



DONNELLY COLLEGE

Student Code of Conduct

As part of its mission, Donnelly College promotes an environment conducive to academic, social, spiritual, personal and physical growth for persons from a variety of economic, social, religious, racial, ethnic and national backgrounds. An individual who enters this college community voluntarily assumes obligations to accept the code of conduct of the institution to promote its purposes and functions. The college may take disciplinary sanctions whenever student conduct interferes with its responsibility of providing an opportunity for educational achievement or of protecting the rights, health and safety of its members.

Members of the Donnelly Community are expected to maintain standards of conduct befitting maturing and responsible citizens in an academic community and reflecting the purpose of the college. All members of the community are expected to exhibit integrity and personal honesty in the classroom and in other campus affairs. Students should:

1. Refrain from conduct which leads to embarrassment, physical harm, or indignities to other persons will not be tolerated. Such behaviors include:
 - a. Bullying, intimidating, or otherwise threatening any other individual on campus or at a campus sponsored event.
 - b. Cyber Bullying: Intimidation or harassment that causes a reasonable student to fear for his or her personal safety and property. Cyber bullying includes, but is not limited to, the use of computers, web sites, the internet, cell phones, text messaging, chat rooms, and instant messages to ridicule, harass, intimidate, humiliate, or otherwise bully a student
 - c. Burglary
 - d. Theft
 - e. Arson, or fires started on campus.
 - f. Excessive noise or disruptions.
 - g. Violent behavior: verbal and non-verbal
 - h. Fighting on campus
 - i. Use of weapons on campus
 - j. Indecent exposure or behavior, illicit sexual behavior, or lewd conduct.
 - k. Illegal gambling.
2. Conduct themselves in a manner that conveys a genuine interest in all students and community members will be apparent/visible at all times, with a dedication to helping them learn to help themselves;
3. Respect the privacy of others. Such violations of the expectations of privacy include:



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- a. Breach of Privacy: Using electronic or other means to make a video or photographic record of any person on-campus where there is a reasonable expectation of privacy without the person's consent and when the recording is likely to cause injury, distress, or damage to one's reputation.
 - b. Opening, tampering with, or otherwise manipulating access/maintenance panels; propping or taping open doors that are intended to remain closed or locked; improper use of alarmed door
 - c. Using bathrooms intended for the opposite sex
 - d. Misuse/ abuse of codes and access systems
 - e. Covering, tampering with, or removing peepholes or room numbers
4. Respect the rights and views of colleagues and those served will be honored, and all individuals will be treated with respect, courtesy, and good faith
 - a. Donnelly College students are responsible for the behavior of their guests.
 5. Harassment or discrimination in any form will not be tolerated or condoned at any time
 6. Personal behavior of community members must conform to standards of propriety congenial to the College's heritage and aims, as well as to the laws of the state and nation.

Violation of the College's Code of Conduct may lead to disciplinary action(s) or may be grounds for dismissal.

Interference with the Student Code of Conduct Process: Attempting or actively influencing, intimidating, interfering, or coercing any person involved in a potential, actual, or past Student Conduct Referral. This includes, but is not limited to, encouraging or influencing another person to commit an abuse of the Student Code of Conduct, discouraging an individual's proper participation in, or use of, the Student Code of Conduct process, or distributing or interfering with the orderly process of conducting a proceeding.

Overview of Disciplinary Process

The Vice President of Enrollment Management and Student Affairs is responsible for implementation of the Code of Conduct. Donnelly College jurisdiction shall be limited to conduct that occurs on College property, at College-related events, or that adversely affects the College community. Given that the College's interest in student welfare is not bound by campus property lines, its commitment to neighborhood relations is high, and its positive reputation within the broader Kansas City community is essential for its continued well-being, the College reserves the right to act on violations that occur off-campus which adversely affects the College community or at College-sponsored or College-sanctioned events and activities regardless of location. College sanctioned or sponsored off-campus events and activities include, but are not limited to, those planned and implemented by student organizations/



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teams/other student groups and College departments. Common points of complaint that often prompt College investigation and response into off-campus student misconduct include reports and other contact from neighbors, neighborhood associations, local or regional businesses, Kansas City Police, and city officials. The disciplinary process is designed to be primarily educative and developmental in nature.

When the behavior of a student poses an immediate threat to the safety of the College community or violates the mission of the College, the College may impose an interim suspension or removal from the College, restriction on access to residence halls, the campus, or participation in any College-sponsored/sanctioned event or activity. These interim decisions are made by Vice President of Enrollment Management and Student Affairs or designate and remain in effect pending a decision under appropriate College disciplinary procedures. The Vice President for Enrollment Management and Student Affairs or designee is responsible for initiating disciplinary proceedings where there is reasonable cause to believe an offense under the Code of Conduct has occurred and disciplinary action is appropriate. Student non-academic disciplinary records are maintained by the Student Affairs Office. These records include all written correspondence concerning violations of College policy and are only released with the written permission of the student or as required by law.

Individual Hearing

If you are charged with a Student Code of Conduct Violation and are called to an individual hearing, you will most likely be in the Vice President for Enrollment Management and Student Affairs Office. During the Hearing, you will be asked to share what you know about the incident that you are charged with being involved in. At this hearing a few things can happen:

- The first type of outcome is when you and the Hearing Officer agree on the facts surrounding the incident and your responsibility for the incident. If sanctions are necessary, the two of you will decide on what is appropriate and helpful.
- The second type of individual hearing is when the student and Hearing Officer do not agree on the facts surrounding the incident. In this instance, the Hearing Officer can either sanction the student if necessary or send the student to a Hearing Committee made up of three College constituents (typically one faculty, one staff member, and one student). Sanctions given by the Hearing Officer or Hearing Committee are appealable.

Hearing Committee

Consists of three (3) voting members (typically a faculty member, a staff member, and a current student) and is specifically constituted for cases that involved allegations considered to be more serious misconduct. Although every effort will be made to conduct the hearing committee with one student, one faculty and one staff, it may not be possible, especially during the summer, and the Hearing Committee may consist of any three members of the College community. The Hearing Committee will



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review facts related to allegations of non-academic misconduct against a student or student organization and will make their findings and, if the student or student organization is found in violation of the Code of Conduct, impose sanctions.

Definitions and Roles

Hearing Officer – The Vice President of Enrollment Management or Student Affairs, or designee. A Hearing Officer will review facts related to allegations of non-academic misconduct by a student or student organization most often considered to be less serious in nature and will make findings and, if the student or organization is found in violation of the Code of Conduct, impose sanctions.

Advisor - Each student or student organization will be afforded the opportunity to have a faculty or staff advisor present at a hearing either with an officer or committee. The advisor role is to help the student or student organization understand the responsibilities and rights afforded by the Code of Conduct process, and to encourage honest and forthright engagement in the process and between hearing officer/hearing committee and the student or student organization. The advisor's role during the actual hearing is limited in scope and should reflect a supportive stance of both the student and the College.

Investigating Officer –A College designee. This person consolidates historical and evidentiary data related to the charges against the student or student organization for the purposes of a hearing committee. This person presents this information to the committee for their review, and also suggests possible sanctions based upon the severity of the alleged infraction, disciplinary history of the charged student or student organization, and historical precedent.

Witnesses - You are allowed to have witnesses to testify about the facts surrounding the case. You may also have one character witness who can speak about you personally (Donnelly faculty, staff, or student). They do not have to have any information about the incident that you are being charged for.

Hearing Process

Overview

Most committee hearings are held on the 7th floor of the Donnelly College Tower. Students should report there at least five (5) minutes before their Hearing. The College designate will be presenting the College's case and has no vote. Both student and the College may have witnesses. The student is allowed one character witness. The student is also allowed to have a Donnelly College faculty or staff advisor present. The student's advisor cannot address the witness(es) and should be there only to guide the student and answer any questions. Parents and/or lawyers are not permitted to be in the hearing.



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Both the College and the charged student are allowed to share their side and will have the opportunity to question the witnesses. After all of the information is presented the three (3) committee members will go into deliberation to decide if the charged student is responsible or not. If the student is found responsible, the committee will receive the student's discipline file. They will then determine what sanctions are appropriate. They will then share their sanctions with the students and College. If a student wishes to appeal the decision they should follow the College appeal process.

Procedure

1. The Vice President of Enrollment Management and Student Affairs, or designate makes procedural decisions respective to hearings.
 - The Hearing Examiner normally reviews charges which he/she anticipates will not result in disciplinary probation II, suspension, or expulsion.
 - A Hearing Committee will normally review charges which may result in disciplinary probation, suspension, or expulsion.
 - A charged student may indicate his or her preference for a Hearing Examiner or Hearing Committee in writing to the Vice President of Enrollment Management and Student Affairs, or designate will make the final decision on such request at his/her discretion.
 - All other hearing-related procedures are delegated to the Vice President of Enrollment Management and Student Affairs, or designate as described in this Code of Conduct
2. A member of the Vice President of Enrollment Management and Student Affairs staff is present at Hearing Committee proceedings to take written notes. Upon written request, the charged student will receive a copy of the hearing notes.
3. All hearings are conducted in private. No person will be permitted to attend a hearing other than those directly involved in the hearing procedures.
4. Hearings on a charge involving more than one student will generally be conducted separately even if the charge is based on the same operative facts.
5. The complainant and the charged student each have the right to be present at the hearing and to be assisted by a faculty or staff advisor from the College community. Other persons may be in attendance at the hearing solely for the purpose of and the time it takes to provide information pertinent to the charge. Attorneys, parents, family members and others not directly involved in providing information are not permitted to be present in order to protect the confidentiality of the student, expedite the proceedings in a reasonable manner, and encourage the student to remain directly engaged in the process with the support of his or her faculty or staff advisor
6. The charged student should notify the Associate Dean of Students or designate in writing regarding the name of the faculty or staff advisor, information, written witness statements if any, and witnesses who the student anticipates will provide information on his/her behalf at



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least three (3) business days prior to the hearing. The Hearing Examiner or Hearing Committee Chairperson will provide administrative leadership during the hearing, including:

- Overseeing the presentation of information
 - Limiting or enlarging the scope and duration of presentation of information
 - Taking any other action in the interest of an orderly, expeditious and informative hearing
7. Format for Presenting Information: Absent extraordinary circumstances, the Investigating Officer and the charged student will present information relevant to the charge(s). Acceptable forms of information include such things as in-person statements of witnesses based on personal knowledge, written statements by witnesses with personal knowledge, documents including writings and records, audiotapes, videotapes and photographs. Only one character witness or statement (limited to Donnelly faculty, staff, or student) will be allowed on behalf of the charged student.
8. Hearing Procedure
- Call to Order
 - Introductory Comments and reading of the written Charge(s)
 - Opening Statements
 - Presentation of Information including witnesses
 - Closing Statements
 - Private Deliberation
 - Notification of Decision
9. No student shall be found to have violated the Code of Conduct solely because the student failed to appear at the hearing. However, if a charged student does not appear for a scheduled hearing, the hearing may be conducted and a decision made based on information presented in the charged student's absence. If a charged student fails to appear at a hearing, sanctions imposed may not be appealed.
- All findings shall be made upon information that, if taken as true more likely than not supports the finding.
 - Disciplinary history, academic transcript, and institutional financial aid information will be made available to the Hearing Examiner or Committee if the student is found in violation of the Code of Conduct in order to more fully inform appropriate sanction determinations.
 - Written notification of the Hearing Officer/Committee's decision will be delivered in person or emailed for those on campus within five (5) business days of the hearing or sent by U.S. mail to the student's last known local or permanent address on file with the College Registrar within five (5) business days of the hearing.

Sanctions



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If a student is determined to have violated the Code of Conduct, disciplinary action will be taken. Sanctions will be imposed based on the type of inappropriate behavior in which the student engaged, the seriousness of the incident, the student's level of responsibility for the incident, and the student's disciplinary history at the College. Every effort will be made to impose sanctions that are educational and developmental in nature, correct inappropriate behavior, prevent reoccurrence of misconduct in the future and lead the student toward an understanding of acceptable conduct. Failure to comply with any disciplinary sanction may result in imposition of additional sanctions. When a serious or repeat violation occurs, the College reserves the right to contact the student's parent or guardian if permissible.

All sanctions will be communicated to the student in writing, addressed to the student as described in this policy and specify the sanction(s) and the term of each sanction. The following list is not exhaustive and the scope of sanctions may expand beyond the sanctions described below:

- Activities or Access Limitation: Limitations on activities or access are imposed if the prohibition from participation in certain activities, events or facilities has been determined to be in the best interest of the student or the College
- Educational Programs, Courses and Opportunities: There are times when the College determines that a student must attend educational programs, courses or opportunities provided either on-campus or off-campus to remain in good standing with the institution. These educational programs, courses or opportunities will be selected or geared toward helping the student understand and remedy the unacceptable conduct. In some cases these programs, courses or opportunities may be unrelated to the College and any financial obligations related to attendance are the responsibility of the student.
- Conduct Probation: Conduct Probation is a written warning that identifies inappropriate conduct and advises the student of the need to bring his/her conduct to an acceptable standard. Imposition of conduct probation is for less serious violations of the Code of Conduct. Any further misconduct may jeopardize the student's status as a student in good standing at the College.
- Fines: The amount of the fine depends on the infraction. Fines are punitive in nature, but may also reflect direct costs the College may experience due to a violation or sanction. Fines may be posted to the student's account and reflected on College billing statements. Fines are expected to be paid by the end of the semester they are posted.
- Honors and Degrees: The College reserves the right to delay or postpone the participation of a student in any College-related activity, or delay or postpone the conferring of any honor or degree for non-academic misconduct.
- Restitution: Restitution is compensation required of students or student organizations that engage in theft, misuse, damage or destruction of institutional, group or private property. Restitution is expected to be paid in a timely fashion as determined by the Hearing Examiner/Committee.



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- Probation: The following probation levels represent the official probation levels of the College. Time spent on probation accrues only when the student is in attendance at Donnelly College. If for any reason a student withdraws from Donnelly College, or transfers to another institution, the student is responsible for any remaining probation as well as unmet conditions of the probation upon his/her return to Donnelly College.
 - Disciplinary Probation I: Disciplinary Probation I is a written warning that the student's behavior is unacceptable. If the student engages in misconduct during the probation period, more severe sanctions may be imposed including Disciplinary Probation II, suspension or expulsion from Donnelly College. A student on Disciplinary Probation I is not in good standing with the College during the term of the probation. Disciplinary probation may include restrictions such as denial of the opportunity to participate in co-curricular or extra-curricular events or activities, to perform any act in the name of the College, to serve as an officer of a student organization, or to reside in College housing (any or all to be specified by the Hearing Examiner/Committee). Additionally, Disciplinary Probation I carries a fine typically ranging from \$500.00-\$1000.00, which is assessed directly to the student's account. The actual fine is dependent on the nature of the offense and may be higher or lower as determined by the Hearing Examiner/Committee.
 - Disciplinary Probation II: Disciplinary Probation II is a written warning of behavior which is serious and unacceptable. If continued or other inappropriate behavior follows, more severe sanctions may be imposed including suspension or expulsion from Donnelly College. A student is not in good standing with the College during the term of a disciplinary probation. Disciplinary probation may include restrictions such as denial of the opportunity to participate in co-curricular or extra-curricular events or activities, to perform any act in the name of the College, to serve as an officer of a student organization, or to reside in College housing (any or all to be specified by the Hearing Examiner/Committee). Additionally, Disciplinary Probation II carries a fine typically ranging from \$1000.00-\$2000.00, which is assessed directly to the student's account. The actual fine is dependent on the nature of the offense and may be higher or lower as determined by the Hearing Examiner/Committee.
- Suspension: Suspension from the College results in the exclusion of the student from participating in any academic or non-academic activity of the College for a stated period of time. The student will be advised in writing of a suspension. Suspension may be for the remainder of the semester or for a specified period of semesters. To be considered for re-admission, suspended students must re-apply for admission to the College and be



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in full compliance with any and all conditions imposed by the Disciplinary Hearing Committee.

- Expulsion: Expulsion is the most serious disciplinary sanction and results in the permanent exclusion of the student from the College. An expelled student is not eligible for re-admission.

How to Prepare for an Individual Hearing

Students should feel that they are prepared for their hearing. If students have questions prior to their hearing, they should speak with the Vice President of Enrollment Management and Student Affairs or a designate.

Throughout the Hearing, keep in mind that the intent of the Student Development team is to support each student as he/she interacts with Donnelly College's Disciplinary Process. The system is an internal administrative process used by the College to resolve allegations of misconduct by our students. The goal is to discover the truth of the allegations. The College hopes that students who engage in misconduct will take responsibility for their actions in a mature way that demonstrates commitment to the education of themselves and others. The Student Code of Conduct seeks to ensure high standards of courtesy and integrity, to prevent educational disruption, and to promote a productive learning environment. At the same time, we all must recognize the reality of human fallibility as well as stresses associated with collegiate life. The Donnelly community is hurt if a student is found responsible for engaging in actions prohibited by the Student Code of Conduct and/or the College. A charged student should:

1. Read the charge letter carefully. The charge provides you with details of the allegations against you. It states the specific policy/policies that you have been charged with violating. It schedules the date, time and location of the Hearing.
2. Confirm that the date and time of the Hearing does not conflict with your other scheduled responsibilities. Resolving this matter is extremely important and should be your priority over most things, except class and family responsibilities. Call to reschedule if there is a conflict or if you are unsure of the location of the Hearing.
3. Read the Student Handbook. Pay particular attention to the explanation of the guidelines you have been charged with violating. Read over the sanctions and conditions so that you are aware of the meaning and implications of each.
4. Think about what happened on the date in question. Write down everything you remember, including who was present, what was said, and what your feelings were.



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5. Decide whether you will bring an advisor with you to the Hearing. The advisor provides advice and support to you and may not speak for you. Check to be sure your advisor's schedule does not conflict with the Hearing. If there is a problem, call the number at the bottom of your charge letter to discuss it.
6. Arrive at least five (5) minutes early for your Hearing. A late arrival might result in rescheduling of your Hearing or a decision on the allegations in your absence.
7. Prepare yourself to discuss the incident in detail at the Hearing.

At the Hearing, share your written version and any other written statements you have received. Speak openly and honestly. Express yourself in an appropriate, respectful manner, similar to the way you wish to be treated.

Appeal Process

The appeal process is a right given to all students and student organizations. An appeal is not a re-hearing and is not granted on the basis of disagreement with the original decision.

An intent to appeal the decision of either the Hearing Examiner or Committee must be filed in writing to the Vice President of Enrollment Management and Student Affairs within three (3) business days of the written decision. The intent to appeal must specify the basis on which the student is appealing, the decision or part of the decision including the sanctions which the student is appealing, and the facts in support of the appeal. The Vice President of Enrollment Management and Student Affairs will turn the appeal over to the Vice President of Academic Affairs, or designate, who will decide whether or not the appeal meets the conditions for an acceptable basis for appeal. If the Vice President for Academic Affairs, or designate certifies that the intent to appeal meets an acceptable basis for appeal, he or she will convene a 3-person appeals board to address the appeal

Acceptable basis for an appeal is limited to the following:

- There was a denial of a fair hearing;
- There is new and additional evidence not available at the time of the hearing;
- There was insufficient evidence to establish the student's misconduct or responsibility for the misconduct;
- The decision was based on prohibited discriminatory criteria; or
- The decision was arbitrary and capricious.

The Vice President for Academic Affairs, or designate will decide whether or not the appeal meets the



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conditions for appeal. If the Vice President for Academic Affairs, or designate certifies that the intent to appeal meets an acceptable basis for appeal, he or she will convene a 3-person appeals board to address the appeal. A Board of Appeals, led by the Vice President for Academic Affairs or designate, and generally consisting of a faculty or staff member and a student representative will make every attempt to review an appeal as expeditiously as possible. Until the appeal is reviewed and a decision rendered, the student's status at the College remains unchanged.

The Board of Appeals will review documents relevant to the appeal and speak with the Hearing Examiner or Committee Members or the appealing student at their discretion. The student may request a hearing before the Board of Appeals that the Board of Appeals, at their discretion may grant or deny. If a hearing on an appeal is granted, the appealing student will meet with the Board of Appeals. Any decision to grant or deny a hearing on appeal is not appealable. The Vice President for Academic Affairs, or designate shall provide the student with a written decision on the appeal.

An appeal may result in one of the following actions:

1. Leaving the original sanction intact.
2. Reversal of the original decision or sanction(s).
3. Modification of the sanction(s), including changes that could result in either a reduction or increase in sanctions, appropriate to the misconduct or based on new information considered during appeal.

The Board of Appeals shall be the final appeal authority for the College in all cases of non-academic discipline.

Notices.

- All notices required or permitted to be in writing under this Student Code of Conduct shall be deemed given to and received by the addressee on the date personally delivered or emailed.
- If deposited in U.S. Mail and addressed to the individual's last known address on record with the College the postmark date will be the date sent.
- Notices sent via email shall be considered received on the date sent.

Counting Time

In counting days for purposes of the time limits in this Student Code of Conduct, all days, including days during recesses, are counted consecutively except holidays and Holy Days published in the College calendar.



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In the event any writing required or permitted under this Student Code of Conduct is sent by campus or U.S. mail three (3) days are added to the permitted time period.