. the term “student” includes all persons taking courses at the College, both full-time and part-time studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the College are considered “students.”

C. the term “faculty member” means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.

D. the term “College official” includes any person employed by the College performing assigned administrative, para-professional, or professional responsibilities.

E. the term “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College.

F. the term “conduct board” means any person or persons authorized by the College administration and/or through established student government processes to determine whether a student has violated the Code and to impose or recommend imposition of outcomes.

G. the term “aggravated violation” means a violation that resulted or foreseeably could have resulted in significant damage to persons or property or which

otherwise posed a substantial threat to the stability and continuance of normal College or College sponsored activities.

H. the term “ASLC” refers to the Associated Students of Lewis & Clark College. All students matriculated in the College of Arts and Sciences and the Academic English Studies program are members of the student association.

I. the term “group” means any number of persons who are associated with each other and who have not complied with College requirements for registration as an organization.

J. the term “organization” means any number of persons who have complied with College requirements for registration.

K. the term “College sponsored activity” means any activity on or off campus which is initiated, aided, authorized or supervised by the College.

L. the term “distribution” means sale or exchange for personal profit.

M. the term “weapon” means any item or instrument described as a weapon in Oregon, Multnomah County, and/or the City of Portland statutes and/or ordinances; any instrument, article, or substance which is specifically designed for and presently capable of causing death, incapacitation, or serious physical injury; any item used to harass, threaten, intimidate, assault, or batter; and any item the College deems dangerous. This includes, but is not limited to firearms, ammunition, paintball guns, airsoft guns, gun replicas (including facsimile water pistols and toy guns), explosive devices (both incendiary and chemical), knives having a blade that swings into position by force of a spring or centrifugal force (i.e., switchblades), any knives with blades longer than three and one half inches (excepting those specifically designed and used for food preparation), metal knuckles, straight razors, blackjacks, saps, sap gloves, koshes, bludgeons, martial arts stars, and weapons of the type commonly known as nunchucks.

N. the term “reckless conduct” means action which a reasonable member any member of the College community could reasonably anticipate would create a clear risk of harm to persons or property, or would disrupt the lawful activities of others, including studying, teaching, research, and College administration.

O. the terms “will” and “shall” are used in the imperative sense.

P. the term “may” is used in the permissive sense.

Q. the term “written notice” covers both paper copy and electronic mail. Official notifications in this Code may be made by e-mail to the e-mail address provided to students by the College.

R. the term “alleged” means that reports or accusations of violations of College policy presume that an individual, group or organization is not responsible for the

violation until investigation, testimony, or other facts demonstrate actual violation.

S. the term “policy” is defined as the written regulations of the College as found in, but not limited to, the Student Code of Conduct, Student Handbook (i.e., Pathfinder), Campus Living Handbook (i.e., Settling In), residence hall contract, and the College Catalog.

T. the Associate Dean of Students is designated by the Dean of Students to be responsible for the administration of the Student Code of Conduct.

IV. AUTHORITY

A. The Associate Dean of Students or designee determines who will hear each allegation of student misconduct. The Associate Dean of Students or designee will consult with the ASLC Chief Justice or College Honor Board Chair regarding who will decide each conduct meeting, as appropriate.

B. The Associate Dean of Students or designee, in consultation with the ASLC Chief Justice, the Peer Review Authority, the College Honor Board, and other interested students, faculty, and College officials, shall develop policies for the administration of the conduct program and procedural rules for conduct meetings, consistent with provisions of this Code.

C. The Associate Dean of Students or designee’s decisions regarding appeals are final. Decisions made in a student conduct meeting are final, pending the normal appeal process.

D. The Associate Dean of Students or designee may designate an arbiter for disputes within the student community, which do not involve a violation of College policy. All parties must agree to arbitration, and to be bound by the decision with no opportunity to appeal.

V. JURISDICTION

A. The Student Code of Conduct and the student conduct process apply to the conduct of individual students, groups of students and to College-affiliated student organizations. Because the Code is based on shared community values, we are accountable for our actions at all times. When private choices become public, and those choices are a violation of one or more College policies, a College Official will respond. As such, the Student Code of Conduct will apply to behaviors that take place on College premises, at College-sponsored events, and may also apply off-campus, when the administration determines that the off-campus conduct has a direct impact on the educational mission or other interests of the College.

B. Participants on overseas and off-campus programs are expected to act in accordance with College rules and regulations but assume added responsibility to

the group and to the laws and customs of the host country or local jurisdictions. Rules of Conduct for program participants are enumerated in the written Program Release and Agreement signed by each participant.

C. Campus Safety officers may be contacted by staff for support if it appears additional assistance is necessary (e.g. a residence hall room where prohibited items, such as drugs or weapons, are believed to be present). When Campus Safety is called, the staff will yield authority to the Campus Safety Officer(s) for resolution of the situation. Information regarding room searches may be found under Residence Hall Contract and Procedures in the Pathfinder at: <http://www.lclark.edu/dept/pathfind/reshall.html>.

VI. VIOLATION OF LAW AND COLLEGE DISCIPLINE

A. Students may be accountable to both civil authorities and to the College for acts, which constitute violations of law and of College policy. In some cases, students may be referred to civil authorities for arrest or prosecution resulting from actions that are also violations of College policy. The College is responsible for addressing allegations of policy violations regardless of and separate from any other proceedings. Student conduct meetings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

B. When a student is charged by federal, state or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also a violation of College policy, the College may advise off-campus authorities of the existence of the Code and of how such matters will be handled internally within the College community. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by the criminal courts for the rehabilitation of student violators.

C. Individual students, staff, and faculty members, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

VII. PROHIBITED CONDUCT

The following misconduct is subject to disciplinary action:

A. academic dishonesty, as defined in the College's academic integrity policy:

- i. cheating;
- ii. plagiarism.

B. intentionally or recklessly causing physical or mental harm to any person, or intentionally or recklessly causing reasonable apprehension of such harm.

- C. discrimination or harassment.
- D. sexual misconduct:
 - i. sexual harassment;
 - ii. non-consensual sexual contact (or attempts to commit same);
 - iii. non-consensual sexual intercourse (or attempts to commit same);
 - iv. sexual exploitation.
- E. hazing, as defined in the College's hazing policy.
- F. illegal or unauthorized use, possession or storage of weapons, including firearms.
- G. illegal or unauthorized use, possession or storage of explosives, including fireworks.
- H. intentionally or recklessly destroying or damaging personal or College property.
- I. intentionally or recklessly misusing or damaging fire safety equipment.
- J. intentionally activating a false fire alarm.
- K. violation of College policies on possession, distribution or use of alcohol.
- L. violation of College policies on possession, distribution, or use of illegal drugs, controlled substances or drug paraphernalia.
- M. engaging in disorderly or disruptive conduct on College premises or at College sponsored activities, which interferes with the activities of others, including studying, teaching, research and College administration.
- N. failure to comply with the directions of College officials, including Campus Safety, acting in performance of their duties.
- O. intentionally furnishing false information or reports to the College.
- P. violating the terms of any conduct outcome imposed in accordance with this Code.
- Q. abuse of the student conduct process, including but not limited to harassment and/or intimidation of a member of a conduct review board or any participant prior to, during and/or after a student conduct proceeding.
- R. making, possessing, or using any forged, altered, or falsified instrument of identification or College document.
- S. violation of published College regulations, rules or policies. Such regulations

or policies include the residence hall contract, as well as those regulations relating to campus demonstrations, the entry and use of College facilities, and misuse of keys or College identification cards.

T. violation of any local, state or federal law that may be reasonably expected to have a negative impact on the College or members of the College community.

VIII. OUTCOMES

A. A conduct outcome is an educational tool designed to send a clear message regarding violations of College policy. They are deemed appropriate for students found responsible, under the premise that they were more likely than not to have violated the policy. Outcomes relate to the nature and context of the policy violation as well as the developmental needs of the student found responsible. Stronger outcomes may be imposed for aggravated or repeated misconduct. Outcomes of probation, suspension, and dismissal require the approval of the Associate Dean of Students or designee.

B. Educational, governmental agencies, or prospective employers may inquire about a student's conduct history, specifically but not limited to, probations, suspensions and dismissals.

C. The following outcomes and others not listed here, as deemed educationally appropriate, may be imposed when any student is found responsible for a violation of College policy:

1. Discretionary Outcomes: Keeping with the College's philosophy to establish learning outcomes for violations of policy these are assigned, as they are germane to the violation(s) of the student conduct process. May include but not limited to: educational programs/presentations, financial and/or service-based restitution, removal of residence hall privileges (such as access), loss of privileges (i.e., participating and/or representing the College in extracurricular activities), etc.

2. Formal Warning: A notice that the student fully understands the policy and will cease from further violations.

3. Parental Notification: In certain circumstances, a student's parent or guardian may be informed of the student's infraction and outcome(s) via in person or telephone conference and/or a copy of the student's conduct letter.

4. Conditional Probation: A written reprimand, which places the student's participation in College activities in a provisional status. Probation may include counseling and includes the probability of more severe disciplinary outcomes if the student further violates College policy during the probationary period.

5. Unconditional Probation: If additional violation(s) of College policies occur during a specified period of time suspension from the College may be implemented.

6. Disciplinary Suspension: Separation of the student from the College for either a specific or indefinite period of time after which the student is eligible to return. Conditions for readmission may be specified. At the discretion of the Associate Dean of Students or designee, a College trespass order is in effect for the period of the suspension. A suspension may be deferred to the end of an academic term at the discretion of the Associate Dean of Students or designee.

7. Disciplinary Dismissal: Permanent separation of the student from the College. At the discretion of the Associate Dean of Students or designee, a College trespass order goes into effect with the dismissal.

IX. GROUP & ORGANIZATIONAL OUTCOMES

The following outcomes may be imposed upon groups or organizations:

A. Any of the above outcomes.

B. Deactivation: Loss of all privileges by a student group and/or organization, including College recognition, for a specified period of time.

X. INTERIM SUSPENSION

A. In certain circumstances, the Associate Dean of Students or designee may impose a College or residence hall suspension for an interim period pending conduct proceedings or medical evaluation:

1. to ensure the safety and well being of members of the College community or preservation of College property and/or;
2. to ensure the student's own physical or emotional safety and well being and/or;
3. if the student poses a substantial threat of disruption of or interference with the normal operations of the College.

B. During the interim suspension, the student is denied access to the campus (including classes) and all other College activities or privileges for which the student might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate.

XI. THE ASSOCIATE DEAN OF STUDENTS OFFICE

The Associate Dean of Students Office coordinates the procedures associated with response to student conduct issues. The responsibilities of the office include:

1. determination of the policy violations to be filed.
2. interview and advise parties involved in disciplinary proceedings.
3. train and advise conduct boards.
4. review the decisions of conduct boards.
5. maintain all student disciplinary records.
6. develop procedures for conflict resolution.
7. monitor educational outcomes.
8. collect and disseminate research and analysis concerning student conduct.
9. submit timely statistical reports to the Office of Campus Safety for dissemination, reporting the number of incidents referred to the office, the number of incidents resulting in disciplinary action, and the range of outcomes imposed.

XII. CONDUCT AUTHORITIES

A. College staff and faculty work closely with student leaders in conduct matters, most notably with the ASLC Chief Justice, the student Peer Review Authority, the student chair of the College Honor Board, and representatives on the Honor and College Review Boards.

B. Conduct meetings or other proceedings as provided in this Code may be held before the following individuals or boards:

1. **ADMINISTRATIVE HEARING:** conducted by administrators and/or staff of the Student Life Division. Authority is granted to these staff and administrators, by the Associate Dean of Students, to adjudicate and determine whether the accused student, *more likely than not*, violated the policy and determine appropriate outcomes as necessary.
2. **ASLC PEER REVIEW BOARD (PRA):** consisting of appointed students, chaired by the ASLC Chief Justice. In matters of alleged conduct violations, the PRA may hear allegations of misconduct at the joint discretion of the Dean of Students or designee and the Chief Justice of ASLC and determine whether the accused student, *more likely than not*,

violated the policy and determine appropriate outcomes as necessary. The PRA also acts as a mediating body for disputes between students that fall outside of the scope of this Code, as well as the final arbiter of conflicts that involve the ASLC Bylaws. Members of the ASLC Peer Review Authority are selected in accordance with ASLC bylaws and procedures developed by the Associate Dean of Students.

3. **COLLEGE HONOR BOARD:** consists of three voting students and one non-voting student chair nominated by the ASLC Student Academic Affairs Board Chair, and subject to approval by ASLC Senate, the Dean of Students, and the Dean of the College; three faculty members appointed by the Dean of the College, and the Associate Dean of Students or designee, who serves as a non-voting Board advisor. The College Honor Board serves these purposes:

- a) to hear all alleged violations of the academic integrity policy and determine whether the accused student, *more likely than not*, violated the policy.
- b) to impose disciplinary outcomes and/or recommend outcomes to the Assistant Dean of Students/Director, as noted in this *Code*.
- c) to advise and consult with academic and administrative officers in matters related to academic integrity standards, policies, and procedures.

4. **COLLEGE REVIEW BOARD:** consisting of at least one student, one faculty member, and one staff member, may be appointed by the Associate Dean of Students or designee to hear alleged policy violations and determine whether the accused student, *more likely than not*, violated the policy and determine appropriate outcomes as necessary under the following circumstances:

- a) when alleged violations involve faculty and/or staff members as victims,
- b) when alleged violations are felony crimes under Oregon statute or federal law,
- c) when other boards are unable to obtain a quorum or are unable to hear a case,
- d) at the discretion of the Associate Dean of Students or designee.
- e) all cases of alleged violation of the College's Harassment and Discrimination Policy and the Hate and Bias Policy.

5. **SEXUAL MISCONDUCT BOARD:** is composed of specially trained

administrators, staff and faculty three of whom will be selected to hear a case of alleged violation of the Sexual Misconduct Policy (<http://www.lclark.edu/dept/pathfind/sexconduct.html>) and determine whether the accused student, *more likely than not*, violated the policy and determine appropriate outcomes as necessary. Members of the Sexual Misconduct Review Board are selected in accordance with the Sexual Conduct Policy. Board membership may be challenged as outlined in the Sexual Conduct Policy.

C. Should any voting member of a conduct board be in a position that may suggest a potential conflict of interest in a specific case, the member will be replaced for that conduct meeting by action of the chair and/or the Dean of the College in the case of faculty members on the College Honor Board.

D. At the discretion of the Associate Dean of Students or designee, cases involving assault, intimidation, or other matters posing an immediate threat to the campus community, may be handled by the Associate Dean of Students or designee, independent of conduct board action

XIII. SELECTION AND REMOVAL OF BOARD MEMBERS

A. Members of the various conduct boards are selected and/or appointed in accordance with:

1. the procedures developed by the Associate Dean of Students and/or,
2. the ASLC bylaws.

B. Student members of any conduct board who are charged with any violation of this Code or with a criminal offense may be suspended from their conduct positions by the Associate Dean of Students or designee until a final resolution of the situation is obtained. Students found responsible for any such violation or offense may be disqualified from any further participation in the College conduct system by the Associate Dean of Students or designee. Additional grounds and procedures for removal may also be set forth in the various conduct boards' rules of procedure.

XIV. ADMINISTRATIVE HEARING PROCEDURES

A. The Associate Dean of Students or designee shall hear all administrative hearings.

B. Administrative hearings are held privately.

C. Administrative hearings may be held with all involved students or individually.

D. Students subject to an administrative hearing shall receive the following:

1. Written notice of what policies have alleged to be violated a minimum of 24 hours in advance of the administrative hearing. The College uses either the assigned MSC or LC email address as the means of delivering the written notice.
2. An opportunity to address the issue(s) before one of the aforementioned Conduct Authorities (section XII) not more than fifteen calendar days after the student has been notified in writing. Maximum time limits for scheduling of conduct meetings may be extended at the discretion of the Associate Dean of Students or designee.
3. A written decision and explanation of any outcomes within 5 business days of hearing.
4. An opportunity to appeal the decision as outlined in section XIX “Appeals”.
5. Conduct Hearings are not recorded.

XV. COLLEGE REVIEW BOARD HEARING PROCEDURES

A. The same procedures outlined under section XIII and the following are College procedure for College Review Board Hearings:

1. Students will, in addition to the notice of alleged violations, receive a copy of the hearing procedures and tips for the process.
2. Admission of any person to the meeting is at the discretion of the College Review Board Chair or Conduct Authority;
3. In Board hearings involving more than one accused student, the Chair or Conduct Authority may permit the meetings concerning each student to be conducted separately;
4. Campus Advisors may accompany the complainant and the accused. The complainant and/or the accused are responsible for presenting their own information. Campus Advisors are not permitted to speak in the proceedings except to the accused. Campus Advisors can only be Lewis & Clark College faculty, staff, or students.
5. The complainant and/or the accused may request to present witnesses, subject to questioning by the Conduct Authority.
6. Pertinent records, exhibits, and written statements may be accepted for consideration at the discretion of the Chair or Conduct Authority.

7. All procedural questions are subject to the final decision of the Chair or Conduct Authority, in consultation with the Associate Dean of Students.
8. After the hearing, the Chair or Conduct Authority or the Board determines (by majority vote) whether the student is responsible for the alleged policy violation. If the case is heard by an administrator, they will solely determine responsibility and as necessary the appropriate outcomes.
9. The Associate Dean of Students or designee or the Board's determination is made on the basis of whether it is *more likely than not* that the accused student violated the policy/policies.
10. There is a record of all meetings conducted before the Board, consisting of official documentation and an audio recording of the meeting. The audio record is the property of the College; it is only used by the College in the course of the appeals process, and is maintained by the Associate Dean of Students Office, who will destroy it after the expiration of the appeal time.
11. In order for the Board to assess the episode of conduct as being likely to have violated the Hate and Bias Policy, it must consider if the following conditions have been satisfied:
 - The conduct was intended to cause harm.
 - The conduct cannot reasonably be considered an effort to address a topic of academic, literary, artistic, scientific, social, political, or religious significance.

XVI. COLLEGE HONOR BOARD HEARING PROCEDURES

- A. Principles governing College Honor Board (CHB) decisions of alleged academic misconduct are as follows:
- B. Academic penalties: (e.g., grades) are imposed only by faculty members (i.e., course instructor).
- C. because academic dishonesty is a policy violation, disciplinary penalties (e.g., probation, suspension, or dismissal) may be imposed only by the Associate Dean of Students or designee, upon recommendation from the College Honor Board.
- D. In the case of alleged academic dishonesty, the following procedures are used to resolve cases:
 1. if a faculty member (i.e., course instructor) has reason to believe that a student has committed an act of academic dishonesty, the faculty member

consults in private with the accused student to demonstrate evidence of the alleged violation, providing the student an opportunity to explain the incident.

2. the faculty member is encouraged to consult informally with the Associate Dean of Students or designee before this meeting to determine whether other such reports have been made about the accused student. The Associate Dean of Students maintains a confidential record of these informal reports.

3. if the faculty member believes the student is responsible for the alleged violation(s), the faculty member assigns a penalty grade and notifies the College Honor Board Chair, who forwards the report form in a timely manner to the Registrar, Associate Dean of Students, and Dean of the College. The faculty member and the student(s) must each acknowledge the initial meeting in writing by signing the report form, and each receives a copy of the form, which advises the student and the faculty member of a formal meeting before the College Honor Board.

4. the College Honor Board reviews the case in accordance with written procedures, and disciplinary outcomes, if any, are recommended by the College Honor Board to the Associate Dean of Students.

5. if the College Honor Board exonerates the student, the College Honor Board chair will request that the faculty member remove the penalty grade. Should the faculty member be unwilling to do so, the College Honor Board Chair will request a review of the case by the Dean of the College, who will have the authority to make a final determination

6. when the penalty grade is an “F” for the course, the faculty member notifies the Registrar that the student may not drop or withdraw from the class. A failing grade may also be imposed in a course taken C/NC, as an exception to the general grading practice. The Registrar records an “NG” (i.e., no grade) pending the final recommendations by the College Honor Board. The Registrar will not formally record the failing grade until after the conclusion of the appeals process, or the deadline for filing of an appeal when no appeal is filed. Students appealing a decision are permitted to attend and fully participate in the course until the case is resolved.

XVII. SEXUAL MISCONDUCT BOARD PROCEDURES

Sexual Misconduct Board proceedings are conducted in accordance with guidelines established in the Sexual Misconduct Policy located in the Pathfinder at: <http://www.lclark.edu/dept/pathfind/sexconduct.html>.

XVIII. STUDENT GROUPS AND ORGANIZATIONS

A. Student groups and organizations may be charged with violations of this Code or College policy.

B. The officers and/or leaders of a student group or organization and its members may be subject to discipline under the code when violations under this code are committed by the group or organization with direct or indirect encouragement by its member, the officers and/or leaders.

C. The officers or leaders or any identifiable spokespersons for a student group or organization may be directed by the Associate Dean of Students or designee to take action to prevent or end violations by the group or organization or by any persons associated with the group or organization who can reasonably be said to be acting on the group's or organization's behalf. Failure to make reasonable efforts to comply with the Associate Dean's directive shall be considered a violation of College policy, both by the officers, leaders, or spokespersons for the group or organization and by the group or organization itself.

D. Outcomes may include revocation or denial of recognition or registration, as well as other appropriate outcomes.

XIX. APPEALS

A. Appeals may only be made by

- the student alleged to have violated a policy in the original hearing

or

- the student complainant in the original hearing, when such is present.

If a student chooses to appeal a decision, they must submit their appeal in writing to the appropriate appellate officer (see c, d, and e below) within five business days of the date of the outcome letter.

In the written appeal, the person appealing may choose to have their appeal resolved by either the appropriate appellate officer (see c, d, and e below) or the appropriate hearing board (see f below).

To receive consideration, a student's appeal must be full and complete upon its submission, including the basis for appeal and any supporting documentation. No appeal hearing will be held. The appellate officer or board will render its decision on the appeal based solely upon the student's written appeal and the record of the original hearing.

The original decision will only be reviewed to determine if any of the following conditions were present:

1. The original conduct hearing was not conducted in conformity with the procedures outlined in this *Code*.
2. The decision reached regarding the accused student was not based on substantial information, that is, whether there was evidence sufficient to establish that a violation of this *Code* and/or College Policy occurred under the *more likely than not* standard.
3. Outcome(s) imposed were not appropriate for the violation, which the student was found to have committed.
4. New information and/or other relevant facts not known to the person appealing at the time of the original conduct hearing or board hearing are sufficient to alter a decision.

B. If none of the above conditions are met, then the original decision will stand. If, however, any of the conditions are found to exist, the appellate officer or board will review the complaint and will decide upon the appropriate action and make a recommendation. Where possible, the complaint will be returned to the original conduct authority for reconsideration, if such action will cure the flaw that gave rise to the granting of the appeal request. If the complaint cannot be returned to the original conduct authority, the appellate officer or board, or designee, is authorized to reconsider the complaint based on the record of the original hearing. The appellate or designee does not rehear complaints, but rather weighs the merits of the appeal and makes a decision in accordance with the evidence presented in the hearing and the appeal materials. All appeal decisions by the appellate officer or board, or designee, are final.

C. Conduct Hearing, College Review Board, and Sexual Misconduct Board appeals must be directed to the Associate Dean of Students.

D. College Honor Board appeals must be directed to the Dean of the College.

E. Appeals of decisions reached by the Associate Dean of Students must be directed to the Dean of Students. Upon receipt, the Dean of Students may resolve the appeal or delegate that decision to a designee at the Dean's discretion.

F. If the student chooses to have their appeal resolved by an Appeal Board, a board will be constituted to review the appeal. The Appeal Board will consist of one staff member, one faculty member, and one student member. If the hearing being appealed was conducted by a board (College Review, Sexual Misconduct, or College Honor), the members of the Appeal Board will meet the qualifications of the original board, but will not include members of that original board.

XX. CONDUCT FILES AND RECORDS

A. The formal conduct review process prompts creation of a conduct file in the Associate Dean of Students Office. The conduct file contains information related

to the incident as well as the following:

1. any written statements from earlier conduct documents bearing the name of the student violator which has been maintained at the Campus Living Coordinator level.
2. copies of letters regarding prior conduct matters.
3. any subsequent correspondence related to the case.
4. materials related to outcomes.
5. other reports at the discretion of the Associate Dean of Students or designee.
6. written comments from the student violator concerning the content of the conduct file.

B. Students may review the contents of their conduct file, and may respond or comment in writing concerning anything in the file.

C. Conduct records of students found responsible will be destroyed seven years after the student graduates or departs from the institution.

D. Conduct files are maintained permanently in the event of College suspension, dismissal, or trespass.

E. Conduct records of students who have not yet responded to allegations or completed assigned outcomes will remain active. Once they have responded, the records are retained in accordance with the procedures above.

F. The Associate Dean of Students or designee for good cause may void conduct records, upon written petition of student(s). Factors to be considered in review of such petitions include:

1. the present demeanor of the student;
2. the conduct of the student subsequent to the violation;
3. the nature of the violation and the severity of any damage, injury, or harm resulting from it.

G. Conduct files are treated as educational records under the provisions of the Family Education Rights and Privacy Act (FERPA) and may be viewed only by those who have a legitimate need to know such information in the conduct of their official duties. Otherwise, content of the file may only be released to others with the express written consent of the student whose name is on the file. The file is maintained in the Associate Dean of Students Office.

XXI. INTERPRETATION AND REVISION

- A. The College publishes this Code to provide students with general notice of prohibited conduct. Since this Code is not written with the specificity of a criminal statute it is open to interpretation and application by students, College administrators, faculty members, committees and organizations acting in an official capacity.
- B. Any question of interpretation regarding this Code and College policy must be referred to the Associate Dean of Students or designee for final determination.
- C. This Code and College policies are reviewed annually under the direction of the Associate Dean of Students or designee, who consults with the ASLC Chief Justice, College Honor Board chair, and other students, faculty, and staff as appropriate.
- D. Changes to this Code recommended through this consultative process are subject to approval by the Dean of Students.
- E. From time to time, the College modifies policies, procedures, programs, office locations, and personnel. The college may, at its discretion, make appropriate modifications, with or without notice. Changes will appear in the Pathfinder at <http://www.lclark.edu/dept/pathfind>. Policies in place at the time an alleged violation occurs shall be the policies against which the conduct is resolved in any subsequent conduct hearing or meeting.