

maintenance of this environment. To meet these responsibilities, students are expected to exhibit at all times self-discipline and standards of personal conduct that demonstrate maturity, good judgment, and respect for persons, property, and the rights of others. Behavior that threatens the health, safety, or welfare of individuals or groups on campus, disregards property, or violates the basic mission of the College will not be tolerated. Students at Fort Lewis College are representatives of the institution. As members of the College and the community, students are expected to observe all Federal, State, and local laws and ordinances.

The judicial process is based on the assumption that disciplinary procedures, when required, are an extension of the teaching mission of the institution and thus educational in intent. As such, the procedures used by the College in executing the *Code* are not subject to rules of civil or criminal proceedings. Some violations of the *Code* may also be violations of Federal, State, or local laws and ordinances, and students may be accountable to both civil actions and the College for their misconduct. Disciplinary sanctions imposed by the College may precede and be in addition to any penalty imposed by an off-campus authority.

The purposes of the judicial process are to provide a fair and educational process for accountability of student conduct and to assist in the personal growth and development of students.

Fort Lewis College provides the following procedures to students and Student Organizations charged with a violation(s) of the *Code*:

1. Written notification of the charges and possible sanctions as a result of the hearing.
2. A pre-hearing interview designed to ensure that the student understands the following in order to adequately prepare for a hearing: the charges, the procedures afforded to him/her, the options for resolution of the charges, and the disciplinary procedures to be followed.
3. Information regarding the identity of witnesses (when feasible), the general content of their testimony, and the content of any written material or physical exhibit which will be presented at the hearing.
4. The option of having an adviser, who may be legal counsel, present at the hearing. The role of the adviser is to consult with the accused student at reasonable intervals during the course of the hearing. The adviser may not speak on the student's behalf or address the Hearing Authority.
5. Consultation with the Dean concerning procedural matters.

6. Two days (excluding weekends or holidays) from the date of the pre-hearing interview before the hearing is held. This can be waived if agreed upon by the student and the Dean.
7. Web address of the *Student Conduct Code*.
8. Confidentiality as allowed by law.
9. An opportunity to appear in person at the hearing and present relevant information, speak on his/her own behalf, hear all information presented, and call witnesses and ask questions of his/her own witnesses.
10. The option not to appear at a hearing, in which case the hearing shall be conducted in the student's absence and a decision will be rendered solely on the available information.
11. The student's responsibility for the allegation will be determined solely on the information presented at the hearing with the preponderance of the evidence standard.
12. Written notification as to the disposition of the charge by the Hearing Authority.
13. An appeal process for a decision of suspension or expulsion.

III. PROHIBITED CONDUCT

Students, as an individual or a member or representative of a Student Organization, are expected to conduct themselves in a manner that adheres to the educational mission of Fort Lewis College. It is expected that all behavior and discourse will reflect respect and civility. Prohibited conduct is outlined below, and any student who is responsible for misconduct or for being an accessory to misconduct shall be subject to disciplinary action and the sanctions authorized by the *Code*. Accessory to misconduct is defined as: being present while the offense is committed; advising, instigating, or encouraging the act; failing to attempt to discourage or to prevent the offense; or facilitation in the committing of an offense in any way.

Any revisions to this list will be disseminated to the students through appropriate channels. The offenses listed below are not intended to be all-inclusive or exhaustive. Students should be aware that other actions or behaviors might constitute violations of the *Code* and therefore be subject to judicial action. The following is a list of examples of prohibited conduct:

1. Commission of any act that is a violation of local, State, or Federal law shall be a violation of the *Code* whether or not such violation is prosecuted by an off-campus authority.
2. Forgery, alteration, or unauthorized use or possession of College documents, forms, or records, including identification cards, course registration materials, parking permits, or any

- other official College document. This includes, but is not limited to, the unauthorized use of the name, logo, seal and trademark of the College.
3. Unauthorized use of the College computer system or any violation of the Fort Lewis College Information Technology Policies.
 4. Knowingly furnishing false information to a College official or member of any Hearing Authority, or local, county, State, or Federal official acting in the performance of his/her duties which includes, but is not limited to, applications for admission, petitions, requests, or other matters of record or transaction. College officials include students working for the College in para-professional roles such as housing staff, Student Life Center staff, etc.
 5. Failure to truthfully identify oneself when requested to do so by a College official, or local, county, State, or Federal official in the process of discharging his/her responsibilities; or misrepresenting to any other person or organization one's position or identification.
 6. Conduct that substantially disrupts or materially interferes with teaching, research, administration, disciplinary procedures, or other conduct of business of the College.
 7. Physical violence or the threatened use of violence against any member of the College community and/or his/her guests.
 8. Actual or threatened sexual misconduct, either verbal or written. This includes, but is not limited to, unwanted sexual touching, making unwelcome sexual advances, or non-consensual sexual acts.
 9. Hazing. Defined as any activity by which a person endangers the health or safety of or causes a risk of bodily injury to an individual for purposes of initiation or admission into or affiliation with any group or organization. Hazing includes, but is not limited to, forced and prolonged physical activity; forced consumption of any food, beverage, medication, or controlled substance in excess of the usual amounts for human consumption or forced consumption of any controlled substance or any substance not generally intended for human consumption; and prolonged deprivation of sleep, food, or drink. The willingness of an individual to participate in such activity does not relieve the responsibility for the violation of the *Code*.
 10. Disorderly conduct. Defined as individual or group behavior that substantially disturbs other individuals or groups. Such conduct includes, but is not limited to, unwelcome physical conduct, stalking, and boisterous or threatening conduct that is unwanted and unreasonable for the time, place, or manner in which it occurs.
 11. The unauthorized use, abuse, or destruction of College property or the property of any members of the College community or their guests. This includes, but is not limited to, defacement as a result of a deliberate action or as a result of reckless behavior.
 12. Theft of property or possession of stolen property of the College, College community members or their guests.
 13. Unauthorized occupancy of or forceful entry into College property, facilities, or College-related premises.
 14. Tampering with locks of College buildings or unauthorized possession, use, transfer or duplication of keys belonging to the College, including campus housing keys.
 15. Behavior or activities that endanger the safety of oneself or others. This includes, but is not limited to, destructive behavior by individuals or groups, self-destructive behavior, arson, and tampering, damaging, or misusing safety equipment (e.g., fire extinguishers, lighted exit signs, smoke detectors, etc.).
 16. Drugs. The use, possession, or distribution of illegal drugs or drug paraphernalia; unlawful use, possession, or distribution of controlled substances; alteration of a drug prescription; or inappropriate behavior resulting from the use of drugs or other substances. Possession or use of medical marijuana on the Fort Lewis College campus, including residential buildings, is a violation of this policy.
 17. Alcohol. The abuse or unlawful use, consumption, transportation, offer for sale, manufacture, dispensing, sale, distribution, possession of alcohol, or inappropriate behavior resulting from the use of alcohol.
 18. Violations of Housing alcohol policies.
 19. Making a false report. False fire alarm, false reporting of bomb, crime, or any other emergency.
 20. Violations of Housing drug policies.
 21. Violations of the College's Housing Contract and Housing rules and regulations.
 22. Possession of weapons of any kind (functional or not), ammunition, explosive substances or chemicals, hazardous chemicals or materials, or any incendiary devices, as listed in the Fort Lewis College *Weapons Policy*, on the Fort Lewis College campus, including all residential facilities.
 23. Violations of any of the restrictions, conditions, or terms of any disciplinary sanctions.
 24. Failure to comply with directions of College officials, faculty members, or para-professionals acting in the performance of their duties

- including, but not limited to, a request for a meeting.
25. Misuse of telephone. Making or assisting in making unauthorized telephone calls, harassing telephone calls, or otherwise misuse or abuse telephone equipment or access codes.
 26. Misappropriation or misuse of a Student Organization's funds or property.
 27. Violation of other College policies, rules, and procedures.

IV. DISCIPLINARY POLICIES AND PROCEDURES

Charges and Hearings

1. INITIATION OF CHARGES

- a. Any member of the Fort Lewis College community may report a student for *Student Conduct Code* violations. The description of the alleged violation must be in writing and sent to the Dean as soon as possible after the incident has occurred, preferably within one week of the event.
- b. The Dean may conduct a preliminary investigation to determine if there is enough information available to proceed with disciplinary action. In the absence of sufficient information as determined by the Dean, no charge will be filed against the student.

2. NOTIFICATION

- a. When it is determined that there is sufficient information to justify charging a student with a violation of the *Code*, the Dean will send a written notification electronically to the student's Fort Lewis College email address. Additionally, if the student lives on campus, the hard copy will be hand-delivered to the student's campus housing. If the student lives off campus, the hard copy will be mailed to the student's most current local mailing address as indicated in the database compiled by the Registrar's Office. When the local mailing address is not available and the student does not contact the Dean in a timely manner, the hard copy of the notification will be mailed to the student's permanent or parent address.
- b. If charges are made against a Student Organization, a written notification will be addressed to the head of the Student Organization and mailed to the Student Organization's campus address.
- c. The notification will include the web address of the *Code*, specify the alleged

violation of the *Code*, and inform the student to contact the Dean to schedule a pre-hearing interview within three days (excluding weekends and holidays) of the date of the notification.

- d. The purpose of the pre-hearing interview is to ensure that the student is sufficiently familiar with his/her rights and the disciplinary process to adequately prepare and present a response at the hearing.
- e. The Dean may, with the consent of the charged student, hold a pre-hearing interview by telephone if (1) the student is not currently enrolled; or (2) it creates a hardship for the student to come to the campus. The Dean has the sole discretion on this matter.

3. FAILURE TO RESPOND

If the charged student or a Student Organization does not contact to arrange a pre-hearing interview within three days of the date of notification, the Dean may set a hearing time and notify the student or the Student Organization via campus email, hand delivery to campus housing, and/or postal delivery. If the charged student or Student Organization has been properly notified of the charges and hearing date and still does not attend the scheduled hearing, the Dean will conduct the hearing in the absence of the student or the Student Organization, determine the responsibility for the charge, and decide a disciplinary sanction based upon the available information.

4. DISMISSAL OF CHARGES

If the Dean determines, as a result of the pre-hearing interview, that insufficient information exists to justify a hearing, the charge(s) will be dismissed.

5. OPTIONS FOR RESOLUTION OF DISCIPLINARY CHARGES

The options for the resolution of disciplinary charges will be fully explained at the pre-hearing interview. The charged student or Student Organization has the following options:

- a. To claim "not responsible" to the charge(s), and request a hearing before the Judicial Panel (available only for potential Suspension from Housing or the College) or the Dean. If the Judicial Panel finds the student or the Student Organization was responsible as charged, the Dean will determine appropriate sanctions. If the Dean determines, based on the available