

MUHLENBERG COLLEGE STUDENT CODE OF CONDUCT

STATEMENT OF PURPOSE

Muhlenberg College is committed to the health, safety and success of all students. In addition, the College believes that diversity, in many forms and expressions, is essential to its educational mission and to its success as a community. Achieving our educational mission requires that we foster a campus environment that is safe and inclusive and allows for students to maximize their academic and personal potential.

As such, this Code of Conduct ("Code") outlines the rights, responsibilities and expectations for all student members of the Muhlenberg College community. The College's disciplinary processes emphasize education by focusing on the growth and development of the individual student, encouraging self-discipline, and fostering a sense of respect for the rights of others.

The College also has an obligation to maintain socially and educationally responsible behavior among its members. To this end, the disciplinary process is designed to redirect the behavior of a student into acceptable patterns and to protect the College community while helping each student clarify and solidify individual values.

Ultimately, in accordance with its mission, Muhlenberg College aims to develop independent critical thinkers who are intellectually agile, characterized by a zest for reasoned and civil debate, committed to understanding the diversity of the human experience, able to express ideas with clarity and grace, committed to life-long learning, equipped with ethical and civic values, and prepared for lives of leadership and service. **The policies and procedures specified in this Code are designed to affirm, protect, and model these goals. By accepting admission to Muhlenberg College, each student agrees to abide and be bound by the policies and procedures set forth in this Code.**

TABLE OF CONTENTS

Article I	Definitions
Article II	Authority and Jurisdiction
Article III	Expectations of Community Members
Article IV	Emergency Authority
Article V	Responsibilities and Fundamental Fairness
Article VI	Sanctions and Remedies
Article VII	Role of the Conduct Officer
Article VIII	Process and Procedure
Article IX	Appeals
Article X	Miscellaneous

ARTICLE I – DEFINITIONS

1. **Academic Days** - A "day," as defined in this Code, unless otherwise indicated, shall refer to academic days, Monday through Friday, when the College is in session provided that when matters are unresolved as of the last day of finals, for the purpose of concluding such matters expeditiously, "days" shall mean calendar days immediately following the last day of finals.

2. **Appeals Board** - A group of people authorized by the College to review and decide Hearing Board appeals filed pursuant to Article IX of this Code.
3. **College** – Refers to Muhlenberg College.
4. **College Official** – Any person who is empowered by the institution with some level of authority. A non-exhaustive list of College Officials includes: faculty, administrative managers, staff, resident advisors, and other student employees.
5. **Complainant** – Refers to any person or group that files a report or complaint alleging violations of this Code. Muhlenberg College reserves the right to act as the complainant in any disciplinary matter.
6. **Conduct Officer** – The person or persons designated by the College's undergraduate school, School of Continuing Studies and School of Graduate Studies as primarily responsible for administering the student conduct process.
7. **Dean of Students** - In regard to matters involving students of the College's undergraduate school, Dean of Students shall mean the College's Vice President for College Life. In regard to matters involving students of the College's School of Continuing Studies, Dean of Students shall mean the College's Dean of Continuing Studies. In regard to matters involving the College's School of Graduate Studies, Dean of Students shall mean the College's Dean of Graduate Studies.
8. **Disciplinary Proceedings** – Any process used to resolve student conduct matters including, Disciplinary Conferences, Hearing Boards, Appeals Boards, Restorative Practices or other processes outlined in this Code or other related policies.
9. **Hearing Officer or Hearing Board** – A person or a group of people, respectively, authorized by the College to determine whether a student or student group has violated this Code and to recommend or impose sanctions during a disciplinary proceeding.
10. **May and Shall** – The word “may” will be used in the permissive sense and the word “shall” will be used in the imperative sense.
11. **Member of the College Community** – Includes any person who is a student, instructor, faculty member, administrative manager, College official, or any other employee or contractor of the College. A person's status in a particular situation shall be determined by the College.
12. **Policy** - Any written policy, directive, rule or regulation of Muhlenberg College.
13. **Preponderance of the Evidence** - Means that it is “more likely than not” or there is a greater than 50 percent chance that conduct in violation of this Code has occurred.

14. **Respondent** – Refers to any student or student group against whom a report or complaint alleging violations of this Code is filed.
15. **Student** – In regard to the College's undergraduate school, a person is considered a student from the time they are notified of their acceptance to Muhlenberg and submit their initial deposit until they have completed the required units, applied for candidacy, and received their diplomas, unless the person's enrollment at the College is terminated for other reasons. In regard to the College's School of Continuing Studies, a person is considered a student from the time that they first register for a class at the College until they have completed the required units, applied for candidacy, and received their diplomas, unless the person's enrollment at the College is terminated for other reasons. In regard to the College's School of Graduate Studies, a person is considered a student from the time they are notified of their acceptance to Muhlenberg and submit their initial deposit until they have completed the required units, applied for candidacy, and received their diplomas, unless the person's enrollment at the College is terminated for other reasons.
16. **Student Group** – Any number of students recognized formally or informally by the College as a student organization, including clubs, organizations, athletic teams, fraternities and sororities and/or cohorts in direct conjunction with current academic courses.

ARTICLE II – AUTHORITY AND JURISDICTION

1. Student conduct standards at the College should not be equated to state or federal criminal codes. Even in cases involving suspension or expulsion, the goals of the College include education and student development in addition to addressing harm and enhancing community protection. Consequently, College disciplinary policies and procedures, grounded in fundamental fairness, are focused on truth-seeking, and are not adversarial procedures. The College conducts investigatory proceedings and conferences, not trials. Disciplinary authority has been delegated by the Board of Trustees to College administrative managers, faculty members, committees, and student groups, as set forth in this Code, or in other policies adopted by the Board of Trustees.
2. This Code applies to individual students and student groups, each as defined above. A student group and each member of a student group may be charged with violations of this Code and may be held responsible for any such violations. A student group may be held accountable for the actions of any of its members if the alleged violation of this Code is in any way related to the student group. The actions in question need not be officially approved or sanctioned by the entire membership of the student group and there is no minimum number of members that must be involved to hold the student group accountable. In some instances, the conduct of a single member of a student group may provide sufficient grounds to hold the student group accountable. An appropriate but non-exhaustive test to determine if a student group can be held accountable is to examine the behavior and ask if it is likely that the individuals would have been involved in the incident if they were not members of the student group or, if, by

group action, the incident was encouraged, fostered, or might have been prevented.

3. Students and student groups are expected to live up to the expectations of positive behavior as set forth in this Code and other College policies. This Code applies to conduct occurring on property owned, controlled, used or managed by the College, and adjacent streets and sidewalks, and at College sponsored activities on or off-campus, including off-campus study programs. The College also reserves the right to hold students accountable for any violation(s) of this Code or of local, state, or federal law that occurs off-campus and could reasonably have an adverse effect on the College, any member of the Muhlenberg College community or the stability or continuance of College functions.
4. Notwithstanding any other provision of this Code to the contrary, at the discretion of the Dean of Students and in compliance with the Family Educational Rights and Privacy Act, if a student group is alleged to have violated this Code, the College may communicate to the College community the allegations, findings of fact, violations and/or sanctions imposed in connection with such violations, if any.
5. Students are responsible for the actions of their invited visitors. As set forth in the Muhlenberg College Visitor Policy, violation of any College policy by a visitor of a Muhlenberg student may subject that student to disciplinary action under this Code.
6. Student behavior that violates this Code may also result in allegations of illegal activity. When student behavior is in violation of law and of this Code, the College reserves the right to administer disciplinary action independent of any civil or criminal action by governmental agencies. Disciplinary action at the College will normally proceed while criminal charges are pending and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced. However, the College may elect, considering the circumstances of the case, to delay on-campus disciplinary action pending the resolution of criminal charges. When the College has jurisdiction in a matter subject to this Code, it also has the right to report the matter, whenever appropriate, to law enforcement or other civil authorities.

ARTICLE III – EXPECTATIONS OF COMMUNITY MEMBERS

Muhlenberg College students are expected to be members of a community of responsibility. They have a duty to foster and preserve a collegiate environment that encourages the maximum development of themselves, their fellow students, and the larger society. They adhere to the highest standards of good citizenship. They conduct themselves with honesty, integrity, and due regard for the rights and property of others. The lists of prohibited conduct below are not exhaustive and represent a range of possible violations.

1. **Care for Others.** Muhlenberg College students are expected to show maturity, social responsibility, and care for other people.
 - a. Prohibited conduct:
 - i. **Physical Violence/Assault**

- ii. **Threats of Physical Violence/Assault**
- iii. **Harassment** – Any conduct that causes or could reasonably be expected to cause undue worry and/or torment or that is committed with the intent to harm, harass, annoy or alarm another person. Harassment includes, but is not limited to, the following:
 - 1. engaging in conduct or a course of conduct which serves no legitimate purpose and is objectively offensive, obscene or threatening,
 - 2. communicating to or about another person in an objectively offensive, obscene or threatening manner,
 - 3. an act of hostility motivated by bias towards a member of a protected class,¹
 - 4. repeated communications (verbal, nonverbal, written or electronic) to another person in an anonymous manner or at extremely inconvenient hours, and
 - 5. stalking (i.e. a course of conduct or repeated communications (verbal, nonverbal, written or electronic) toward another person, including following the person without proper authority).
- iv. **Hazing** as defined in the Muhlenberg College Anti-Hazing Policy found in the Student Handbook.
- v. **Threats to Safety** - Any conduct which threatens the health or safety of a person or persons.
- vi. **Weapons** - Possession of any weapon on property owned, controlled, used or managed by the College, or at College sponsored activities on or off-campus, including off-campus study programs or otherwise violating the Muhlenberg College Firearms and Other Weapons Policy found in the Student Handbook.

2. **Care for Property.** Muhlenberg College students are expected to treat the property of others, including College property, with respect.

a. Prohibited conduct:

- i. Intentionally or recklessly interfering with the property of another, taking property without permission (theft) and/or destroying, defacing, or damaging the property of another.
- ii. Theft of services including, but not limited to, services such as telephone or computer services, including copyrighted computer programs, and other copyrighted material such as movies and/or music, or otherwise violating the Muhlenberg College Electronic Communications and Information Technology Access Policy found in the Student Handbook.
- iii. Knowingly possessing stolen property.
- iv. Trespassing and/or occupying or possessing College property or the property of another without permission or purpose.

¹ “Protected classes” include age, ancestry, color, disability, gender, gender identity, marital status, national or ethnic origin, pregnancy, childbirth and related medical conditions, race, religion, sex, sexual orientation, veteran status, or any other basis protected by applicable federal, state, or local laws.

- v. Misuse of College property including laboratory and lab equipment, athletic equipment and/or all other College property.
3. **Care for the Community.** Muhlenberg College expects that its students will treat the community with care and respect. Students are expected to be ethical representatives of the standards of Muhlenberg College, know and show respect for College policies including this Code, and to hold themselves and others accountable for their behavior.
- a. Prohibited conduct:
 - i. Disorderly Conduct – Conduct which causes or could reasonably be expected to cause inconvenience, annoyance or alarm, or recklessly creates a risk by:
 - 1. engaging in fighting or threatening, or in violent or tumultuous behavior;
 - 2. making unreasonable noise;
 - 3. using objectively offensive or obscene language, or making an obscene gesture; or
 - 4. creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.
 - ii. Intentionally or recklessly providing false information to any College official including Campus Safety staff and Housing & Residence Life staff.
 - iii. Failure to comply with the reasonable requests of a College official, including presenting appropriate identification.
 - iv. Violation of an issued No Contact Letter.
 - v. Intentionally or recklessly providing false or misleading testimony to a Hearing Officer, Hearing Board or Appeals Board.
 - vi. Failure to participate in or disruption of the College disciplinary process.
 - vii. Failure to maintain confidentiality as required by this Code.
 - viii. Knowingly or recklessly instituting proceedings or filing false allegations through the College disciplinary process.
 - ix. Harassment, intimidation, or retaliation against any person for participating in the College disciplinary process.
 - x. Intentionally or recklessly causing an emergency or dangerous environment or condition.
 - xi. Failure to complete any assigned sanction.
 - xii. Violating any College policy including, but not limited to, the policies set forth in the Student Handbook.
 - xiii. Encouraging or facilitating others in violating this Code or any other College policy.
 - xiv. Violation of any Federal, state, or local laws or ordinances.
 - xv. Intentionally or recklessly violating the College's Hate Symbols Policy.
4. **Protected Class Discrimination and Harassment, Sexual Misconduct, Intimate Partner Violence, Stalking, and Retaliation Harassment.** Muhlenberg College is dedicated to providing a diverse, equitable, and inclusive educational and work environment for all students, faculty, and staff. The College believes that deeply engaging with the multiple concerns, forms and expressions of diversity enriches

the liberal arts education of all our students, prepares our graduates for lives of leadership and global citizenship, and enhances the quality of life on campus for all of our community members. As such, the College has developed the Equal Opportunity and Nondiscrimination Policy (the "EO Policy") and expects that its students will treat others with dignity, respect, and empathy. Students shall not engage in behavior prohibited in the EO Policy including, but not limited to, discrimination (based on protected class), harassment (based on protected class), hate crimes, sexual harassment, sexual misconduct, intimate partner violence, stalking, false reports or allegations and retaliatory harassment.

ARTICLE IV – EMERGENCY AUTHORITY

1. The Dean of Students or the Dean's designee shall have the authority to take emergency action at any time when, in their judgment, it is necessary to do so. This includes enacting or suspending College rules and regulations.
2. Whenever the Dean of Students or the Dean's designee determines that the continued presence of a student or student group at the College poses or could reasonably be expected to pose a substantial and/or immediate threat to (i) the student or to others; or (ii) to the College, any member of the Muhlenberg College community or the stability or continuance of College functions, the Dean of Students or the Dean's designee may, on an interim basis and without prior notice, immediately suspend the student or student group from the College; restrict the student's or student group's access to College property, activities or functions, in whole or in part; remove the student or members of the student group from College housing; and/or impose such other interim measures as deemed appropriate. Students that are subject to an interim suspension and removed from campus may contact faculty to attempt to make arrangements regarding coursework but such arrangements are at the sole discretion of the faculty.
3. The Dean of Students or the Dean's designee may issue No-Contact Letters to any students involved in a matter that could, in the Dean's discretion, constitute a violation of this Code or any other College Policy or where further contact between the students poses or could reasonably be expected to pose an immediate and objective threat (physically or psychologically) to the student(s) or to others, or to the stability or continuance of College functions. No-Contact Letters may be temporary or permanent and any violation of a No-Contact Letter shall be deemed a violation of this Code.

ARTICLE V – RESPONSIBILITIES AND FUNDAMENTAL FAIRNESS

1. **Responsibilities of Individual Students**
 - a. Students are responsible for knowing and adhering to the expectations outlined in this Code as it may be amended from time-to-time.
 - b. Students are responsible for fully cooperating with College officials investigating alleged violations of this Code or any other College policy and are required to provide complete, accurate, and truthful information and any potentially relevant documentation in any format.

- c. Student witnesses are responsible for appearing at any disciplinary proceeding when called to do so and providing truthful and complete information to the Hearing Board or the Hearing Officer when asked.
- d. Individual respondents are not required to provide statements or answer questions in connection with any investigation of alleged violations of this Code or at any related disciplinary proceeding. However, all such investigations and disciplinary proceedings shall proceed notwithstanding the decision by an individual respondent to remain silent.

2. **Responsibilities of Student Groups**

- a. Student groups are responsible for educating their members on this Code and other College policies and how they relate to student groups.
- b. Student groups are responsible for fully cooperating with College officials investigating alleged violations of this Code or any other College policy. Student groups are responsible for ensuring that their members provide complete, accurate, and truthful information and any potentially relevant documentation in any format.
- c. Student Groups are responsible for having a representative appear at any disciplinary proceeding when called to do so and providing truthful and complete information to the Hearing Board or the Hearing Officer when asked.
- d. Members of a respondent student group are required to provide statements and/or answer questions in connection with any investigation of alleged violations of this Code by the respondent student group and/or at any related disciplinary proceeding.

3. Muhlenberg College has an interest in providing fundamental fairness in all conduct matters. The College will provide the following to respondent students and student groups in relation to alleged violations of this Code.

- a. **Presumption of non-responsibility.** A respondent shall be considered not responsible unless sufficient evidence is presented to the contrary. A "preponderance of evidence" (as defined in Article 1) must be present to find a respondent student or student group responsible for a particular violation of this Code.
- b. **Written Notification.** A respondent is entitled to written notification of any allegations brought against the respondent and an outline of the College's disciplinary procedures under this Code. If additional allegations are brought against a respondent, a further written notice must be sent. These notices may be sent via a secure electronic system to an official Muhlenberg College email address, via campus mail or U.S. mail (to the last known address maintained by the College) or personally delivered to the respondent. Any of these methods of notification shall be considered sufficient. If a disciplinary proceeding is scheduled, the Conduct Officer shall notify the respondent of the time, date, and location of the disciplinary proceeding at least two (2) days before a scheduled Disciplinary Conference and at least five (5) days before a scheduled Hearing Board.
- c. **Representation by a member.** Respondent student groups have the right to choose one current student member to represent it at a disciplinary proceeding. At the discretion of the Conduct Officer, the respondent

- student group is also permitted to have two additional student members present to witness the proceedings. These members may not be called as witnesses, may not participate in the disciplinary proceeding in any way, and may be removed by the Hearing Officer or the Hearing Board if they are disruptive or prove distracting or intimidating to any participant. Permission may be given by the Conduct Officer to allow non-member representatives of the student group to replace the two student observers.
- d. **Advisory assistance.** Upon being referred to a Hearing Board, the Conduct Officer shall assign the respondent student or student group a trained and approved member of the management staff to act as the respondent's Advisor. Upon being referred to a Disciplinary Conference, the Conduct Officer shall provide the respondent student or student group with a list of trained and approved Muhlenberg students to act as the respondent's Advisor. The respondent may elect to reject the individuals provided and select a different (non-trained) member of the College community to serve as an Advisor provided that such person agrees to execute a Confidentiality Agreement prepared by the College. Respondents will be asked to acknowledge that they received the names of trained Advisors and the importance of utilizing a trained Advisor. However, no respondent will be required to select or consult any such Advisor. An Advisor may accompany and consult with the respondent; however, the Advisor may not address the Hearing Board, or take part in any disciplinary proceeding.
- i. The following list of College professionals are excluded from acting as an Advisor: the President and President's Staff, the Provost, and Deans and Vice Presidents of the College. In addition, Hearing Officers and individuals serving on Hearing Boards or Appeals Boards may not serve as Advisors. Lastly, neither students nor any other individuals involved in the disciplinary proceeding as a witness or a party may serve as an Advisor.
 - ii. An Advisor who interferes with or is disruptive to the process, causes unreasonable delay, or persists in trying to substantively participate in the process after a warning to cease and desist may be precluded from attendance at a disciplinary proceeding.
 - iii. An Advisor is expected to maintain the confidentiality of all information disclosed to them and such information may not be disclosed to third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's confidentiality expectations.
- e. **Attorneys.** A respondent may be accompanied by an attorney before a Hearing Board (but not a Disciplinary Conference); however, the attorney may not address the Hearing Board or take part in the hearing process. The respondent must provide written notification to the Conduct Officer of the intent to have an attorney present at least 48 hours prior to the hearing. Except when criminal charges are pending against the respondent, the College reserves the right to refuse to grant permission for the appearance of an attorney on behalf of the respondent at the hearing.

- f. **Accommodation of Disabilities.** If you need, or might need, accommodations during the disciplinary process, you may request them by contacting the Office of Disability Services, Lower Level, Seegers Union, [484-664-3825](tel:484-664-3825). For additional information, please visit: <http://muhlenberg.edu/main/aboutus/disabilities/>
- g. **Challenge of Hearing Officers and members of Hearing Boards and Appeals Boards.** Prior to a scheduled Disciplinary Conference, hearing before a Hearing Board or proceeding before an Appeals Board, the respondent shall be advised of the names of the Hearing Officer or members of the applicable Hearing Board or Appeals Board. The respondent shall have the right to challenge the presence of a Hearing Officer or a member(s) of a Hearing Board or Appeals Board for good reason such as a personal bias towards a participant or a preformed judgment in the particular matter. In the case of a Hearing Board or an Appeals Board, the removal of a Hearing Board or Appeals Board member shall be at the discretion of the Conduct Officer. In cases involving Disciplinary Conferences, the removal of the Hearing Officer shall be at the discretion of the Conduct Officer. Prior to the Disciplinary Conference, hearing before a Hearing Board or proceeding before an Appeals Board, the respondent shall not, directly or indirectly, contact the Hearing Officer or members of the applicable Hearing Board or Appeals Board regarding the disciplinary proceeding.
- h. **Refuse to answer any question or make a statement.** As noted above, individual respondents are not required to provide statements or answer questions in connection with any investigation of alleged violations of this Code or at any related disciplinary proceeding. However, all such investigations and disciplinary proceedings shall proceed notwithstanding the decision by an individual respondent to remain silent. Members of a respondent student group are required to provide statements and/or answer questions in connection with any investigation of alleged violations of this Code by the respondent student group and/or at any related disciplinary proceeding.
- i. **Past disciplinary record.** The past disciplinary record of a respondent (including any matters which may have been expunged pursuant to Article X below) will not be disclosed to a Hearing Board unless a determination of responsibility is made, except if introduced by the respondent or in cases in which the respondent is charged with failure to complete sanctions. In addition, a Hearing Officer (in the case of a Disciplinary Conference) and the Dean of Students (if the Dean is required to impose sanctions in connection with a determination of responsibility by a Hearing Board) will have access to a respondent's disciplinary record (including any matters which may have been expunged pursuant to Article X below).
- j. **Notification of outcomes.** At the conclusion of a disciplinary proceeding, the Conduct Officer shall send the respondent a written notification of the resolution of the disciplinary proceeding including a summary of the alleged violations of this Code and the findings of the Hearing Officer or Hearing Board. If the respondent is found to have violated this Code, the notice shall also include the sanctions imposed in connection with such violation(s) and, if applicable, a statement regarding the right to request

an appeal and the procedures for making such an appeal. In addition, the Conduct Officer shall notify the complainant (or the subject of the alleged violations of this Code if the College has acted as the complainant) either in writing or in person of the resolution of the disciplinary proceeding including a summary of the alleged violations of this Code for which the respondent was found responsible and, if applicable, the primary sanctions imposed on the respondent.

- k. **Right of appeal.** See Article IX of this Code.
- l. **Admission of relevant evidence.** Evidence is admissible when, in the opinion of the Hearing Officer or the majority of the Hearing Board, it is shown to be relevant to the matter. Evidence obtained by a search of a student's person or property shall be admissible if that search was conducted by municipal law enforcement officers or College officials while acting in accordance with their duties. Lie detector/polygraph evidence and illegally obtained evidence shall not be admissible or considered by any Hearing Officer or Hearing Board.
- m. **Closed hearings.** All disciplinary proceedings shall be closed to the public provided that in disciplinary proceedings not involving student groups, up to two immediate family members and one non-related support person (provided that such person is not a Muhlenberg Student), as requested by the respondent student and approved by the Conduct Officer, may attend. In addition, the Dean of Students reserves the right in exceptional circumstances to permit up to two immediate family members of any witness to attend a disciplinary proceeding while such witness is testifying. Support persons and family members may not address the Hearing Officer or the Hearing Board or confer with the respondent or witness during the disciplinary proceeding or otherwise take part in the disciplinary proceeding.
- n. **Confidentiality.** The evidence, testimony, outcome or other content of any disciplinary proceeding is and shall be considered confidential and may not be released or disclosed by any participant (i.e. respondent, complainant (or the subject of the alleged violations of this Code if the College has acted as the complainant), and witnesses) in such disciplinary proceeding except in accordance with the requirements of this Code. As noted in Article II above, at the discretion of the Dean of Students and in compliance with the Family Educational Rights and Privacy Act, if a student group is alleged to have violated this Code, the College may communicate to the College community the allegations, findings of fact, violations and/or sanctions imposed in connection with violations, if any.

ARTICLE VI – SANCTIONS AND REMEDIES

Muhlenberg College's student conduct system is meant to be educational, restorative, and corrective. Students or student groups who are found responsible for violations of this Code will be assigned at least one primary sanction and/or secondary sanction as necessary to meet these goals. The imposition of any of the below sanctions shall be subject to mitigating factors such as the present demeanor and past disciplinary record of the respondent, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from the offense.

1. Primary Sanctions for Individual Students

- a. **Disciplinary Warning.** Disciplinary warning is a written notice given to a student responsible for a violation of this Code to draw attention to the fact that the student's behavior was not in accordance with College policy and that should a breach of College policy occur again or if the student is found responsible for any future offenses, the student may expect to receive more severe disciplinary action.
- b. **Disciplinary Probation.** Disciplinary probation is a status that notifies the student that their behavior violated the Student Code of Conduct in a serious way. Probationary status may result in, but is not limited to, a student's inability to participate in certain leadership positions on campus, extracurricular or sporting activities, study abroad opportunities, and/or live in MILE and/or off-campus housing. Any other specific restrictions will be outlined by the Hearing Officer or Hearing Board Panel. This status implies that further violations of the Disciplinary Probation terms or the Student Code of Conduct may result in more severe sanctioning, including suspension or expulsion from the College.
- c. **Suspension.** Suspension is a temporary removal of a student from the campus community. A student is removed from the College community for a specified period of time which can be, in extraordinary circumstances, for up to 7 semesters. Suspension may be for the remainder of a semester and/or for the following semester(s). A suspension of more than one semester shall be noted on or with a student's transcript from the effective date of the suspension until the suspension is terminated and the student is permitted to return to the College. A student who is suspended from the College may not be present on any College property or participate in any College or student group sponsored programs or services during suspension. In order to be eligible for return, the student must be in compliance with all aspects of the student's suspension and must have fulfilled any other sanctions imposed for violations of this Code. In addition, students who have been suspended may be required to schedule a pre-return meeting with the Conduct Officer or other administrative staff members before receiving permission to return.
- d. **Expulsion.** Expulsion is the permanent removal of a student from the College and all College property without an opportunity for readmission. An expulsion shall be noted on a student's transcript. A student who is expelled from the College may never be present on any College property or participate in any College or student group sponsored programs or services.
- e. **Delay of Degree.** A student who is found responsible for a violation of this Code may have the awarding of his/her degree delayed for up to 4 semesters.
- f. **Revocation.** Revocation of a student's admission to the College.

2. Secondary Sanctions for Individual Students

- a. **Educational Session.** The student may be required to participate in educational experiences such as a program, workshop, online tutorial, or individual meeting.
- b. **Fines.** Fines will be billed to a student's College account as appropriate.

- c. **Housing Relocation.** The student may be relocated to a different housing assignment. If the student does not move by the noted date, their account will be billed up to \$100 and their old room location will be re-keyed.
- d. **Housing Removal.** The student housing contract will be terminated and no housing refund will be issued. If the student does not perform a proper checkout, the student will incur a \$100 improper checkout fee charged directly to their account.
- e. **Loss of Housing Lottery.** The student will not be provided a number to participate during the housing lottery processes (including general housing lottery, MILE lottery, interest lottery, fraternity and sorority housing, and the off-campus process as well). The student may not be pulled into a space with another student's number and a space will not be able to be held for them. The student will be housed at the completion of the entire housing lottery process by the Office of Housing & Residence Life. This includes general housing lottery, MILE lottery, group interest lottery, fraternity and sorority housing, and the off-campus process as well.
- f. **Loss of Privileges.** The student may be denied access to privileges afforded to them as a member of the College community as appropriate. Privileges include, but are not limited to, internet access, parking privileges, cross-visitation, and involvement in College programs or activities.
- g. **Other Sanctions.** Other sanctions may be imposed as appropriate to achieve the goals of sanctioning mentioned above and to respect the individuality of each case and each student. These may include, but are not limited to, reflection papers, research papers, service projects, work service hours, fire safety fines, referral, program attendance, meetings, and program creation.
- h. **Parent(s) and/or Guardian(s) Conference.** Where appropriate, the parent(s) and/or guardian(s) will be asked to have a conference (in person or over the phone) with the student and an appropriate College administrative manager to discuss the incident.
- i. **Parent(s) and/or Guardian(s) Notification.** Where appropriate, if permitted under the federal Family Educational Rights and Privacy Act, a copy of the outcome letter will be sent to the address on file for the student's parent(s) and/or guardian(s).
- j. **Restitution.** Restitution may be billed by the College for damages incurred by the College and resulting from a student's behavior in violation of this Code. Restitution is not available for damages incurred by an individual or a student group.
- k. **Restorative Practices.** If all of the involved parties are in agreement, the Conduct Officer or other administrative staff members may utilize restorative measures such as restorative circles or conversations as a form of educational sanction.
- l. **Substance Use Assessment.** The student may be required to complete a substance use assessment with an agency identified or approved by the College. The student will be required to furnish proof of completion of any required assessment.

3. Primary Sanctions for Student Groups

- a. **Disciplinary Warning.** Disciplinary warning is a written notice given to a student group responsible for a violation of this Code to draw attention to the fact that the student group's behavior was not in accordance with College policy and that should a breach of College policy occur again or if the student group is found responsible for any future offenses, the student group may expect to receive more severe disciplinary action.
- b. **Disciplinary Probation.** Disciplinary probation is a notification that a student group's behavior violated College policy in a serious way. Student groups may be placed on probation for a specified period of time not to exceed four semesters and this status implies that any further violation of this Code may result in dissolution, termination, or other authorized sanctions. Additional restrictions or conditions may also be imposed, including, but not limited to, limitations on social activities, and additional requirements may be imposed as conditions for reinstatement of recognition in good standing.
- c. **Disciplinary Dissolution.** Disciplinary dissolution is the loss of College recognition for a period of time not to exceed five years. Dissolution is the loss of privilege to use the College's name or represent it in any capacity. In addition, the student group will lose all privileges to use College equipment or facilities. At the end of the dissolution period, the student group shall contact the Dean of Students Office and be required to follow any recognition processes in place at the time and such recognition is not guaranteed. Dissolution shall be imposed for time periods of years, not semesters.
- d. **Disciplinary Termination.** Disciplinary termination is the permanent loss of College recognition. Termination includes the loss of privilege to use the College's name, to represent it in any capacity, to be present on or utilize any College property, equipment or facilities and to participate in any College or student group sponsored programs or services.

4. **Secondary Sanctions for Student Groups**

- a. **Social Probation.** Social probation is the loss of the student group's privileges to host social events (alcohol free and/or with alcohol). Student groups may also be prohibited from hosting any events (alcohol free and/or with alcohol) on or off campus.
- b. **Alcohol-Free Housing.** The student group loses the right to have any alcohol present in the student group's facility including in individual bedrooms/living areas.
- c. **Loss of College Housing.** The student group loses the right to group housing. A student group that has lost its right to College housing must follow any processes in place to reacquire group living rights.
- d. **Removal of Specific Members or Officers.**
- e. **Other Sanctions.** Other possible secondary sanctions include, but are not limited to, the following:
 - i. Restitution or replacement of lost, damaged, or stolen College property. Restitution is not available for damages incurred by an individual or a student group.
 - ii. Suspension of privileges to participate in any activity sponsored by the College and/or to use or occupy certain College facilities.

Sanctions that suspend group privileges shall have a set time of duration indicating when and under what conditions students may regain the privilege.

- iii. Suspension of any right to use the College's name or represent it in any capacity.
- iv. Requirement to hold educational programs for members.
- v. Such other sanctions as appropriate to achieve the goals of sanctioning mentioned above and to respect the individuality of each case and each student group. These may include, but are not limited to, service projects, work service hours, fire safety fines, program attendance, meetings, and program creation.

ARTICLE VII – ROLE OF THE CONDUCT OFFICER

Conduct Officers have the primary responsibility for maintaining the student conduct system in a fundamentally fair manner. Specific responsibilities include:

- a. The receipt and review of alleged violations of this Code.
- b. The coordination of investigations of violations of this Code.
- c. The determination of the proper forum to consider alleged violations of this Code.
- d. Notifying students of charges, disciplinary proceedings, outcomes, and other conduct matters.
- e. The presentation of a matter in the selected forum.
- f. The performance of other duties as required for managing and maintaining the College's student conduct system.

ARTICLE VIII – PROCESS AND PROCEDURE

1. General Information

- a. Alleged violations of this Code may be reported by any person or group inside or outside the College community. The Dean of Students acting on behalf of the College community may elect to file complaints as well. The complaint must be submitted in writing to the Conduct Officer or to Campus Safety or online at:
<https://www.muhsenberg.edu/webapps/incidentreporting/>
- b. When a complaint or report is received, the Conduct Officer will coordinate an investigation to determine whether there is sufficient evidence to support an alleged violation of this Code. If there is sufficient evidence to support an alleged violation of this Code, the Conduct Officer will be responsible for determining the appropriate forum for resolving conduct matters (College Hearing Board, Disciplinary Conference or Restorative Process). The Conduct Officer shall also be responsible for determining if the disciplinary proceeding will take place in-person or remotely (i.e. via zoom, conference call, etc.).
- c. If a Disciplinary Conference is scheduled, the Conduct Officer, or their designee, will contact the respondent student or student group via email at least two (2) days before the scheduled Disciplinary Conference and shall include the allegations, an outline of the disciplinary process and the date, time and location of the Disciplinary Conference. If a Hearing Board is scheduled, the Conduct Officer shall schedule an initial meeting with the

respondent student or student group to review the allegations and an outline of the disciplinary process. The Conduct Officer, or their designee, will also contact the respondent student or student group via email at least five (5) days before the scheduled Hearing Board of the time, date, and location of the scheduled Hearing Board.

- d. The Conduct Officer will be responsible for determining the appropriate forum for resolving conduct matters (College Hearing Board, Disciplinary Conference or Restorative Process). The Conduct Officer shall also be responsible for determining if the disciplinary proceeding will take place in-person or remotely (i.e. via zoom, conference call, etc.).
- e. In instances where a student is alleged to have violated the Equal Opportunity and Nondiscrimination Policy, the procedures set forth in the Student Equal Opportunity Complaint and Resolution Process shall be used rather than the procedures set forth in this Code. In instances where a student is alleged to have violated both the Equal Opportunity and Nondiscrimination Policy and this Code, at the discretion of the Dean of Students, all allegations may be resolved utilizing the procedures set forth in the Student Equal Opportunity Complaint and Resolution Process rather than the procedures set forth in this Code.
- f. In cases where multiple allegations and/or multiple respondents arise out of the same event or series of related events, the Conduct Officer shall have the discretion to direct that a single Hearing Board or Disciplinary Conference be conducted with respect to the multiple allegations/respondents.
- g. The Conduct Officer will, consistent with this Code, develop the specific processes used for all types of disciplinary proceedings. These processes will be available for respondents to review prior to resolution.

2. College Hearing Board

- a. A College Hearing Board is a committee made up of faculty, administrative managers and students authorized by the College. It is responsible for adjudicating conduct matters referred to it by the Conduct Officer.
- b. In regard to matters involving students of the College's undergraduate school, each Hearing Board shall consist of five members: three students, one faculty member (who shall serve as the Hearing Board Chair) and one administrative manager. If a member of a Hearing Board is unavailable on the day of the Hearing, at the discretion of the Conduct Officer, the Hearing Board shall (i) be rescheduled, or (ii) proceed provided that a quorum of four members of the Hearing Board are available and provided one is a faculty member and one is an administrative manager.
- c. In regard to matters involving students of the College's School of Continuing Studies or School of Graduate Studies, each Hearing Board shall consist of three members: one student of the School of Continuing Studies or School of Graduate Studies, one faculty member of the School of Continuing Studies or School of Graduate Studies (who shall serve as the Hearing Board Chair) and one administrative manager. A quorum shall consist of all three members.
- d. An ad hoc Hearing Board may be established by the Dean of Students or the Dean's designee whenever a regular Hearing Board is not constituted,

is unable to obtain a quorum, or is otherwise unable to hear a case. An ad hoc Hearing Board shall be composed of three members, one faculty member, one student, and one administrative staff member.

- e. The Hearing Board shall be responsible for making findings of fact and rendering decisions regarding alleged violations of this Code. In the event that a violation(s) of this Code is/are found, the Hearing Board shall also make recommendations to the Dean of Students regarding appropriate sanctions. The Dean of Students shall then be responsible for rendering decisions regarding appropriate sanctions. Before rendering a decision regarding appropriate sanctions, the Dean of Students may, in the Dean's sole discretion, provide the respondent and the complainant with an opportunity to submit written impact statements describing how the matter has affected them. The Dean of Students shall consult with the President of the College prior to imposing a sanction of expulsion of a student or disciplinary termination of a student group.
- f. Any respondent or respondent student group who fails to appear before a Hearing Board after proper notice will be deemed to have pled "not in violation" to the charges. The Hearing Board may, at its discretion, elect to conduct the hearing in the respondent's absence.
- g. At least two days prior to the hearing before a Hearing Board, the respondent must provide the Conduct Officer with a list of witnesses the respondent intends to present at the hearing, along with information supporting the relevance of each witness. If the respondent fails to provide proper notification that the respondent is bringing witnesses, the admission of such witnesses' testimony will be at the discretion of the Hearing Board and no appeal shall be granted for denying the admission of such testimony. If the respondent intends to present witnesses at the hearing who have not already been identified by the Conduct Officer as witnesses, the respondent shall be responsible for notifying such additional witnesses to ensure that they are available and appear at the hearing.
- h. A respondent shall have the right to hear all testimony, present relevant information, call witnesses on their own behalf and ask questions of any witnesses. Testimony (written or oral) concerning the character of a respondent student or respondent student group is not admissible and will not be presented to or considered by a Hearing Board.
- i. The Hearing Board Chair shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the respondent, who disrupts a hearing, may be removed from the hearing by the Hearing Board Chair.
- j. The Hearing Board shall record all hearings. All such recordings shall remain the property of the College.
- k. If the Hearing Board determines that a supplemental hearing is required to obtain additional evidence, such supplemental hearing shall be held by the Hearing Board within a reasonably prompt period of time.

3. Disciplinary Conferences

- a. A Disciplinary Conference is a hearing resolved by a Hearing Officer instead of a panel. No primary sanction above suspension for one semester or disciplinary probation for student groups may be imposed at a Disciplinary

Conference. A primary sanction of suspension for one semester or disciplinary probation for student groups may only be imposed if the Hearing Officer is the Assistant Dean of Students – Director of the Residential Experience or the Associate Dean of Students.

- b. The Hearing Officer shall be responsible for making findings of fact and rendering decisions regarding alleged violations of this Code. In the event that a violation(s) of this Code is/are found, the Hearing Officer shall also be responsible for rendering decisions regarding appropriate sanctions.
 - c. Any respondent or respondent student group who fails to appear after proper notice will be deemed to have pled “not in violation” to the charges. The Hearing Officer may, at his/her discretion, elect to conduct the Disciplinary Conference in the respondent's or respondent student group's absence.
 - d. Prior to the scheduled Disciplinary Conference, a respondent shall have the opportunity to review all information and documents compiled by the Conduct Officer in connection with any allegations brought against the respondent and present a response and other relevant information. Testimony (written or oral) concerning the character of a respondent student or respondent student group is not admissible and will not be presented to or considered by a Hearing Officer.
 - e. The Hearing Officer shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the Disciplinary Conference.
4. **Restorative Practices.** In some cases, one of three different Restorative Practice techniques can be utilized in place of a formal Disciplinary Conference or Hearing Board. However, Restorative Practice techniques are more often designated as an assigned sanction or as a voluntary opportunity to repair harm after a formal conduct process has concluded. In cases in which Restorative Practice techniques are used in place of a formal conduct process, it will occur before a student is issued formal conduct charges. The Conduct Officer always reserves the option to refer the matter back to a formal process if deemed necessary at any time. In all cases, these techniques will only be used when both the complainant and respondent voluntarily agree. In addition, these Restorative Practices will be led by staff at the College who are formally trained in Restorative Practices work. The three types of Restorative Practices used will be:
- a. **Restorative Dialogues.** Used to discuss an incident or harm that occurred between two individuals and that does not involve any people who were secondarily affected.
 - b. **Restorative Circles.** Used in situations in which multiple people may have been harmed by the actions of one or more people or a group of people. This process involves both parties having a designated support person in the room. It also includes members of any group of people who may have been harmed by the incident. In these scenarios, all members of the group participate in the conversation and have the opportunity to express how they may have been impacted by the situation. Participants will also share suggestions for what actions would assist in repairing any harm done and enable those harmed to move forward from the experience positively.

- c. **Restorative Conferences.** This technique is an extension of either a Restorative Dialogue or Circle. However, at the end of a Restorative Conference, agreed upon outcomes will be drafted by the facilitator into a formal agreement between the parties involved. The parties will sign the agreement and that agreement will be considered a binding contract to which the parties shall adhere in order to avoid further judicial action.

ARTICLE IX – APPEALS

1. **The Right to Appeal.** The decisions of the Hearing Officer, Hearing Board, and Dean of Students shall be final and non-appealable unless a sanction of suspension, expulsion, dissolution or termination is imposed. Appeals in matters involving alleged violations of the Equal Opportunity and Nondiscrimination Policy shall use the processes outlined in the Student Equal Opportunity Complaint and Resolution Procedures.
2. **Grounds for Appeal.**
 - a. Disciplinary Conference
 - i. The only acceptable grounds for an appeal from a Disciplinary Conference is that the sanction(s) imposed is/are unduly harsh.
 - b. Hearing Board: The following are the only acceptable grounds for an appeal from a Hearing Board:
 - i. That the Hearing Board committed a clear error of judgment where the decision was made with no reasonable basis or adequate consideration of all of the relevant circumstances;
 - ii. That a material procedural error occurred that had the reasonable potential of affecting the decisions;
 - iii. That material new evidence exists that was not available prior to or at the time of the hearing and had the reasonable potential of affecting the decisions; and/or
 - iv. That the sanction(s) imposed is/are unduly harsh. Appeals filed on other grounds will be dismissed without review.
3. **Appeals from a Disciplinary Conference.**
 - a. All appeals from a Disciplinary Conference shall be submitted to the Dean of Students in writing within five (5) days after the student or student group receives written notification of the Hearing Officer's decision. The Dean of Students reserves the right to redact or disregard any portion of an appeal that is beyond the permissible grounds for appeal. In addition, it is expected that all appeals will be the work product of the student or student group rather than the student's or student group's counsel (although consultation with counsel is permitted).
 2. The Dean of Students shall present a copy of the appeal to the appropriate Hearing Officer who shall then submit a written response to the appeal to the Dean of Students in a timely manner.
 3. Promptly after receipt of the appeal and the response, the Dean of Students shall review the appeal, the written response, the Hearing Officer's Disciplinary Conference file, the Hearing Officer's decisions regarding alleged violations of

the Code and sanctions, the student's or student group's conduct history, a summary of prior matters involving similar charges and the sanctions imposed in connection therewith, and relevant correspondence from the Dean of Students and the Conduct Officer to the student or student group.

4. After reviewing the above information, the Dean of Students shall be responsible for rendering a final decision regarding the appeal and may confirm, modify or reverse the decision of the Hearing Officer regarding sanctions.
5. The decision of the Dean of Students shall be final and non-appealable.

4. **Appeals Board.** All appeals from a Hearing Board shall be submitted to a College Appeals Board. All decisions of the Appeals Board shall be final and non-appealable.

- i. In regard to matters involving students of the College's undergraduate school, each Appeals Board shall consist of three members: one student, one faculty member (who shall serve as the Appeals Board Chair) and one administrative manager. All three members must be present for a quorum.
- ii. In regard to matters involving students of the College's School of Continuing Studies or the College's School of Graduate Studies, the Appeals Board shall consist solely of the Vice President and Executive Director, of the College's Division of Graduate and Continuing Education.
- iii. An ad hoc Appeals Board may be established by the Dean of Students or the Dean's designee whenever a regular Appeals Board is not constituted, is unable to obtain a quorum, or is otherwise unable to hear a case.

5. **Sanctions.** All sanctions imposed by the Dean of Students or a Hearing Officer shall be in effect during the pendency of any appeal provided that the respondent may request special consideration from the Dean of Students in exigent circumstances. Graduation, study abroad, internships/externships, etc. do not in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where an appeal results in reinstatement to the College or of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.

6. **Process – Hearing Board.**

- a. **Appeal Submission.** The appeal from a Hearing Board must be submitted by the respondent to the Dean of Students office in writing within five (5) days after the student or student group receives written notification of the Hearing Board's and the Dean of Students' decisions. The written appeal must contain only the specific ground(s) upon which the appeal is based and set forth the reasons why the appeal should be granted. The Dean of Students reserves the right to redact or direct the Appeals Board to disregard any portion of an appeal that is beyond the permissible grounds for appeal. In addition, it is expected that all appeals will be the work product of the student or student group rather than the student's or student group's counsel (although consultation with counsel is permitted). The Dean of Students or the Dean's designee, in their sole discretion, may grant

additional time (not to exceed two (2) days) to file an appeal for good cause.

- b. **Response to Appeal.** The Conduct Officer shall present a copy of the appeal to the chairperson of the Hearing Board and/or the Dean of Students depending on the grounds for appeal. Each recipient of the appeal shall submit a written response to the appeal to the Conduct Officer in a timely manner. In appeals that allege a violation of the conduct procedures, the Conduct Officer and the chairperson of the Hearing Board shall write a response. In appeals alleging new evidence, the chairperson of the Hearing Board shall write a response. In appeals asserting that sanctions are unduly harsh, the Dean of Students shall write a response. The Conduct Officer is permitted to assist in the preparation of all responses.
- c. **Appeals Board Review and Determination.** Promptly after receipt of the appeal and the response(s), the Appeals Board will meet to review the appeal. Such review will be limited to the grounds for appeal properly asserted by the respondent student or student group. The Appeals Board may review the written appeal, the written response(s), evidence and testimony presented at the hearing, the Hearing Board's findings of fact, decision regarding alleged violations of the Code and recommendation(s) regarding sanctions, the Dean of Students' decision regarding sanctions, the student's or student group's conduct history, a summary of prior matters involving similar charges and the sanctions imposed in connection therewith, and relevant correspondence from the Dean of Students and the Conduct Officer to the student or student group.
 - i. The Appeals Board shall consider the following principles when deciding an appeal: (i) the original findings and sanction(s) are presumed to have been decided reasonably and appropriately; (ii) appeals are not intended to be full re-investigation of the original allegation(s); and (iii) an appeal granted based on a material procedural error or material new evidence should normally be remanded to the Hearing Board for reconsideration.
 - ii. Possible actions: After a review of the appeals information, the Appeals Board shall deliberate the merits of the appeal and shall be responsible for rendering final decisions regarding appeals. In this regard, the Appeals Board may (i) confirm, modify or reverse the decisions of the Hearing Board and/or Dean of Students, in whole or in part, regarding findings of fact, determination of responsibility and/or sanctions; or (ii) remand the matter back to the original or a new Hearing Board for further action including, but not limited to, the taking of additional testimony, reviewing evidence previously excluded and correcting procedural errors; or (iii) take such additional action as may be determined appropriate by the Appeals Board.
 - iii. The decision of the Appeals Board shall be determined by a majority vote of the Appeals Board and shall be communicated to the Dean of Students. The Dean of Students or the Dean's designee shall then provide notice of the Appeals Board's decision to the respondent and may elect to provide notice of the Appeals Board's decision to the complainant.

- iv. All decisions of the Appeals Board shall be final and non-appealable.

ARTICLE X – MISCELLANEOUS

1. **Notices.** All notices to students under this Code shall be sent via a secure electronic system to the student's official Muhlenberg College email address, via campus mail or U.S. mail (to the last known address of the student maintained by the College) or personally delivered to student.
2. **Transcript Notations and Encumbrances.** The College shall place a temporary disciplinary hold on student transcripts in pending disciplinary cases under this Code which shall have the effect of preventing any student who is the subject of a disciplinary proceeding from obtaining or authorizing the release of the student's transcript, withdrawing from the College, being granted a leave of absence or graduating and receiving a diploma until such time as the disciplinary proceeding is finally concluded. Students found to have violated this Code and who are expelled from the College shall have the notice of "Expulsion" and the effective date of the expulsion placed upon their academic transcript. Students found to have violated this Code and who are suspended from the College Revised shall have the notice of "Suspension" placed upon or appended to their academic transcript for a period of time commencing on the effective date of the suspension and continuing until the suspension is terminated and the student is permitted to return to the College. In addition, to the extent permitted by the Family Educational Rights and Privacy Act and other applicable law, the College reserves the right to have additional sanctions and the effective date of such sanctions placed upon or appended to a student's academic transcript.
3. **Disciplinary Files and Records.** Sanctions imposed for all violations of this Code shall be noted in a student's Personnel File. Personnel Files are maintained in the Dean of Students Office. All recordings and other evidence relating to matters heard in accordance with these rules and procedures shall be the property of the College and shall be maintained in the Dean of Students Office and shall only be released by the College in response to a validly issued subpoena. The above shall be destroyed seven years after the student's graduation or withdrawal from the College.
4. **Expungement.** Provided that a student has completed all sanctions, at any time after (a) the beginning of the student's final semester before the student's expected graduation date, or (b) one year after the student's enrollment at the //College has terminated, a student may submit a written petition to the Dean of Students requesting that the student's disciplinary records maintained in the Dean of Students Office (but not transcript notations) be voided by the Dean of Students for good cause. Factors to be considered in review of such petitions shall include: (i) the present demeanor of the student; (ii) the conduct of the student subsequent to the violation; and (iii) the nature of the violation and the severity of any damage, injury, or harm resulting from it.

5. **Additional Procedures.** The Dean of Students, with the concurrence of the President, shall have the authority to promulgate, from time to time, such additional or revised procedures as may be necessary for the efficient functioning of this Code and all disciplinary proceedings hereunder.
6. **Amendments to the Code.** The College may amend the provisions of this Code from time to time and students shall be bound by any such amended provisions upon adoption by the College.

Revised 1/8/2024