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The Honor Code & Pledge

Each Davidson student is honor bound to refrain from stealing, lying about College business, and cheating on academic work. Stealing is the intentional taking of any property without right or permission. Lying is intentional misrepresentation of any form. Cheating is any practice, method, or assistance, whether explicitly forbidden or unmentioned, that involves any degree of dishonesty, fraud, or deceit. Cheating includes plagiarism, which is representing another's ideas or words as one's own. Additional guidelines for each class may be determined by its professor; each Davidson student is responsible for knowing and adhering to them. Each student is responsible for learning and observing appropriate documentation of another's work. Each Davidson student is honor bound to report immediately all violations of the Honor Code of which the student has first-hand knowledge; failure to do so is itself a violation of the Honor Code. All students, faculty, and other employees of Davidson College are responsible for familiarity with and support of the Honor Code. Any student, faculty member, administrative officer, employee, or guest of the College may charge a student with a violation of the Honor Code. Charges are presented to the Dean of Students and must be signed. If the Dean determines that further proceedings are warranted by the Honor Council, the Dean will prepare a formal charge. Hearings, administrative conferences and other proceedings regarding alleged violations of the Honor Code shall be conducted pursuant to the Code of Disciplinary Procedures.

The following statement is the official Honor Pledge of Davidson College:
"On my honor I have neither given nor received unauthorized information regarding this work, I have followed and will continue to observe all regulations regarding it, and I am unaware of any violation of the Honor Code by others."

The Code of Responsibility

As a liberal arts college grounded in the Reformed Tradition, Davidson College ("Davidson" or the "College") seeks to promote students’ development of humane instincts, and disciplined and creative minds for lives of leadership, service and self-fulfillment. The Code of Responsibility is based upon the belief that Davidson's purpose can best be advanced in an educational environment that emphasizes the responsible use of freedom within a community that values integrity and mutual respect. Therefore, rather than detailing an elaborate list of rules, this Code defines basic principles that the College expects all students to adopt, so that each individual can freely develop and exercise responsible judgment. This Code of Responsibility is established in accord with the College Constitution. Behavior protected by Article XII of the College Constitution (Student Rights and Responsibilities), including freedom of expression and assembly, is not prohibited under the Code of Responsibility.

General Provisions

Upon entry to Davidson, students adopt the following Statement of Community Responsibility.

I. We are a community of learners who value personal and intellectual honesty.

II. Our actions reflect maturity, social responsibility and respect toward others.

III. We value individual differences and will not tolerate harassment or discrimination.

IV. Our actions show respect for health and well-being.

V. We honor Davidson by upholding the policies that support our community standards.

Specific Definitions and Guidelines

I. We are a community of learners who value personal and intellectual honesty.

Acts of basic dishonesty, while not dealt with in the Honor Code, may be dealt with by the Honor Council. It is, therefore, the responsibility of teacher, administrator, and student to create a climate at Davidson which
encourages learning and the development of relationships characterized by integrity. Such a climate requires personal discipline and scholarly integrity. For example: A student who represents himself or herself with a false identification card may be charged with an act of dishonesty. The false use of a Davidson I.D. card constitutes the misuse of an official college document.

II. Our actions reflect maturity, social responsibility and respect toward others.

Social Responsibility Students are expected to develop social skills and relations which are mutually beneficial and which lead to personal maturity. Social conduct is therefore to be based upon concern for others. For example, students have the obligation to avoid any action which might impair the well-being or reputation of guests. Residence hall units, fraternities, and other social organizations have a special responsibility to promote these standards of conduct.

Financial Responsibility Since financial integrity is an essential part of maturity, it is expected that every student will satisfactorily settle all outstanding financial obligations. No student may be graduated or receive transcripts from the College until their financial obligations to the College or campus organizations are settled to the satisfaction of the Business Office or those organizations.

Respecting Others and Their Rights The students of Davidson College are responsible for maintaining an environment in which all individuals are treated with respect. To that end, students will not engage in any form of activity which intentionally or recklessly results in physical injury to any person on College premises or at College sponsored activities, or which interferes with the rights of visitors or members of the community. Physical abuse, threats of violence, hazing, or conduct which might endanger the health and safety of others are prohibited whether on or off campus.

Respecting Community Space and Property of Others It is the responsibility of students to respect the property and rights of others. Therefore, students will not engage in any form of activity which results in or might naturally result in (1) damage to property, (2) interference with the rights of members of the community or visitors, or (3) interference with the normal activities of the College. Damage to information on computers will be viewed in the same manner as damage to property. Since a person keeping information on computers has the right to assume its privacy, students will thus not engage in unauthorized review, transfer, or alteration of information on computers.

III. We value individual differences and will not tolerate harassment or discrimination.

Harassment Harassment is unwanted behavior that has the purpose or effect of unreasonably interfering with a person's or a group of persons' educational, work, social or living activities. As such, it violates this Code and, in some cases, federal or state law. Harassment can take many forms. Types of harassment include:

- Peer harassment involves persistent, intentional degradation, intimidation, or abuse of another person.
- Quid pro quo harassment involves abuse of one's power, authority, or position such that,
  a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment; or
  b. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual's welfare.
- Hostile environment harassment involves conduct that substantially interferes with an individual's educational, work, social, or living environment.
Discriminatory harassment involves conduct of an offensive, demeaning, intimidating or hostile nature based on race, color, national origin, religion, gender\(^1\), orientation, age or disability.

**Sexual Misconduct, Relationship Abuse and Violence, and Stalking.** Davidson College ("Davidson" or the "College") does not condone and will not tolerate sexual misconduct, sexually exploitative or harassing behavior of any kind, stalking, or relationship abuse or violence. The College community is committed to creating and maintaining an environment that is not only free of sexual misconduct, stalking, and relationship abuse and violence, but which promotes a healthy spirit of responsibility, dignity, and respect in matters of sexual conduct and interpersonal relationships. Davidson students share an ethical tradition of abiding by the highest moral standards, taking responsibility for their actions, and treating people with integrity and respect.

*(See the full Policy, Procedures, and Information on Sexual Misconduct, Relationship Abuse and Violence, and Stalking on page 18.)*

**IV. Our actions show respect for health and well-being.**

**Legal and responsible use of alcohol.** Davidson College expects to operate in accordance with the laws of the State of North Carolina. Possession and consumption of alcoholic beverages by anyone under twenty-one years of age is forbidden by the State of North Carolina. The use, sale, and possession of alcoholic beverages on the Davidson campus are subject to this law. Davidson students and organizations are expected to be familiar with the Davidson College alcohol policy and to operate within that policy (See section on Alcohol and Drug Abuse). Patterson Court houses have a special obligation to promote responsible behavior regarding the use of alcoholic beverages and to ensure that their officers and members know and abide by the laws of North Carolina regarding alcoholic beverages.

**Drugs.** The use of alcoholic beverages and of certain drugs is potentially disruptive of the community and harmful for the user. The College disapproves of the illegal use of either. Disruptive conduct will be dealt with as such, whether connected with the use of drugs, including alcohol, or not. The College will seek, by education and counseling: (1) to prevent the illegal use of drugs, including alcohol, (2) to prevent harmful legal uses of drugs, including alcohol, and (3) to help students suffering from undesirable effects of the abuse of drugs, including alcohol. Misuse of drugs, including alcohol, by any student is grounds for disciplinary action by the College (See section on Alcohol and Drug Abuse). Students are also expected to know and abide by state laws regarding drugs and alcoholic beverages.

**Community and public safety.** The possession or use of firearms, weapons and explosives poses a serious threat to the safety of the other members of the community. Their possession, use, or display is not allowed on campus. Moreover, other objects used in a threatening manner could be considered weapons. For example, the menacing display of a pocket knife could be seen as a threat to the safety of others. Students are expected to be cognizant of state laws concerning firearms, weapons, fireworks and other explosives. (See NCGS 14-269.2 and 14-284.1).

**Response to Campus Police.** Campus Police are to be treated with courtesy and respect by all members of the community. It is the responsibility of students to comply immediately with a request to show their identity cards to any member of the campus police force.

\(^1\) Discriminatory harassment based on gender or that rises to the level of stalking is included in the definitions of “Sexual Misconduct” and “Stalking” in Section VI, below, and is governed by the Sexual Misconduct Policy.
V. We honor Davidson by upholding the policies that support our community standards.

**Residential living.** Residence hall living necessarily imposes upon student’s obligation of courtesy and respect for others. The preservation of property and the maintenance of conditions conducive to study and privacy are corporate and individual responsibilities of those living within residence hall units. Every student residing in College housing has the right to exclude at any time anyone other than their roommate(s) from their room. Cohabitation is prohibited.

**Campus Regulations.** Realizing the requirements of harmonious community life, Davidson College recognizes the need for certain detailed procedures regarding the operation of the community which nonetheless should be distinct from this Code. Every member of the College community is expected to be familiar with the campus regulations. (College officials issue certain specific regulations regarding the use of the residence halls, general property, parking, etc. These regulations are available from the Dean of Students Office.)

All codes, regulations and procedures for their implementation and adjudication are contained in the Honor Code, the Code of Responsibility, and the Code of Disciplinary Procedures. Copies may be obtained in the Dean of Students Office. Acts of dishonesty which violate the Davidson College Honor Code and other acts which violate the Code of Responsibility and which may occur off campus may, in the discretion of the Dean of Students and Student Solicitors, if available, be grounds for disciplinary action by the College under the procedures outlined in the Code of Disciplinary Procedures.

**Disciplinary Action: Rights & Powers**

The Honor Code and the Code of Responsibility emphasize the individual’s involvement in and responsibility for the corporate well-being of the College community. In keeping with the latter, it is incumbent upon every member of the College community to promote the climate which these codes seek to establish on the campus. This involves not only counseling with fellow members of the College community concerning their actions, but also enacting consequences for those whose conduct is in violation of the codes. The aim of disciplinary action should be the cultivation of an atmosphere of learning and growth, in alignment with the College’s Statement of Purpose. Therefore, the body adjudicating a specific case should consider each infraction individually and assess consequences, or sanctions, according to the seriousness of the offense, taking into consideration the consequences for the individual involved and for the community as a whole.

**Rights of the Respondent**

Any student alleged to have violated the Honor Code or the Code of Responsibility who is subject to disciplinary proceedings before the Code of Responsibility Council or the Honor Council (a “Respondent”) shall be afforded the following rights:

- Respondents shall be presumed innocent unless and until proven otherwise by clear and convincing evidence.
- Respondents shall be informed in writing of the charges against them and given adequate time to prepare their cases. (See specified times in Code of Disciplinary Procedures, Part III, Sections E and H.)
- Respondents referred to an Honor Council shall have the right to the advice and assistance of the Defense Advisors.
- Respondents have the right to a prompt, fair, and impartial case resolution process, meaning a process that:
  - Is completed within reasonably prompt timeframes;
  - Is conducted in a manner that is consistent with college Policy;
  - Includes timely notice of meetings at which the Respondent may be present;
  - Provides timely access to information that will be used during the complaint resolution process; and
  - Is conducted by individuals who do not have a conflict of interest or bias for or against the Respondent.
• Written notification of the result of the complaint resolution process (subject to any redactions required by federal law);
• To present relevant witnesses and ask questions of the witnesses at disciplinary hearings.
• An outcome based solely on information presented as part of the complaint resolution process;
• Preservation of privacy, to the extent possible and allowed by law.
• To not take any reviews or examinations between the time they are charged and two days after the outcome is delivered.
• Respondents shall not be required to testify against themselves, but the hearing officer or disciplinary body may request other students to testify against them.

Complainants/reporting parties have the right to be present during any hearing. At their request and in arrangement with the Dean of Students Office, Respondents shall not be required to meet classroom obligations the day following the hearing. Any student alleged to have engaged in Sexual Misconduct, Stalking, or Relationship Abuse and Violence who is subject to disciplinary proceedings before the Sexual Misconduct Hearing Officer shall be afforded the rights set forth in the Sexual Misconduct Policy.

Responsibility and Authority for Student Conduct
The Trustees recognize that there are two separate areas involved in the mandate to the Trustees of Section 2 of the Charter. The first has to do with the use of College facilities. In this area, regulations having to do with the health, safety and welfare of the community and with the protection of property should be promulgated as administrative matters. The other area has to do with the larger dimensions of student conduct which are more personal. In both areas, provisions should be made for consultation and participation by students, faculty, and staff, and for specific student conduct mechanisms and procedures. The Trustees specifically delegate to the President the authority and responsibility for supervision and direction in both areas, and direct the President to devise the necessary regulations, mechanisms, and procedures to achieve the objectives indicated herein. The Trustees have established the following mechanisms and procedures for the governance of student conduct:

I. As to the Source of Substantive Rules Governing Student Conduct
   1. In the Use of Physical Facilities
      Regulations pertaining to the health, welfare and security of the community and to the protection of property in respect of the use by students of physical facilities of the College shall be promulgated solely by the President. Such regulations shall be known as "College Regulations." They shall be effective from the date they are published.
   2. Traffic Control, Parking and Use of General Facilities and Grounds
      Regulations governing traffic control, parking, and use of general facilities and grounds should apply equally to all members of the community. The penalty for violation will normally be a monetary fine, restitution in the case of damage, or both. In the case of willful or repeated refusal by an individual to conform to the regulations or to pay penalties assessed, the following procedure will be followed: 1) in the case of a faculty or staff member, the matter will be referred to the President; 2) in the case of a student, the matter will be referred to the Dean of Students for action under the disciplinary procedures described herein.
   3. Residence Halls and Apartments
      Each residence hall shall have a Resident Adviser, Hall Counselor, or Building Manager who will be responsible for seeing that the regulations of the residence halls are observed and who will attend to the management of the residence hall. In the case of violation of regulations, staff may first attempt to handle the matter by counseling with the individual or individuals concerned. If this proves ineffective, they will refer the matter to the Associate Dean of Students/Director of Residence Life, who will consult with the Dean of Students for action in accordance with the disciplinary procedures described herein.
II. As to the Procedures for Effecting Compliance and for Modifying Substantive Rules from Time to Time

1. Authority Delegated to Student Conduct Council

In the promulgation and modifications of substantive rules and in their enforcement through disciplinary action, the President is authorized to delegate to a "Student Conduct Council," composed as herein provided, the following functions:

a. To serve as an advisory body to the administration, and specifically to the Dean of Students, in matters of policy relating to student conduct and disciplinary proceedings;

b. To amend, by majority vote of the Council, substantive provisions of the Honor Code and the Code of Responsibility by two votes of the Conduct Council at least fourteen days apart; provided, however, that if the President of the College considers any such amendment to be in contravention of Trustees policy, the President may suspend the operation of the amendment pending review by the Board of Trustees. If the President does not act to suspend its operation, the President shall present the proposed amendment to the Trustees for action within thirty days after receipt by the Secretary of the Board of Trustees of notice of the President's action. If the Board of Trustees does not act within thirty days following receipt of such notice, the amendment shall become operative upon expiration of such period. If the Trustees approve the amendment, it becomes operative immediately.

c. To recommend to the President, as may be deemed necessary, changes in enforcement mechanisms and procedures. The Student Conduct Council may be activated with the powers above stated by letter of the President to the Secretary of the Board of Trustees. It may thereafter be deactivated or have its power modified only by action of the Board of Trustees.

2. Organization and Membership of Student Conduct Council

Upon activation of the Student Conduct Council, its membership consists of the following: The Dean of Students, who shall serve as chair unless the President appoints one from the Council or asks the Council to select one; the Director of the College Union; eight faculty divisional and at large members for staggered three year terms; the Chair of the Honor Council; the President and Vice President of the Student Government Association; the Presidents of the four classes; and two upper-class students, who are not members of the Student Government Association and who are elected at large by the student body.

Code of Disciplinary Procedures

The sole method by which violations of College Regulations and of the Honor Code and Code of Responsibility may be determined; by which sanctions may be imposed for violations so determined; and by which records of disciplinary proceedings may be maintained, shall be as provided in the following set of procedures, to be known as "The Code of Disciplinary Procedures." This Code becomes effective September 1, 1971, and thereupon supersedes all documents which pertain to matters covered by the Code.

Part I: Student Conduct Subject to Disciplinary Action

Only that student conduct duly determined under the procedure provided in this document to have been a violation of (1) The Honor Code; (2) The Code of Responsibility, as amended from time to time; or (3) Duly promulgated College regulations is subject to disciplinary action, and the sanctions which may be imposed as disciplinary action are as provided in Part II.

The Honor Code, Code of Responsibility, and College Regulations apply to the on-campus conduct of all students. They also apply to off-campus conduct of students that, in the College's judgment, involves or affects the College or other members of the College community, such as conduct in connection with:

1. Academic work or other Davidson-related educational activities and experiences, such as class projects, field trips, study abroad, or internships;

2. Activities sponsored, conducted, or authorized by the College or its student organizations; or

3. Activities that cause or threaten harm to the health, safety, well-being, or property of the College or members of the College community, including the student him- or herself.
The Honor Code, Code of Responsibility, and College Regulations apply to all such conduct by a student while a student, even if it occurs outside of an academic term or when the student is not otherwise present at Davidson College. Moreover, the College continues to have authority to administer the Honor Code, Code of Responsibility, and College Regulations with respect to any such conduct by a student while a student even if the student subsequently withdraws, takes leave, or is otherwise absent from Davidson College, and even if the College does not learn of such conduct until after the student withdraws, takes leave, or is otherwise absent from Davidson College.

Part II: Sanctions for Violations
The outcome of a student conduct hearing typically encompasses sanctioning that is:

1. Educational
   - Content knowledge - the sanction is designed to help the student to increase knowledge of content regarding a specific topic or special issue.
   - Self-reflective - the sanction is designed to help the student to increase self-awareness of their behavior, meaning the appropriateness or inappropriateness.
   - Impact on personal well-being - the sanction is designed to help the student to increase their self-awareness of the potential physical or psychological impact of their behavior.
   - Impact on personal future - the sanction is designed to help the student to increase their self-awareness of the potential impact their behavior may have on relationships with others, academic major or course of study, or future career.

2. Restorative - the sanction is designed to help the student to increase their understanding of how their behavior impacted or potentially could have impacted others. In addition, the sanction may be designed to help the student to increase understanding of community and/or societal standards, the reasons for them, and how their actions may adversely affect their successful interaction within the community and/or society. The sanction is also intended to reestablish balance and order to the affected community.

3. Accountable - the sanction is designed to provide accountability for violations of the Student Conduct Code or other College standards. In some cases, the sanction may be designed to separate a student from the institution.

Consideration will be given to the following when determining the appropriate sanction(s):
- The seriousness of the violation;
- Whether there are minimum sanctions already established for the violation;
- Consequences enacted in similar cases;
- Whether or not the respondent was cooperative and honest;
- The specific circumstances surrounding the violation; and
- Whether or not the student has a prior conduct record(s), especially for similar offenses or for a pattern of behaviors inconsistent with the Student Conduct Code and any other community standards.

Range of Permissible Outcomes
The range of permissible outcomes for disciplinary action, whether imposed by action of the Honor Council or the Code of Responsibility Council includes the following categories. Outcomes can only be assigned from one category. As appropriate, multiple sanctions (in category 3) may be assigned.

1. Conversational Resolution: is a sanction generally utilized for first-time, low-level violations. Conversational Resolutions are meant to provide students an opportunity to discuss behavioral expectations of Davidson College, as well as to strategize ways to prevent further misconduct through student decision-making. Students are generally afforded the conversational resolution only once during their tenure.

2. Educational Resolution: This consequence is generally utilized for first-time, low-level violations and indicates that the behavior was inappropriate and warrants a modification for the future. An educational resolution provides an opportunity to discuss behavioral expectations, as well as better decision-making. Unlike other sanctions, an educational resolution does not appear on a student’s conduct record, but a record of such result is maintained in the Office of the Dean of Students and may be taken into consideration if additional violations occur. Students are generally afforded the educational resolution consequence only once (1) during their tenure at Davidson.

3. Sanction(s):
   A. Warning: Notice, oral or in writing, that additional violations may be cause for more severe disciplinary sanctions.
B. **Apology:** Oral or written apologies to persons or groups upon whose rights the Respondent may have infringed. This may involve a meeting under administrative supervision.

C. **Social Probation:** exclusion from participation in privileged or extra-curricular activities for a period not exceeding one year. Social Probation may be extended to all activities, including campus social events, Patterson Court functions sponsored off campus, participation in college athletics (varsity, club, or intramural), attendance at sports events, and eating house, sorority, or fraternity activities. Social probation status may be communicated to academic or administrative offices. Violation of the terms of social probation, the Code of Responsibility, or the Honor Code during the period of probation will normally result in suspension from the college.

D. **Mandatory educational programming:** which may include but is not limited to alcohol and/or drug abuse awareness/prevention programming, and other educational programming deemed appropriate.

E. **Referral:** To appropriate counseling or to appropriate community resources.

F. **Community Service:** A reasonable number of hours of community service rendered to a specified person or group for restitution of damages.

G. **Loss of status in housing lottery.** Restrictions may be placed on a student’s participation in the housing lottery.

H. **Removal from campus housing:** a student may be removed from campus housing with no refund provided.

I. **Restricted Access:** limiting campus access to certain areas of campus and/or specific times of day.

J. **Restitution:** Reimbursement for defacement, damage to or misappropriation of property, whether that of the college or of any member of the college community or of any guest on the campus.

K. **Suspension* for a defined period of time:** Exclusion from classes and other privileges of activities with forfeiture of academic credit, as set forth in the notice of suspension, for a definite time, beginning immediately. If the suspension is for more than one term, the suspension typically begins immediately and shall be served in consecutive terms. If a sanction of suspension is appealed and the sanction upheld, the effect of the suspension shall be as of the date imposed by the Honor Council or Code of Responsibility Council. When students are suspended, they shall ordinarily leave the campus within forty-eight hours after the conclusion of the disciplinary process. A suspended student shall not come on campus without the permission of the Dean of Students.

L. **Indefinite suspension*:** Termination of student status, typically immediately, subject only to formal readmission, with no right to petition for readmission before the expiration of one calendar year from the date of suspension. If a sanction of suspension is appealed and the sanction upheld, the effect of the suspension shall be as of the date imposed by the Honor Council or Code of Responsibility Council. When students are suspended, they shall ordinarily leave the campus within forty-eight hours after the conclusion of the disciplinary process. A suspended student shall not come on campus without the permission of the Dean of Students.

M. Any other reasonable sanction that is directly applicable to the offense.

*A definite or indefinite suspension sanction for the Honor Code violation of cheating may include an F in the course involved with authorized withdrawals (W/A) in any other courses, regardless of the time in the term that the offense is committed, the hearing held, or any appeal decided. If a Code of Responsibility violation is not sanctioned until after the semester in which the violation occurred, and the sanction includes suspension for the semester in which the violation occurred, authorized withdrawals (W/A) will be assigned for all courses for that semester nullifying any earned grades.

**A. Multiple Sanctions for Single Violations**
Multiple sanctions for single violations may be imposed by action of the Honor Council, the Code of Responsibility Council, the Sexual Misconduct Hearing Officer, or through a Mutual Resolution process.

**B. Procedures Required for Imposition of Sanctions**
Except for imposition of the sanction of provisional suspension exercisable by the President under the Extraordinary Disciplinary Powers of the President (see page 44) or by the Dean of Students as provided in Disciplinary Procedures,
Section C, Item 1 below, the sanctions herein provided may only be imposed in accordance with the procedures provided in Part III. Failure to comply with sanctions imposed will ordinarily result in harsher sanctions, including suspension.

**Part III: Disciplinary Procedures**

The disciplinary process afforded to students is not designed to be, and does not create the same rights as, the process used by courts in civil or criminal legal proceedings. Deviations from the procedures set forth in Part III will not invalidate the imposition of sanctions under Part III unless any such deviations result in an unfair hearing.

A. **Initiation of Disciplinary Proceedings**

Disciplinary proceedings may be initiated only on formal complaint made to the Associate or Assistant Dean of Students (hereinafter referred to as the Dean) or upon independent initiative of the Dean.

B. **Who May Initiate a Complaint**

Any student, faculty member, administrative officer, employee or guest of the College may initiate disciplinary proceedings by complaint. The Dean may on the Dean’s own discretion require complaints to be put in writing and signed before proceeding further.

C. **Function and Authority of the Dean for Disciplinary Proceedings**

The following procedures pertain to all disciplinary proceedings involving the Dean except for Sexual Misconduct. The Sexual Misconduct procedures are in Part III, page 21.

1. **Initial determination to proceed on charge**

   Upon receipt of a formal complaint, and following such investigation as the Dean considers appropriate, the Dean determines whether further proceedings are warranted. If the Dean determines that they are not, the complainant is notified of this determination and the charge is dropped. If the Dean determines that further proceedings are warranted, a formal statement of the charge is prepared and issued to the person(s) alleged to have violated the Honor Code or Code of Responsibility (the "Respondent").

2. **Disqualification of the Dean by reason of previous counseling of student charged**

   In any case in which a formal complaint is made to the Dean in respect of a matter as to which the Dean has previously counseled with the student, the Dean may decide that the matter can best be handled by the Honor Council or Code of Responsibility Council. In such case, the complaint shall be referred directly to the Student Solicitors or Associate Dean or designee for matters that could be heard by the Code of Responsibility Council. For Honor Council matters, the Student Solicitors make determination, based upon such investigation as they deem appropriate, whether further proceedings are warranted. If they determine that they are not, they notify the person making the complaint of their determination and proceed no further. If they determine that further proceedings are warranted, they prepare in writing a formal statement of the charge for service upon the Respondent. For matters to be heard by the Code of Responsibility Council, the Associate Dean or designee will make a determination based on the available information and evidence. In such cases the Dean may not testify before the Honor Council or Code of Responsibility Council upon their own initiative, nor be required to testify, against the Respondent.

3. **Formal statement of charges**

   The formal statement of charges sets forth the nature, time, and place of the alleged violation. It is to be served on the Respondent promptly and in any event within ten days after receipt of the complaint via email. In the case of in-hand delivery, a defense advisor may be present. In cases where the Dean is not disqualified, the statement of charge is accompanied by written notification of a date, time and place for administrative conference with the Dean, which date shall not be less than two or more than ten days after the date of service. The student may on their own initiative waive this requirement. In cases where the Dean is disqualified, or has decided that the matter can best be handled by the Honor Council, the statement of charge is accompanied by written notification of a date, time, and place for hearing before the Honor Council, which date shall not be fewer
than three nor more than ten days from the date of service of notice. At the discretion of the Dean, official college vacations, holidays, or weekends may be counted as part of the time limits specified for dealing with any case. However, the Dean may exclude any such periods in their entirety, including summer vacations, at the request of any person involved in the case, or at the Dean’s own discretion. To expedite disposition of a matter, any person charged may, in writing, waive any of the minimum periods required in this section to elapse between notice and the holding of any hearing provided in this section.

4. **Deferral to criminal prosecution; stay of proceedings; effect**
   In any case where the violation charged would also involve violation of state or federal criminal law, the Dean may (but need not) determine that its gravity and complexity make initial College disciplinary proceedings inappropriate or ineffectual. In such case, the Dean notifies the Respondent at the preliminary conference; stays further disciplinary proceedings; and refers the person making the complaint to the appropriate state or federal agency. When the Dean stays disciplinary proceedings in deference to criminal proceedings; (a) no disciplinary sanction is imposed against the Respondent unless the disciplinary proceedings are re-instituted and the student is found responsible for a violation; but (b) the award of any degree may be held in abeyance pending disposition of the criminal proceeding. If the criminal proceedings result in conviction or plea of guilty or nolo contendere, the Dean may in their discretion refer the matter for imposition of a disciplinary sanction to the Honor Council or the Code of Responsibility Council. If the matter is referred to the Honor Council it proceeds in accordance with the procedure set forth in Part III, Sections E and H for the imposition of sanction, the fact of violation being considered established by the result of the criminal proceeding.

5. **Procedure at the Dean’s administrative conference**
   Unless the Dean stays disciplinary proceedings in deference to criminal proceedings, they proceed with the administrative conference. The Dean informs the Respondent at the outset of the conference that anything the student says may be used against the student in the disciplinary proceedings. The Respondent will be asked if they take responsibility for the charge(s) then be notified what hearing body the charge will be referred to.
   a. Alleged Honor Code violations are heard by the Honor Council.
   b. Alleged Code of Responsibility violations are heard by the Code of Responsibility Council or resolved through a Mutual Resolution process. The Associate Dean determines if a case is appropriate for a Mutual Resolution process based on the nature of the case and the timeliness to resolution. If the case is not appropriate for the Mutual Resolution process, it will be referred to the Code of Responsibility Council.

6. **Student Organizations**
   The Dean has the power of hearing cases involving student organizations which violate the Honor Code, the Code of Responsibility or duly promulgated college regulations. Sanctions against organizations may include but are not limited to those listed in Part II. Appeals from any determinations of a violation by an organization or sanction shall be the same as those for an individual.

D. **Organization and Function of the Code of Responsibility Council**
   1. **Organization**
      The Code of Responsibility Council will be composed of an Associate Dean or designee, who shall act as Chair, a faculty member randomly chosen from the Student Conduct Council, and three students randomly chosen from the Honor Council.
   2. **Function and Authority**
      The function of the Code of Responsibility Council is to hear and determine all charges of violation presented on referral from the Dean under the provisions of Part III. However, the Code of Responsibility Council shall not have jurisdiction to hear or determine cases that include allegations of Sexual Misconduct, over which the Sexual Misconduct Hearing Officer has jurisdiction.
   3. **Procedures**
      The procedures of the Code of Responsibility Council are as prescribed in Part III, Section E.

E. **Hearing Procedures before the Code of Responsibility Council**
   1. **Setting the hearing**
Promptly upon receipt of referral of a charge from the Dean, the Dean of Students Office will confer with Code of Responsibility Council members and the alleged student to ascertain the earliest practicable date for hearing, taking into account the time required for adequate preparation. The Dean of Students Office then sets a hearing time, date, and place, docket it on the Council records, and gives written notice of the setting to the members of the Council and the alleged student. The hearing date shall be not less than three days nor more than ten days from the date of service of notice upon the alleged. The Respondent may on their own initiative waive the three-day limit.

2. When Respondent appears
The hearing shall proceed as follows:
   a. The Chair shall read the statement of charge. The Chair asks the Respondent whether the Respondent takes responsibility or does not take responsibility for the alleged violation(s).
   b. If the Respondent takes responsibility, they may then make any statement they desire in mitigation or extenuation of their behavior. The Council shall then go into executive session to consider and determine the sanction, if any, to be imposed.
   c. If the Respondent does not take responsibility, the Council proceeds to hear evidence as to the matter in dispute. The Council then determines in executive session whether a violation has occurred. If the Council determines that a violation did occur, the hearing resumes and the Respondent may present any mitigating circumstances in regard to the suggested sanction. The Council then goes into executive session to determine sanction(s).

3. When Respondent does not appear
If the Respondent does not appear, the fact that the person charged has been duly notified shall be verified. If it is determined that they have not, the hearing is adjourned, and the procedures revert to setting and notification of a rescheduled hearing. If it is determined that due notice was given, the hearing proceeds as follows:
   a. The Chair reads the statement of charge;
   b. Witnesses and other evidence in support of the charge are presented;
   c. The Council then determines in executive session whether a violation as charged occurred and what sanction, if any, to impose.

4. Notice of Action
The Code of Responsibility Council may inform the Respondent orally of its disposition of the charge following its determination, or it may defer giving any notice for a period not to exceed two days from formal closing of the hearing. In any event, the Chair of the Council shall, no later than three days from formal closing of the hearing, give to the Respondent a written Notice of Action, which shall specify with clarity any sanction imposed.

5. General rules of procedure; rights secured to Respondent
   a. General conduct of hearing
      The Chair of the Code of Responsibility Council presides and makes all rulings in respect of questions and of practice, evidence and procedure, and the Chair controls, by recognition, the participation of members of the Council and others in the hearing.
   b. Evidence
      No attempt shall be made to apply technical legal rules of evidence. In general, any evidence, whether oral testimony or documentary, which is considered by the Chair to be relevant to the charge or defense, should be received subject to the power of the Chair to exclude frivolous, repetitive or merely cumulative testimony. Hearsay evidence (testimony by a witness to what a person not present at the hearing stated) should be received and evaluated with caution, since no opportunity ordinarily exists to question the absent person. Circumstantial evidence can receive the same consideration as direct evidence. Objections to evidence are ruled upon by the Chair alone.
   c. Burden and standard of proof
      No Council member should vote to find that the person charged was in violation as charged unless on weighing all evidence the proof of violation is clear and convincing. No council member should consider any evidence of violation not brought out in the hearing itself. Council members may properly consider
as evidence of violation that the party charged has refused to cooperate in a proper institutional investigation if there is any other evidence to support the charge.

d. Right to question witnesses
The Respondent, and Council members, shall have the right, within bounds of general relevance, to question all witnesses at the hearing. The Respondent shall not be required to testify against themselves, but the Code of Responsibility Council may request other students to testify.

e. Personal support for Respondent
A Respondent may request additional persons (e.g., family member, minister, lawyer) be allowed to sit in a nearby waiting room during the proceedings of the Code of Responsibility Council. To facilitate personal support and counsel to the alleged, the chair may provide appropriate recesses from time to time. However, such persons shall not be permitted to sit in the hearing room during a closed hearing. Additional students may be permitted in the hearing room during the hearing at the discretion of the Chair; these additional students may not speak during the proceedings.

f. Provision of record for review
The Chair shall promptly prepare a written digest of the proceedings and the sanction imposed. The Chair shall send a copy of this digest to the Respondent within five days following completion of the conference. On written request by the Respondent, received by the Chair at least one day prior to another hearing, a verbatim record, as by tape recording, shall also be prepared.

g. Pledge of confidentiality and honesty
All students and faculty participating in a disciplinary hearing shall pledge to maintain in confidence all matters presented or discussed at the hearing. All witnesses in a disciplinary hearing shall pledge to present honest testimony. If the Chair of the Code of Responsibility Council has reason to believe that a student lies during the hearing, the student may be formally charged with lying.

6. Imposition of sanctions.

c. Standards
Following the hearing, the Committee in its discretion may impose any of the sanctions specified in this document, or may dispose of the charge without imposing any formal sanction. The sanctions of suspension for a definite time and indefinite suspension, involving loss or interruption of educational opportunity, are appropriate when the Respondent’s continued membership in the college community is judged to be fundamentally at variance with:

- The integrity of the college’s educational mission
- The best interest of the individual
- The best interest of the community

d. Number of Code of Responsibility Council required to impose particular sanctions
In order to impose the sanction of indefinite or definite suspension, all members of the Council sitting on the particular hearing must concur with its imposition. Two-thirds concurrence is required to impose any other particular sanction.

7. Finality of determination by Council; failure by Code of Responsibility Council to make determination in referred case

a. Finality
Determination by the Council, both as to the fact of violation and as to the sanction to be imposed, are finally dispositive of the disciplinary proceeding, subject only to the right of the Respondent to appeal as provided in Part III, Section I.

F. Mutual Resolution Process

1. Function and Authority
The Associate Dean or designee facilitates the Mutual Resolution process. However, the Associate Dean does not have jurisdiction to resolve cases that include allegations of Sexual Misconduct, over which the Sexual Misconduct Hearing Officer has jurisdiction.

2. Mutual Resolution Procedures
If the Associate Dean determines that the Mutual Resolution process is appropriate, they will offer the Respondent the option of a Mutual Resolution during the Associate Dean’s administrative conference. The Respondent has three days to respond to an offer of a Mutual Resolution. A Respondent who accepts a Mutual Resolution must (i) voluntarily accept the determinations on responsibility and sanction(s) proposed by the Associate Dean; (ii) waive their right to a Code of Responsibility Council Hearing; and (iii) waive all appeal rights.

If the Respondent does not accept the proposed Mutual Resolution, the Associate Dean shall refer the case to a Code of Responsibility Council hearing. Information provided in a Mutual Resolution process, including the Associate Dean’s offer and information provided by a Respondent, may not be used in a Code of Responsibility Council Hearing or any subsequent appeal.

G. Organization and Function of Honor Council

1. Organization
The Honor Council is composed of thirty-three students: twelve seniors, twelve juniors, six sophomores, and three freshmen elected at large from the student body. The Council elects its own chair and vice chair to serve one-year terms. The vice chair of the Council shall be responsible for assigning members to a hearing on a rotating basis to ensure that, so far as it is practicable, all serve an equal number of times. The hearing panel, in addition to the chair, shall be composed of six members of the Council to hear individual cases brought before it. Each panel shall be composed of at least three senior or junior students, and two sophomore or first year students.

2. Function and Authority
The function of the Honor Council is to hear and determine all charges of violation presented to it by the Student Solicitors on referral from the Dean under the provisions of Part III. However, the Honor Council shall not have jurisdiction to hear or determine cases that include allegations of Sexual Misconduct, over which the Sexual Misconduct Hearing Officer has jurisdiction.

3. Procedures
The procedures of the Honor Council are as prescribed in Part III, Section H.

H. Student Solicitors and Student Defense Advisors

1. Student Solicitors
The Student Solicitors are seniors elected at large by the student body. They perform the functions provided for the office in this Code of Disciplinary Procedures. The Student Solicitors, in consultation with the Dean, may appoint other students to serve with them as an investigating committee. The Student Conduct Council shall ratify these appointments. These students shall not serve as Solicitors but as investigators under their direction.

2. Student Defense Advisors
The Student Defense Advisors are seniors elected at large by the student body. They will advise and assist any person alleged to have violated the Honor Code, Code of Responsibility, or College regulations who desires their service. The Defense Advisors will report immediately to the Honor Council a violation of the Honor Code if the Respondent confesses to them.

3. Replacement of Resigned Student Solicitors and Defense Advisors
If a Student Solicitor or Defense Advisor submits a written resignation to the Dean of Students or becomes unable to continue their term, the Dean of Students shall notify the Chair of the Honor Council. The Chair of the Honor Council, in consultation with the remaining Student Solicitors and Defense Advisors, shall nominate a junior or senior class member on the Honor Council to fill the remainder of the unexpired term. The nomination will be submitted to the Student Conduct Council for ratification.

I. Hearing Procedures before Honor Council

1. Setting the hearing
Promptly upon receipt of referral of a charge from the Dean, the Student Solicitors shall notify the Vice Chair of the Honor Council of its receipt. The Vice Chair then promptly confers with the Solicitors, the Respondent, and the Defense Advisors to ascertain the earliest practicable date for hearing, taking into account the time required
for adequate preparation. The Vice Chair then sets a hearing time, date, and place, docketes it on the Council records, and gives written notice of the setting to the members of the Honor Council panel who are to hear the case, the Solicitors, the person charged and the Defense Advisors. Notice to the Respondent shall be served by in-hand delivery, or if that is impossible, by registered mail. The hearing date shall be not less than three nor more than ten days from the date of service of notice upon the Respondent. The Respondent may on their own initiative waive the three-day limit.

2. **When Respondent appears**
   The Respondent may appear at the hearing personally or be represented by a student representative, as authorized by the Respondent in writing. The Student Defense Advisors may represent the Respondent. The hearing shall proceed as follows:
   a. The Student Solicitors read the statement of charge. The Chair asks the alleged whether the Respondent takes responsibility or does not take responsibility for the alleged violation(s).
   b. If the Respondent or their representative takes responsibility for the violation, the Respondent may then make any statement he or she desires in mitigation or extenuation, and may present a reasonable number of witnesses in substantiation of their statement. The Solicitors and Council members may ask questions of such witnesses. The Solicitors may then make a statement in respect to the sanction to be imposed and may present a reasonable number of witnesses to substantiate their statement, who may be questioned by the defense and members of the Council. Closing statements may be made by the Solicitors followed by the Respondent or their representative. The Council shall then go into executive session to consider and determine the sanction, if any, to be imposed.
   c. If the Respondent, or their personal representative, do not take responsibility for the violation, the Council proceeds to hear evidence as to the matter in dispute, normally in the following order:
      • evidence in support of the charge presented under direction of the Solicitors: witnesses may be questioned by the defense and the Council;
      • evidence in answer, under direction of the defense: witnesses for the defense may be questioned by the Solicitors and the Council;
      • the Council may call or recall any witnesses;
      • rebuttal evidence, under direction of the Student Solicitors: witnesses may be questioned by the defense and the Council;
      • rebuttal evidence, under direction of the defense: witnesses may be questioned by the Solicitors and the Council. Closing oral arguments may then be made by the Respondent or their representative, followed by the Solicitors. The Honor Council then determines in executive session whether a violation has occurred. If the Council determines that a violation did occur, the hearing resumes, at which time the Solicitors may suggest a sanction and the defense may present any mitigating circumstances in regard to the suggested sanction. The Honor Council then goes into executive session to determine sanction.

3. **When Respondent does not appear**
   If the Respondent does not appear personally and is not represented by an authorized student representative at the hearing, the fact that the person charged has been duly notified shall be verified. If it is determined that the student has not, the hearing is adjourned, and the procedures revert to setting and notification of a rescheduled hearing. If it is determined that due notice was given, the hearing proceeds as follows:
   a. the Solicitors read the statement of charge;
   b. the Solicitors present witnesses and other evidence in support of the charge;
   c. the Solicitors make closing statements. The Honor Council then determines in executive session whether a violation as charged occurred and what sanction, if any, to impose.

4. **Notice of Action**
   The Honor Council may inform the Respondent orally of its disposition of the charge following its determination, or it may defer giving any notice for a period not to exceed two days from formal closing of the hearing. In any event, the Vice Chair of the Council shall, no later than three days from formal closing of the hearing, give to the Respondent a written Notice of Action.

5. **General rules of procedure; rights secured to Respondent**
a. General conduct of hearing
   The Chair of the Honor Council presides and makes all rulings in respect of questions and of practice, evidence and procedure, and the Chair controls, by recognition, the participation of members of the Council and others in the hearing. The Council, by majority vote, may adopt specific rules of order for the conduct of its hearings and other deliberations, but these shall not abridge any of the general rules or rights secured to the Respondent as herein provided.

b. Quorum for hearing; panels
   Six members of the Council constitute a quorum for the conduct of any hearing. By direction of the Chair, the Council may sit simultaneously in multiple panels of six. In such case the Chair shall appoint a presiding chair of the panels on which they do not sit.

c. Evidence
   No attempt shall be made to apply technical legal rules of evidence. In general, any evidence, whether oral testimony or documentary, which is considered by the Chair to be relevant to the charge or defense, should be received subject to the power of the Chair to exclude frivolous, repetitive or merely cumulative testimony. Hearsay evidence (testimony by a witness to what a person not present at the hearing stated) should be received and evaluated with caution, since no opportunity ordinarily exists to question the absent person. Circumstantial evidence can receive the same consideration as direct evidence. Objections to evidence are ruled upon by the Chair alone.

d. Burden and standard of proof; number of Honor Council required to determine violation
   No Council member should vote to find that the person charged was in violation as charged unless on weighing all evidence the proof of violation is clear and convincing. No council member should consider any evidence of violation not brought out in the hearing itself. Council members may properly consider as evidence of violation that the party charged has refused to cooperate in a proper institutional investigation if there is any other evidence to support the charge. Whenever the Respondent does not take responsibility, no violation is found unless two-thirds of the Council hearing the matter concurs in finding it.

e. Open or private hearing
   The Respondent shall have the prerogative of choosing that the hearing be open or closed. This choice shall be submitted in writing no less than 48 hours prior to the hearing and shall be considered binding. In the absence of a written request, the hearing shall be closed. The Vice Chair of the Honor Council shall give public notice of an open hearing. The outcome and sanctions shall be made available to the public within 48 hours of the decision, but not before the Respondent has been notified of the same. Deliberations of the Honor Council remain strictly confidential. In an open hearing, the Chair reserves the right to dismiss persons whose disorderly conduct is disruptive to the hearing.

f. Right to question adverse witnesses
   Both the Solicitors and the person charged, and/or the Defense Advisors, shall have the right, within bounds of general relevance, to submit questions to adverse witnesses who testify at the hearing. The Respondent shall not be required to testify against himself or herself, but the Honor Council may request other students to testify. The Council may question all witnesses.

g. Personal support for Respondent
   A Respondent may request additional persons (e.g., family member, minister, lawyer) be allowed to sit in a nearby waiting room during the proceedings of the Honor Council. To facilitate personal support and counsel to the Respondent, the chair may provide appropriate recesses from time to time. However, such persons shall not be permitted to sit in the hearing room during a closed hearing. Additional students may be permitted in the hearing room during the hearing at the discretion of the Chair; these additional students may not speak during the proceedings.

h. Provision of record for review
   The Vice Chair of the Council shall prepare a written digest of the proceedings at all hearings, without regard to whether evidence is received on the question of violation, and without any request being made by the Respondent. The digest of the hearing shall include defense statements of mitigating
circumstances. On written request by the person charged to the Vice Chair of the Council at least one day prior to the hearing, a verbatim record, as by tape recording, shall also be provided.

i. Pledge of confidentiality and honesty
All students participating in a disciplinary hearing shall pledge (which pledge shall be confirmed in writing) to maintain in confidence all matters presented or discussed at the hearing. All witnesses in a disciplinary hearing shall pledge (which shall be confirmed in writing) to present honest testimony. If the Chair of the Honor Council or the Sexual Misconduct Hearing Officer has reason to believe that a student lies during the hearing, the student may be formally charged with lying.

6. Imposition of sanctions.
   a. Standards
      Unless specifically limited by some provision of this document, the Council may consider as possible sanctions in any case where a violation is determined all those sanctions enumerated in Part II, Section A, without regard to the particular violation involved. It should, however, attempt to fairly fit the sanction to the violation seen in total context. Thus, a fairly severe sanction might appropriately be imposed for a relatively minor violation which has been persistently repeated despite formal warning, while a relatively minor sanction might appropriately be imposed for a serious violation where substantial extenuation is shown.
      The sanctions of suspension for a definite time and indefinite suspension, involving loss or interruption of educational opportunity, are appropriate only when the violator’s continued membership in the College community is judged to fundamentally be at variance with:
      • The integrity of its educational mission.
      • Pose a specific threat to their own emotional health.
      • The minimal internal order of the community.
   b. Number of Honor Council required to impose particular sanctions
      In order to impose the sanction of indefinite or definite suspension, all members of the Council sitting on the particular hearing must concur with its imposition. Two-thirds concurrence is required to impose any other particular sanction.

7. Finality of determination by Council; failure by Honor Council to make determination in referred case
   a. Finality
      Determination by the Council, both as to the fact of violation and as to the sanction to be imposed, are finally dispositive of the disciplinary proceeding, subject only to the right of the person charged to appeal as provided in Part III, Section I.
   b. Effect of failure by Council to determine referred case
      A failure of the Council to make a determination in a case within 30 days after its formal referral by the Dean to the Student Solicitors constitutes a re-referral of the matter to the Dean. On re-referral, the Dean shall refer it to the Code of Responsibility Council as provided in Part III, Section A.

8. Student Organizations
The Honor Council has the power to hear cases and impose sanctions involving student organizations that violate the Honor Code, the Code of Responsibility, or duly promulgated College regulations. The sanctions against organizations may include, but are not limited to, those listed in Part II. Appeals from any determination of a violation by an organization or sanction shall be the same as those for an individual.

J. Appeal Procedures from Decisions of the Code of Responsibility Council or the Honor Council
1. Appeals from the Dean and Honor Council
   From any determination of a violation or the imposition of any sanction by the Code of Responsibility Council or the Honor Council, the appellant may appeal to the Review Board.
2. Review Board; composition and organization; quorum
   The Review Board, all of whom shall be voting members, consists of three (3) faculty members selected for staggered three-year terms by the faculty according to the procedure set up for faculty committee membership and two (2) students who are elected at large by the student body. One junior shall be elected each year to serve for two years. The Review Board shall elect one of the faculty members as chair, and one of the students as
secretary. While five (5) members present are preferred, three (3) members, including at least one (1) student member, of the Review Board constitute a quorum for hearing and determination of appeals. The Vice Chair of the Honor Council shall be present with the Review Board without vote, when an appeal from the Honor Council is being heard. If the Vice Chair of the Honor Council is unavailable, then the Chair of the Honor Council will designate a member of the panel which heard the case to be present. The Associate Dean of Students or designee may be available to provide clarification of any issues during a Review Board hearing for Code of Responsibility Council appeals.

3. **Method of Appeals to Review Board**

   Appeals to the Review Board are made by giving written notice of appeal to the Dean of Students, as the case may be, within five (5) days after receipt by the appellant of Notice of Action by the Dean of Students Honor Council, or Code of Responsibility Council. All appeals to the Review Board shall specify exactly why the appeal is being made and shall be limited in scope to the matters set forth in Part III, Section 1, Number 5(b), i.e., why the evidence upon which the person was found responsible was not clear and convincing, whether substantial prejudicial errors in procedures existed or why the sanction was inappropriately severe. A copy of the formal Notice of Action should be attached.

4. **Record of appeal**

   The Review Board shall hear an appeal based solely on the record of proceedings of the Code of Responsibility Council or the Honor Council. It shall not receive any new evidence. It shall, however, be permitted to consider arguments and written materials regarding alleged procedural errors. In the case of appeal from the Honor Council or from the Code of Responsibility Council, the record consists of the Notice of Action, the digest of proceedings, and, where it has been timely requested, a tape recording of the proceedings. The responsibility for preparation and transmittal to the Review Board of the record is with the Chair of the Code of Responsibility Council in appeals from the Code of Responsibility Council and with the Vice Chair of the Honor Council in appeals from its action. The digest shall be available to the members of the Review Board no less than 24 hours before the commencement of the Review.

5. **Consideration of appeal; scope of review**

   a) **Consideration of appeal**

      The Review Board shall consider the appeal solely on the record. It shall not receive any new evidence. It may permit written briefs, oral arguments, or both, by the appellant and the Student Solicitors or the Dean upon their requests. Such briefs and arguments shall be confined to matters properly to be considered by the Review Board within the scope of its review defined in (b) of this subsection 5.

   b) **Scope of review**

      Review of the finding of violation is confined to the questions: (1) whether there is clear and convincing evidence in the record to support the finding; (2) whether the hearing was free of substantial error prejudicial to the person charged under the prescribed procedures; and (3) whether the sanction imposed is essentially appropriate in light of the seriousness of the violation.

6. **Determination of appeal; Notice of Action**

   a) **Determination**

      All the members of the Board sitting on an appeal shall together hear such oral arguments as they are received, and the Board shall reach decision in executive conference of all those sitting on the appeal. A majority of those sitting on the appeal voting together determine the action on the appeal both in respect of the finding of violation and of the imposition of sanction. A different majority may determine the action in respect of each. Decisions shall be rendered within fifteen (15) days after receipt of the record of appeal, unless, for extraordinary reasons shown by the appellant or the Student Solicitors, the time is extended to allow more time for presentation.

   b) **Notice of Action**

      Written Notice of Action taken on appeal shall be given by the Secretary of the Board to the appellant no later than two (2) days after a decision is reached in conference. The Secretary shall prepare a written digest and the official notice of action of the Review Board.

7. **The Review Board will follow a standard procedure in its hearings**
a. The appeal will come in writing stating clearly the issues to be raised. Solicitors will have time to read the appeal and to prepare a written response that shall be made available to the defense prior to the meeting of the Review Board.
b. The Review Board will meet in executive session to read the appeal and review the digest of the Honor Council or the Code of Responsibility Council.
c. The Vice Chair of the Honor Council, the Solicitors, the appellant, and the Defense Advisors (if requested by the appellant) will then be admitted. No other witnesses, including character witnesses, may appear.
d. The appellant or their representatives will read the appeal. Review Board members may then ask any questions about the nature of the appeal and the particular evidence to support it. Issues involving evidence not previously heard by the Honor Council shall not be considered. (The appellant may read a statement on their behalf but raising only those issues appropriate to be heard by the Review Board.)
e. The Solicitors shall make their response to the appeal. They also shall be questioned by the Review Board if necessary.
f. The Vice Chair of the Honor Council shall be available to provide clarification of any issues. If the Secretary to the Honor Council is unavailable, then the Chair of the Honor Council will designate a member of the panel, which heard the case to be present.
g. The Dean of Students, or designee, may be available to provide clarification of any issues during a Review Board hearing for disciplinary appeals.
h. The Review Board shall meet in executive session to discuss the case and to reach its decision. The Secretary of the Review Board shall prepare the digest of the hearing. The digest shall be available to the President of the College in the case of a subsequent appeal.
i. The Chair of the Review Board will inform the appellant of its decision with the Notice of Action within two days. The Chair will also inform, Defense Advisors, the Dean of Students, The Dean of Student’s Executive Assistant and the Vice Chair of the Honor Council of the decision of the Review Board.

8. Action available to Review Board
The Review Board may on the basis of its review of the record and its consideration of any briefs and statements received;
   a. affirm both the finding of violation and the sanction imposed;
   b. remand for re-hearing if it determines that substantial error prejudicial to the person charged on the question of violation was committed at the hearing;
   c. reverse and dismiss the charge if it determines that there is not substantial evidence on the record to support a finding of violation;
   d. affirm the finding of violation, but reduce the sanction to one deemed more appropriate than that imposed;
   or
e. where the student took responsibility, reduce the sanction to one deemed more appropriate.

9. Finality of action of Review Board
The action of the Review Board is finally dispositive of the disciplinary proceeding, except in cases of remand, and except for the right of the person charged to appeal to the President in the cases provided in subsection 10 following.

10. Appeal to the President
In cases where in the Review Board affirms the imposition of a sanction of indefinite or definite suspension, the appellant may appeal the imposition of a sanction to the President of the College. Notice of Appeal must be given in writing to the President and to the Chair of the Review Board within five (5) days after receipt of the Review Board's Notice of Action. Review is solely on the record on appeal before the Review Board, plus any written brief filed with the Review Board by the appellant. The President may, in conference with the appellant, hear and consider oral argument. Review by the President is confined solely to the question of the appropriateness of the sanction in total context. The President shall ordinarily reach a decision and give formal written Notice of Action within ten (10) days after receiving the Notice of Appeal. The President may affirm the imposition of sanction by the Review Board or reduce it to one deemed more appropriate. The action of the President is finally dispositive of the disciplinary proceedings.

11. Stay of sanction pending appeals
The imposition of sanction is stayed following action by the Code of Responsibility Council, Honor Council, and the Review Board for the periods during which Notice of Appeal may be given following their respective actions, and thereafter until the matter has been finally disposed of within these procedures. If upheld on appeal, a sanction of definite or indefinite suspension shall be effective as of the date imposed by the Honor Council or Code of Responsibility Council. If the appellant appeals the sanction of probation, the term of the probationary period will begin after the appeal procedure has been completed if the sanction is upheld. Should the appellant be a senior and the length of the probationary period extend beyond the date of commencement, that student shall not be eligible for a degree until the end of the probationary period. (See Code of Disciplinary Procedures, Part II, Section A. Range of Permissible Sanctions, Item 13 regarding out of classroom restrictions on a student receiving a sanction of suspension.)

12. Pending appeals and the Commencement ceremony
Seniors who have been formally charged with violations of the Honor Code or Code of Responsibility, or with other pending student conduct matters, and seniors with pending appeals shall not be eligible to graduate until the disciplinary matter is finally concluded, and must receive the permission of the Dean of Students or the President to participate in the Commencement ceremony as an August graduate.

13. Petition for readmission
A student who has been suspended for an indefinite period may petition in writing for readmission to the Faculty Executive Committee. This petition will be submitted through the Dean of Students Office. The Faculty Executive Committee may, when possible and as appropriate, consult with representatives from the Dean of Students Office or members of the Honor Council, Code of Responsibility Council or Dean who heard the student’s case.

14. Suitability of student members
All student candidates for the Review Board, the Student Solicitors, and the Student Defense Advisors must be interviewed by a committee of the Student Conduct Council as constituted by the Student Conduct Council. The committee will seek to determine the suitability of candidates as to their appreciation of the College’s Statement of Purpose, their understanding of the Honor Code and Code of Responsibility, and their seriousness of purpose. The committee shall certify candidates for these offices before they stand for election.

COVID-19 Shared Responsibilities
Davidson College students have agreed to abide by shared responsibilities for the 2020-2021 academic year including health and safety protective measures including but not limited to wearing face coverings, physical distancing, and limiting gathering sizes. Further information can be found on the Davidson College “Our Shared Responsibility” (https://www.davidson.edu/fall-2020/our-shared-responsibility) and “Health and Safety” (https://www.davidson.edu/fall-2020/health-and-safety) websites. Students who fail to adhere to the health and safety measures will be referred directly to the Dean of Students Office and not to an Honor Code or Code of Responsibility process. Guidelines on these websites supersede any policies in this Student Handbook.