

Section 4:

Student Responsibilities

INTRODUCTORY STATEMENT

As an educational institution, Cottey College has an obligation to provide a physical and intellectual environment where students have freedom to grow and are challenged to realize their full potential. In support of this general goal, a list of responsibilities is included in this section so that students can learn what to expect from the College and what the College expects from them. It is not an attempt to limit student freedom; rather, it is an attempt to provide a balance between individual needs and the needs of the College. Inherent in its construction is the idea that freedom of choice implies the acceptance of full responsibility for one's actions. Thus, in choosing to come to Cottey College, a student chooses to conform to the code of behavior that has been designed for the common good of the institution and all of its constituencies.

Students are also responsible for their actions on and off campus as outlined by local, state, and federal statutes and they are not immune from prosecution by these agencies as a result of their college status. If conduct occurring external to the College represents a threat to the health, safety, or welfare of any member of the College community or to the good of the College, the College may take disciplinary action.

STUDENT RESPONSIBILITIES

The Cottey College Board of Trustees delegates to the President of the College the responsibility for student conduct and authorizes the President to delegate to the dean of student life, the faculty, and other administrative officials, the responsibility for maintaining discipline on the campus. The President may authorize or amend campus rules and regulations as necessary to fulfill the mission of the College.

The College's primary interest in disciplinary actions is to help individual students avoid further inappropriate behavior and to become responsible members of the academic community. Students

who do not conform to College regulations or commit violations of a serious nature may be dismissed from the College.

Students are expected to uphold College regulations while in or on College property including buildings, grounds, and vehicles. This expectation extends to students involved in College-sponsored or approved trips and events held off campus. Individual students and groups may also be grievanced for off-campus activities that are not part of a College-sponsored or approved event when the activity in question fits the general criteria noted in the introductory statement above.

Student status at Cottey College does not confer either immunity or special consideration in civil or criminal laws. Students may be held accountable to both civil and College authorities for acts which constitute violations of law as well as violations of College regulations. Disciplinary action by the College will not be subject to challenge or postponements on the grounds that criminal charges involving the same incident have been dismissed, reduced, or are pending in civil or criminal court.

Students have an obligation to become familiar with, and conform to, the standards of conduct which are expected at Cottey College and to report actions of others which appear to violate these standards. Students are responsible for all College policies and regulations stated in this handbook, the Cottey College Catalog, official notices, the Residence Hall Agreement, and state and federal laws. Ignorance of policies and regulations is not a valid excuse for violations.

PROHIBITED BEHAVIOR/MINOR VIOLATIONS

Major and minor violations both involve the violation of a Cottey College regulation. Except as otherwise provided by other Cottey College

regulation or policy, major violations involve actions that lead to a Residence Hall Conduct Board or Judicial Board grievance on the first offense. Minor violations are actions on campus that can lead to an official warning or a Residence Hall Conduct Board grievance, depending upon the number of occurrences and other circumstances.

Minor violations include but are not limited to the following actions. They are considered minor, nuisance types of violations that should be handled within a residence hall. Examples of common minor violations are listed below.

1. Smoking in a nonsmoking area.
2. Burning of any candles, incense, or effusion lamp, or other items resulting in an open flame.
3. Having food or drink in a computer lab or computer suite.
4. Stacking or disassembling room furniture to make bunk beds out of beds not designed for this type of use or for other reasons. Removing a mattress from a frame or dismantling the frame.
5. Stacking, piling, or removing suite furnishings.
6. Causing excessive, disruptive noise in a quiet suite or during quiet hours except as permitted by hall staff.
7. Displaying obscene or offensive visual materials within a suite or on an outside window.
8. Allowing overnight female guests without prior approval.
9. Allowing an animal into the hall.
10. Setting off a side door alarm.
11. Any other violation of College rules, procedures, or regulations that are not considered major violations.

MINOR VIOLATION PROCEDURE

Any student or residence hall staff member may complain about a violation. A hall staff person (hall director or resident assistant) should be called to the scene to enforce the complaint and to process the warning. This will ensure that frivolous complaints or personal grudges will not interfere with the actual violation. A three-part warning form will be completed, with a copy going to the student involved, the hall director (if the offense occurred in a residence hall), and the director of housing. These warnings cannot be appealed; however, students may submit a written statement concerning any warning within five school days to the director of housing, and copies of that statement will be attached to all copies of the original warning.

Certain minor violations will result in a written warning and an automatic sanction. Minor violations that carry an automatic sanction may be appealed in writing to the assistant dean of student life/director of housing. Automatic sanctions will be given to students for the following minor violations:

- Having food or drink in a computer lab or computer suite—\$25 fine.
- Burning a candle or incense—\$25 fine.
- Smoking in a nonsmoking area—\$25.

When a student has received three minor violations in an academic year, a grievance will be filed by the director of housing that will include copies of the previous warnings and any statements the student may have submitted in response. Thereafter, regular disciplinary procedure will be followed, and the student grievanced will be notified by the proper authority concerning further action.

In a situation where a student is apparently responsible for multiple minor violations during a single incident or when a student is thought to be responsible for a major and a minor violation, no warning will be issued. These situations will be handled as major violations and will lead to formal disciplinary action.

PROHIBITED BEHAVIOR/MAJOR VIOLATIONS

Any student who commits, attempts to commit or incites and/or aids others in committing any of the following acts, among others described elsewhere but not necessarily listed here, shall be subject to disciplinary action and may be dismissed from the College:

1. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or any other College activity.
2. Violence, or the threat of violence, against any member of the College community, or other conduct which intentionally or recklessly threatens, endangers, or causes reasonable apprehension for the health, life, or safety of oneself or other person(s).
3. Harassment or hazing.
4. Unauthorized use or possession of firearms, weapons, explosives, firecrackers, or chemicals.
5. Violation of the Honor Code.
6. Turning in a false fire or bomb alarm by any means including a telephone call or by a warning device, or tampering with smoke alarms, extinguishing equipment, or willfully starting a fire or causing an explosion in College buildings or on campus. Making intentional false 911 reports by telephone or emergency pole.
7. Unauthorized entry and/or use of College facilities, or equipment. Unauthorized use, possession, or duplication of College keys or ID/Keycards.
8. Theft, possession of stolen goods, damage, or vandalism to property owned/controlled by the College, local/state municipalities, business establishments, or any person.
9. Falsification, forgery, alteration or use of College documents, records, or instruments of identification with intent to defraud the College.
10. Disorderly conduct, disturbing the peace, creating undue noise or lewd, indecent, or obscene conduct or expression.
11. Possession, consumption, or distribution of alcoholic beverages (or empty containers) on any part of the campus including student vehicles.
12. Use, possession, sale, manufacture, or distribution of any drug (or drug paraphernalia) in either refined or crude form, unless under the direction of a licensed physician or as expressly permitted by law.
13. Failure to comply with orders or directives of College officials, faculty, security officers, or any other law enforcement/fire department personnel acting in the performance of their duties.
14. Violation of major College residence hall regulations (as described in Section 2), including but not limited to: male and female visitation (unless posted otherwise); or the accumulation of three minor violations.
15. Violation of the Prohibited Student Organizations Policy, including possession of any attire or item related to any groups or traditions which are now prohibited. (See Section 5).
16. Misuse of computing resources through failure to comply with laws, license agreements, and contracts governing network, software, and hardware use. Abuse of the Cottey computer use policy.
17. Conduct that is detrimental to the image or reputation of the College.
18. Violations of federal and state law and respective county and city ordinances.

MAJOR VIOLATION GRIEVANCE PROCEDURE

A. General

Any member of the Cottey community, including faculty, staff, and students may file a grievance

against a student who has or is apparently violating a rule. Grievance procedures are initiated when a member of the Cottey College community brings an alleged violation to the attention of the dean of student life or her designee. The dean or her designee will then review the grievance, and direct it to the appropriate disciplinary board or authority. These include the Residence Hall Conduct Board, the Judicial Board, the dean of student life or her designee, or the President. In the event that any grievance is deemed inappropriate for disciplinary action, the dean or her designee will determine a more appropriate means of resolving the grievance, including mediation between parties.

The Residence Hall Conduct Board is made up of four students and a hall director, with the director of housing serving as an ex-officio member.

The student members are appointed based on an application process, by the SGA Executive Board, in conjunction with the director of housing and the dean of student life. The SGA vice president serves as chairperson. This board will hear grievances involving violations that most directly impact residence life.

The Judicial Board is made up of seven members. The student members of the Judicial Board include the SGA vice president and three other students who are appointed by the SGA Executive Board and the dean of student life or her designee, based on an application process. The faculty members are appointed by the vice president for academic affairs from a list submitted by the SGA Executive Board, and the dean of student life or her designee appoints an administrative member. The SGA vice president serves as chairperson. This board will hear grievances involving violations of campus policy including academic possession of alcohol and/or drugs, and hazing or harassment.

With permission of the dean of student life or her designee, a student willing to accept responsibility for her alleged behavior may request a disciplinary conference in lieu of a hearing before a disciplinary board. The purpose of the conference is to gather relevant information to guide the development of disciplinary sanctions. The hearing will be conducted by the dean of student

life or her designee and include only the involved student(s).

Private and informal advice and assistance on matters related to the disciplinary hearing process is available from the assistant dean of the faculty who acts as a pre-hearing “consultant.” The consultant does not attend hearings and is not part of any disciplinary board but serves as an advisor to those who are or may be involved in a disciplinary hearing. Students accused of violating College regulations may talk with her confidentially about any matter related to the hearing process or their defense. She also assists students, faculty, or staff trying to decide whether to, and how to, file and present a grievance against a student.

B. Mediation

Mediation is encouraged as an alternative means to resolve most disciplinary cases. The dean of student life or her designee shall inform complainants and accused students in writing about the availability of mediation resources, including resources offered by state or local agencies. The dean or her designee, in the exercise of her discretion, may decline to process a complaint until the parties in a non-academic misconduct case make a reasonable attempt to achieve a mediated settlement. To be binding in a disciplinary case, any mediated settlement must be approved by the dean of student life or her designee.

C. Grievance Procedure

The dean of student life or her designee will review the grievance, and at her discretion, may allow a student who accepts responsibility for her alleged behavior to request a disciplinary conference. All other grievances will be directed to the appropriate disciplinary board. The board will come to a decision, responsible or not responsible, and any disciplinary action or sanctions. Disciplinary actions or sanctions can range from a written warning to dismissal.

A few violations result in automatic sanctions (See D. “Sanctions”). In these cases, both the accused student and the person filing the grievance may

request a hearing in lieu of the automatic sanction.

Alleged violations of academic aspects of the Honor Code will be handled by the faculty and the vice president for academic affairs as outlined under Disciplinary Action for Honor Code Violations Including Academic Dishonesty, located in the Introduction of this handbook.

The major violation grievance procedure is as follows:

1. A grievance form may be obtained from the SGA vice president, a hall director, R.A., the dean of student life, or her designee. Individuals filing a grievance may not discuss the case prior to the hearing with any member of the disciplinary board. The assistant academic dean is available for consultation.
2. The grievance form must be signed by the person filing the grievance, must state who allegedly violated the rule and must describe the alleged violation.
3. The grievance form must be turned in to the dean of student life or her designee. Grievances must be filed no later than ten school days after the alleged violation occurred or is discovered.
4. Within five school days of receiving the grievance form, the dean or her designee will notify the accused student that a grievance has been filed. At her discretion, the dean will offer the accused student the option of a disciplinary conference if she is willing to accept responsibility for her alleged behavior. In all other cases, the dean or her designee will direct the case to the chairperson of the appropriate disciplinary board, who must inform the alleged violator in writing of the charges, who filed the grievance, and the time and place of the hearing. The hearing must be held within ten school days after the grievance is filed with the dean of student life, or her designee; however, the alleged violator must be given at least three school days to prepare her defense after the hearing notification is issued. With the consent of both parties, this time frame may be abbreviated or extended.
5. People present at the hearing will be the board, the alleged violator, and the witnesses subpoenaed by the board. The alleged violator may invite witnesses beyond those subpoenaed by the board to the hearing. In addition, an accused student may be accompanied by another student who serves as a hearing “consultant.” The consultant offers moral support and may make suggestions to the accused student about how to answer questions, but she does not actively participate in the hearing. In hearings involving alleged violations of the Honor Code, accused students may invite a member of the faculty to serve as their “consultant” instead of another student. Students may not be accompanied or represented by attorneys during hearings; however, prior consultation may be advisable if subsequent criminal prosecution appears likely.
6. The purpose of the campus disciplinary hearing is to provide a fair evaluation of an accused student’s responsibility for violating College policies. Formal rules of evidence shall not be applied, nor shall deviations from outlined procedures necessarily invalidate a decision, unless significant prejudice to a student respondent or the College may result.
7. A finding of “responsible” or “not responsible” will be determined based on the facts presented at the hearing.
8. The chairperson of the board will notify the student in writing within three school days of the decision, “responsible,” or “not responsible,” and any disciplinary action.
9. The imposition of all sanctions will be deferred during the pendency of the appeal process, unless, in the discretion of the dean of student life or her designee, the continued presence of the student on the campus poses a substantial threat to herself or to others, or to the stability and continuance of normal College functions.

10. The accused student has the right to appeal by submitting a written notice of appeal, listing the reason(s) for the appeal, to the dean of student life or other designated appeal officer within three school days of the initial board decision. The following will be considered grounds for appeal: A) a procedural error or irregularity which substantively affected the outcome of the judicial process, B) new evidence that was not available at the time of the hearing and which could have a substantial impact on the outcome of the judicial process, C) or, the belief that the sanction imposed is not commensurate with the findings of fact established during the hearing process. Upon review of the basis for appeal, the appeal officer may: A) deny the basis for appeal, thereby affirming the finding and the sanction originally determined; or upon review of the hearing records B) affirm the finding and original sanction; or, C) affirm the finding and modify the sanction, or, D) dismiss the case. Final appeals may be directed in writing to the President of the College. The President's decision is final. The President may delegate the authority to make the final decision on any appeal to another member of the College's administrative staff.

11. Grievances filed near the end of a semester need to be handled expeditiously. Time available for preparing a defense and appeals may be abbreviated as necessary.

D. Disciplinary Hearing Procedures

During disciplinary hearings, the chairperson is in control of the meeting and has the authority to rule on matters pertaining to hearing procedures. She has the authority to direct any person involved in a hearing to leave when their behavior interferes with hearing proceedings. Hearings are not open to the public and disciplinary decisions are normally not publicized (see "Student Records" in Section 3 and "Sanctions" in this section of the handbook); however, disciplinary hearings are tape-recorded. These tape recordings, transcribed copies of tape recordings (if any), and all documents and exhibits presented at hearings shall be the property of the College and remain in its sole possession. Any item of personal property, which is not contraband or the possession of which is not in violation of law or regulations of the

College, shall be returned to its rightful owner as soon as there is no longer an evidentiary need for the item to be retained by the College. Finally, failure of the accused to appear at the hearing may result in the case being heard in her absence.

The following hearing agenda may be altered by the chairperson as necessary:

1. The chairperson opens the hearing, introduces the board, and makes general comments.
2. The chairperson reads the statement of charges.
3. The chairperson asks the accused student for her response to each charge.
4. The chairperson asks the complainant then the respondent to make opening statements and present any physical evidence.
5. The members of the board and the accused student may then ask questions of the complainant.
6. The witnesses to the incident subpoenaed by the board individually testify about the circumstances of the event.
7. The accused student may then ask questions of any witnesses. The chairperson will limit questions to matters directly relating to the incident in question and may, at her discretion, terminate questioning of a witness by the accused student when it seems the accused student is trying to intimidate the witness.
8. The accused student then presents a defense including presentation of her witnesses, documents, and exhibits.
9. The board may recall anyone at any time during the hearing for clarification of statements.
10. The accused student, her hearing consultant, the person filing the grievance, and all witnesses are excused during the final closed session. This deliberation is not tape-recorded. The board determines whether the accused student is responsible or not responsible

for violating College regulations and, if responsible, decides what type of sanction is most appropriate. In the event of a responsible decision, prior disciplinary records and other types of information directly related to the violation may be considered in determining an appropriate disciplinary sanction.

11. The board will direct its attention to the specific charge brought before it. However, in some instances, a more just and equitable resolution of a case can be found by reducing a charge or charges against a student. A reduction of charge may be accomplished by changing the original “major” violation to a “minor” violation as outlined in the Handbook. In every instance, the charge must be related to the original charge in order not to be considered an additional charge. The written decision will specify the reduced charge and be noted “responsible of reduced charge.” In cases where a charge is reduced to a “minor” violation, a written warning from the board is the only applicable sanction. In this instance, a “minor” violation may be appealed, and will follow the appeal process outlined herein.

E. Sanctions

The particular disciplinary sanction or combination of sanctions imposed upon a student usually depends upon the seriousness of the violation in question and any prior violations. When a student is found responsible for violations two or more times, sanctions become progressively harsher, ending eventually in dismissal. A student may be dismissed from the College the first time she is found responsible for a major violation.

The boards make an attempt to be relatively consistent in treating similar violations alike; however, each case is different and individual sanctions may vary according to the circumstances of a particular violation and prior disciplinary history. As noted in the introduction to this section of the handbook, the College’s primary interest in disciplinary actions is to help individual students avoid further inappropriate behavior and to become responsible members of the academic community.

Possible Sanctions Include:

- I. Automatic sanctions will be given to students choosing to plead “responsible” for the following violations:
 - Stolen Milk Crates—\$25 fine;
 - Stolen Real Estate/Street Sign—\$50 fine plus 5 hours of community service to be assigned per sign;
 - Stolen Stop/Yield etc. sign—\$75 fine plus 10 hours of community service per sign;
 - Male visitation violation involving receptionist error—\$25 fine for the student in violation, and work-related disciplinary action for the receptionist responsible.(All community service will be assigned by the dean of student life or her designee and the board chairperson.)

II. Other Sanctions

1. **Disciplinary Dismissal**: A student who is dismissed from the College must cease enrollment for the period of time specified (usually one semester or longer but sometimes permanently). Dismissal may be immediate or at the end of a semester depending upon the circumstances; however, the dean of student life or her designee must review cases involving disciplinary dismissal imposed by the Judicial Board before it takes effect. After serving the term of dismissal, a student may reapply to the College for admission. The appropriate board, committee, or administrative officer will determine the student’s fitness to return to the College.
2. **Disciplinary Probation**: This is an encumbrance upon the student’s good standing in the College. It effectively provides the student one last chance to prove her ability to comply with College regulations. Further violations during the probationary period typically result in dismissal from the College. The length of disciplinary probation shall not be less than one month and not more than one year. Probation is frequently accompanied by other sanctions. The dean of student life

or her designee may monitor a student's conduct during the probationary period to verify compliance and to offer assistance in understanding and conforming to College regulations.

3. Reprimand: This is an official written statement from the board to a student that she has violated a College regulation. It is intended to communicate most strongly both disapproval and reprimand by the College community.
4. Financial Penalties: These include reimbursements or restitution for loss or damages to property and/or fines which may be levied by the board as a form of punishment. When imposed, financial penalties are sometimes accompanied by other sanctions. Disciplinary fines are credited to the SGA account in the Business Office for use in a manner that benefits all students.
5. Loss of Privilege: The board may limit or revoke privileges for a specific length of time related to holding an office in a student organization, operating a vehicle on campus, living on campus, attendance at certain campus activities, hosting male guests, or other restrictions appropriate to the violation.
6. Loss of Confidentiality in Disciplinary Sanctions: In rare and unusual circumstances, the board may determine that the public disclosure of the name of a student violator, regulations that were violated, other relevant circumstances, and sanctions imposed by the board is a necessary and important part of the disciplinary process. The loss of confidentiality in disciplinary sanctions is considered a sanction because student disciplinary hearings and decisions are normally handled in a private and confidential manner. The board may impose this sanction in addition to others for the good of the student or as a means of sharing appropriate information with

those who have suffered (or are at risk of suffering) physical harm as the result of the student's behavior (see "Student Records" in Section 3 of this handbook). The board may also impose this sanction if the student's behavior has "threatened the good of the College." In this situation, the College may need the freedom to address the behavior of the student or the issues involved in a public manner as a means of repairing its "reputation" (see the "Introductory Statement" in this section of the handbook).

7. Creative Sanctions: These are penalties designed by the board to fit the particular violation. For instance, students may be assigned to a work detail, assigned various amounts of community service hours (coordinated through the College's Volunteer Program), required to submit to a mental health evaluation (as arranged by the College through Allied Mental Health) and given the option to enter any treatment (at student expense) that may be recommended as a result of the evaluation in lieu of dismissal, required to attend a relevant educational program or required to write a paper on a topic related to the violation.
8. Additional Sanctions for Contempt of the Board: Failure to uphold or complete sanctions imposed or disrespectful behavior during the disciplinary process may result in more serious or additional sanctions being imposed by the dean of student life for Contempt of the Board.

F. Grievances or Complaints Which the President May Exercise Authority to Hear

Notwithstanding anything in this Student Handbook or the College's policies to the contrary, the President of the College shall retain the authority to be exercised in her absolute discretion, to hear, review and impose disciplinary sanctions, or delegate the authority to do so to another administrative officer, with respect to any grievance or complaint alleging or involving the following subject matter:

1. Serious violations of the College's policies pertaining to hazing, harassment, or prohibited student organizations.
2. Conduct involving serious physical injury or the threat of or potential for such injury.
3. Damage to College property in excess of \$500.
4. Conduct occurring within the last five days of any academic semester.
5. Any other conduct which the President determines should be addressed exclusively by her in the overall best interest of the College Community.

The President or her designee shall determine and will advise the accused student of the procedure to be followed in connection with the hearing on the grievance. At a minimum, the accused student shall be informed of the charge, shall have the right to ask questions of any witness who testifies in regard to the grievance, shall have a right to present a defense, including making statements on her behalf and presenting any other witnesses, documents and exhibits. In the event the President or her designee determines that a violation has occurred, the President or her designee may impose any sanctions that either the disciplinary board could impose if the matter had been heard by that body, or the President or her designee may impose any other sanctions that are determined by the President or her designee to be appropriate. There shall be no appeal of the President's decision; however, if the matter is heard by an administrative officer designated by the President, an appeal may be made to the President, whose decision will be final.