

2023–24

STUDENT HANDBOOK

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Earlham College

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Commitment to Community: Principles and Practices

Approval History

These policies were approved by the Earlham Faculty on November 30, 2011, and by Board of Trustees at their February, 2012 meeting.

Updated August 2022 to include local, state, and federal guidelines issued by the United States Department of Education and to reflect similar codes from partner institutions of the Great Lakes Colleges Association.

I. Introduction

Earlham College's Commitment to Community exists within the context of Earlham's Principles and Practices. Further, this student handbook and the included conduct policies, as well as our Principles and Practices, exist within the mission of Earlham College as an educational community committed to pursuing truth wherever that pursuit is present, and to educating morally sensitive leaders. It is our community's hope that disputes be confronted directly and honestly among the parties involved. Further, we hope that personal conduct can be influenced by the development of a student's sense of responsibility to the community, and through practices of self-examination and restraint by individuals and groups.

The Commitment to Community is designed to provide clear, fair, and consistent policies relevant to all student conduct. Earlham College's Principles and Practices outline Friends' testimonies that help shape and sustain the community we strive to become and the necessary practices for our community to thrive. Earlham's principles of respect for persons, integrity, commitment to peace and justice, concern for human and global resources, and governance based on consensus decision-making provide the ideological framework for the College and its community expectations. Therefore, Earlham stresses peaceful resolution of conflict, equality of persons, and high moral standards of personal conduct.

Earlham College students are responsible for knowing the information, policies, and procedures outlined in this document. The College must regularly review and make changes to this document to comply with federal and state regulations. Once any changes are posted online, they are in effect.

Students are encouraged to check online for the updated versions of all policies and procedures: <https://earlham.edu/policies-handbooks/>

Please note that Earlham College's Sexual Harassment Policy (Title IX) can be found at: <https://earlham.edu/office-of-title-ix/>

II. Approach to Community Expectations and Process

The Earlham College community is committed to fostering a campus environment conducive to academic inquiry and a safe, productive campus culture that promotes integrity. The Division of Student Life is committed to an educational and developmental conduct process that balances the interests of individual students with the needs of the College community. At its core, the College is committed to providing opportunities for Earlham students to grow as ethical, culturally competent life-long learners committed to respectful engagement and shared responsibility for the world around them.

A community exists based on shared values and principles. Earlham's students are expected to uphold and abide by certain standards of conduct that form the basis of the Commitment to Community. These standards are embodied within the core values outlined in Principles and Practices, which include integrity, peace and justice, respect for persons, community, and simplicity.¹

All members of the College community bear responsibility for their conduct and assume reasonable responsibility for the behavior of others, consistent with Principles and Practices. When student members of the community fail to demonstrate these five values, we share the responsibility to challenge one another respectfully and peacefully. More structured dialogue and intervention will be implemented when violence or criminal behavior occurs or any conduct that may violate standards designed to uphold the College's academic purpose and the community's right to an environment free of harassment.

The Earlham College student conduct process is fundamentally focused first on education and support; it exists to protect the interests of the community and to challenge those whose behavior fails to respect others. Sanctions are intended to challenge students' moral and ethical decision-making, develop empathy and personal responsibility, and help them navigate the wider world safely and respectfully. When a student is unable or unwilling to be accountable to the community's standards or repeatedly disrupts the academic mission, the student risks the privilege of participating in this community.

In voluntarily choosing Earlham, students agree to a way of living and learning that upholds Principles and Practices and supports the community's need for reasonable expectations of safety, respect, and the orderly operation of the College. Freedoms in decision-making and community life are accompanied by the responsibility to hold one another accountable when expectations are unmet.

Students should know that the student conduct process is not a criminal or civil court proceeding. Student conduct procedures are conducted fairly and consistently, but they do not include the same protections and procedures afforded by the legal system, given Earlham's mission as an academic institution. Due process (as defined within our guidelines) does, however, provide for written notice and the right to be heard. No student will be found in violation of Earlham College policy without information showing that it is more likely than not that a policy violation occurred, and any sanctions will be proportionate to the severity of the violation and the cumulative conduct history of the student.

III. Commitment to Community in Light of Principles and Practices

Earlham's Commitment to Community is inextricably related to the Friends' testimonies cited in our Principles and Practices.

Respect for persons, for example, requires that each community member acts with respect, responsibility, and care for all people. Any behavior that counteracts that imperative is subject to review under the Student Handbook. At the same time, the review process requires that persons under its purview also be treated with respect.

Integrity requires that individuals behave truthfully, honestly, and fairly with each other and the institution and that the College be truthful, honest, careful, and fair in its evaluations of potential violations of the Commitment to Community.

Peace and justice work against physical, emotional, or verbal violence, as manifested in our institutional process and personal associations.

Simplicity not only requires clarity, calm, and focus in Earlham's Commitment to Community, but it also speaks to individual behavior that causes or results in distraction, stress, and excess.

Community participation with regard to the Student Handbook is guided by the College's commitment to consensus governance. Accepting the result of consensus decisions speaks to the responsibility of all persons participating in the campus community.

For the full version of *Earlham's Principles and Practices*, please see the website: <https://earlham.edu/about/mission-principles-and-practices/>

The goals and process of Earlham's Commitment to Community: Principles and Practices center around our attempt to reflect our highest aspirations for living in community. Once engaged, the student conduct process seeks, as a primary goal, to address the most basic expectations of student behavior at the College through education and intervention. The College will notify students in writing if a question arises regarding a potential violation of the Student Handbook and College community expectations. As such, the Earlham College email is the College's official means of communication with students. Students are responsible for all communication delivered to their Earlham email address, including the expectation that spam filters be monitored and adjusted to permit email from campus offices, faculty, and staff.

IV. The College's Community Expectations

Below is a list of actions subject to conduct interventions, sanctions, and outcomes. The list is not all-encompassing, and any attempts to commit the acts listed below will be treated as if the student completed the act. Being under the influence of alcohol or other drugs will not serve as an excuse for violating community expectations.

Integrity

The Quaker testimony of Integrity asks us to aspire to personal wholeness, honesty, and truthful living. Integrity means completeness or one-ness and implies a commitment to speaking our truth. Integrity nourishes our trust in one another, allowing us to rely on one another and others to rely on us. It means openly and honestly engaging with each other and recognizing and working to change our conscious and unconscious biases.

Academic integrity is particularly important in educational communities. These communities rely on all members pursuing truth honestly, scrupulously crediting the work of others, and taking credit only for one's own work and discoveries.

Integrity calls us to be truthful, honest, and fair and to take responsibility for our actions and decisions. We strive to be respectful and honest in our evaluations of each other's work and behavior. We strive to undertake all our commitments and responsibilities in good faith. We aim to hold each other mutually responsible for living according to our principles and policies. We strive to become aware of our unconscious bias and prejudice and confront them so that they do not compromise our Integrity. **Earlham College students exemplify honesty, honor, and respect for the truth in all of their dealings. Integrity calls us to be truthful, honest, and fair and to take responsibility for our actions and decisions. Conduct that violates this value includes, but is not limited to:**

1. **Falsification.** Knowingly furnishing or possessing falsified or forged materials, documents, accounts, records, identification, or financial instruments;
2. **Unauthorized Access.** Unauthorized access to any College building (i.e., keys, cards, etc.) or unauthorized possession, duplication, or use of means of access to any college building or failing to report a lost College identification card or key in a timely manner;
3. **Collusion.** Action or inaction with another or others that violates the Commitment to Community;
4. **Violations of Trust.** Violations of positions of trust within the community (i.e., sharing confidential student information with others as a result of student employment or elected role, fiscal mismanagement of organization funds, permitting others into College offices or confidential spaces, or similar);
5. **Election Tampering.** Tampering with the election of any College-recognized student organization (the Earlham Student Government addresses minor election code violations);
6. **Taking of Property.** Intentional and/or unauthorized taking of College property or the personal property of another – including goods, services, and other valuables;

7. **Stolen Property.** Knowingly taking or maintaining possession of stolen property;
8. **Misuse of College Property or Resources (#18 - Fronting also included in this action).** Knowingly using College property, vehicles, materials, and/or human or financial resources in violation of their intended purpose or mission and/or in violation of the terms of use;

Community

Earlham College, founded by the Religious Society of Friends, believes ideals that guide us are best encountered in a community of openness and mutual respect. Educational communities exist as an opportunity to discover and test truth. Because each person brings different knowledge and perspectives, truth-seeking is best fostered within community. As a result, the individual at Earlham has a great many opportunities, rights, and responsibilities. As active, engaged members of this community, we come to know our interdependence and connectedness. As such, we strive to create, contribute and care for all in our community, intentionally listening for perspectives that may not be present or heard.

We aspire toward a commitment to celebrating each other, diversity, equitable opportunities, and resources.

Earlham strives toward a caring community that seeks its members' intellectual, physical, spiritual, and emotional well-being. Discerning the needs of others is an important dimension of learning. As members of a community, we aspire to consider one another in all our choices – including the use of our words, actions, resources, and decision-making processes.

In consultation with one another, we have the potential to make better decisions than individuals alone or majorities, which may ignore minority views. Differences can be sources of growth and new insight. Quakers' belief in "the inner spirit of truth" means that all people have the potential to discover truth. Accordingly, we consult broadly, value diverse opinions, and intentionally aim to include various voices in seeking consensus in decision-making.

In Earlham governance, committees charged with decision-making operate with consensus. Most student groups also use a consensus process. There are particular times and situations when an individual (i.e., the President, Cabinet member, or Trustee) is charged with making a decision. In either case, those responsible should invite input, consult broadly, and listen carefully, especially to those who deeply understand the situation or may be affected by the decision. Consensus-seeking assumes that all who participate are willing and open to finding a basis for right action, whether an affirmation, recommendation, or decision. Those participating are encouraged to commit to shared deliberation and insight rather than to their own opinions. At the same time, they should be mindful of voices and perspectives that may not have been evidenced during the process but are present within our community. Given the breadth of diversity within the Earlham community, we encourage the decision-making process to be as inclusive and equitable as possible.

Because our governance system designates various responsibilities to individuals, committees, small groups, and the community as a whole, consensus does not require that every person participates in every decision. Respect for Persons and Integrity ask that community members trust the process and the faithful participation of others, even when they have not directly participated. At the same time, these principles ask us to discern when to raise concerns and when not to. These practices, as a reflection of our principles, will strengthen our community and improve our learning and living from and with each other, where diversity, equity, and inclusion ground our daily engagements.

Quakers strive towards a community of caring that seeks its members' intellectual, physical, spiritual, and emotional well-being. Therefore, an important dimension of learning to which

Quakers aspire is discerning the needs of others. Earlham College students build and enhance their community by concern for human and global resources. As members of a community, we consider the well-being of others in all our choices. Conduct that violates this value includes, but is not limited to:

9. **Disruptive Behavior.** Students at Earlham College have the right to express their views, feelings, and beliefs inside and outside the classroom and publicly support causes, including demonstrations and other means. These freedoms of expression extend so far as the conduct does not impinge on the rights of other community members or the orderly and/or essential operations of the College. Substantial disruption of

college operations, including obstruction of teaching, research, administration, other college activities, and/or other authorized non-college activities which occur on campus. Causing, inciting, or participating in any disturbance that presents an unsafe situation to self or other members of the community, causes physical harm to others, or damage and/or destruction of property;

10. **Unauthorized Entry.** Misuse of access privileges to college premises or unauthorized entry to or use of buildings, including trespassing, propping, or unauthorized use of alarmed doors for entry into or exit from a college building;
11. **Trademark.** Unauthorized use (including misuse) of college or organizational names and images, including appropriating the College name for organizations or activities outside of the College recognition process;
12. **Damage and Destruction.** Intentional, reckless, and/or unauthorized damage to or destruction of College property or the personal property of another;
13. **IT and Acceptable Use.** Violating the College Acceptable Use and Computing Policy, found online at: <https://earlham.edu/policies-handbooks/information-technology-acceptable-use/>;
14. **Gambling.** Gambling as prohibited by the laws of the State of Indiana. Gambling may include raffles, lotteries, sports pools, and online betting activities. Recognized clubs and organizations must seek approval for fundraising through raffles or similar means from the Student Life Office.
15. **Weapons.** Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons, and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade longer than three inches, including the storage of any item that falls within the category of a weapon in a vehicle parked on college property;
16. **Smoke and Tobacco.** Smoking and tobacco use in any area of campus is prohibited. The policy can be found at <https://earlham.edu/policies-handbooks/smoking-and-tobacco-policy/> ;
17. **Fire Safety.** Violation of local, state, federal, or campus fire policies, including but not limited to:
 1. Any unauthorized fires or bonfires outside of the College's approved fire pit location and reservation process;
 2. Intentionally or recklessly causing a fire that damages College or personal property or which causes injury;
 3. Failure to evacuate a college-controlled building during a fire alarm;
 4. Improper use of college fire safety equipment; or
 5. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on college property. Such action may result in a local fine in addition to college sanctions;
 6. Storing grills of any kind within a college residence. Grills, whether personal or those belonging to the College, may not be stored on porches, balconies, or within 15 feet of a college-owned residence;
18. **Ineligible Association (Fronting – please note that if a group uses another group as a front to apply for funds, those funds form an ineligible association).** Misuse, other than purposes of what was intended, of college property, funds, or other resources by individual students as an informal group, however affiliated, without having met eligibility requirements and having received recognition established by College policies and the designated branch(es) of Earlham Student Government. Associating with a student organization without having met eligibility requirements established by the College. Copyright, branding purposes – cannot use the Earlham College name, logo, etc. Usage of resources that violate Earlham policies;
19. **Animals.** Apart from the policies for animals and pets outlined in Residence Life and Earlham Stables policies, animals are not permitted in college buildings, including residential facilities, unless approved as assistance animals for reasonable accommodation by the Office of Disability and Accessibility Services (ODAS). The process for request of an assistance animal in college housing (emotional support and service animals) is outlined in the *Policies and Procedures for Accommodation of Students with Disabilities: Assistance Animals in College Housing*. For any questions or support with a request, please email ODAS personnel at odas@earlham.edu.
20. **Wheeled Devices.** Except for those approved for medical purposes, skateboards, roller blades, roller skates, bicycles, and similar wheeled devices are not allowed to be ridden inside college buildings, residence halls, or on tennis courts. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any fixtures that these activities may damage. Individuals may be liable for damage to college property such actions caused.

Commitment to Peace and Justice

Some define peace as the absence of conflict and oppression. However, for many Quakers, peace is not an instance but an existence. Peace involves action that works toward harmony, well-being, wholeness, prosperity, health, happiness, fulfillment, security, tranquility, and safety for everyone.

The Quaker peace testimony holds that all forms of violence are an injustice that harms all parties involved, and violence does not provide a path to true, just, and lasting peace. The peace testimony acknowledges that violence exists not only in personal interactions but also in the oppression and harm caused by unjust, unequal, and inequitable institutional and social structures. Here, peace is a direct product of justice, which seeks what is right, equitable, and honorable, and peace cannot exist without justice, as without justice, peace is impossible.

Many thoughtful and moral people disagree with the strong Quaker pacifism that deplores all forms of violence. Still, the Quaker peace testimony challenges Earlhamites to not only deplore violence and injustice but to take action in seeking to resolve, repair, restore, reconcile, reconstruct, relieve, mediate, and heal the harm that has been done.

Practicing peace means taking action towards the pursuit of justice and the common good, undertaken by all and for all. As a community, we aspire to work actively for the building of the institution of peace through an equitable and non-violent resolution of conflict, the removal of causes of violence and injustice, the relief of suffering, the equitable sharing of resources, and the addressing of the roots of conflict and violence in our own behavior. We recognize and accept conflict as a necessary part of life with others, and work from conflict towards more just, non-violent, and sustainable communities.

Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing college community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all community members. They act to discourage violence and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:

21. **Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person;
22. **Threatening Behaviors:**
 1. Threat. Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
 2. Intimidation. Implied threats or acts that cause a reasonable fear of harm in another;
23. **Hazing.** An act that endangers a student's mental or physical health or safety, or that destroys or removes public or private property for initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent and/or failing to discourage and/or failing to report those acts may also violate this policy. Additionally, hazing is a violation of Indiana state law (See Indiana Code 35-42-2-2 Criminal recklessness; element of hazing);
24. **Bystanding.**
 1. The Quaker principle of Integrity aims for us to hold each other mutually responsible for living according to our principles and policies. Bystanding is being present but not participating in a situation or event; standing by as a spectator. Depending on the severity of the act, this could result in a learning-based intervention. If students see something wrong, they should step up and say something, particularly in a potentially harmful or severe situation.
 2. Complicity with or failure of any student to appropriately address known or obvious
 3. severe violations of the Commitment to Community or law;
 4. Complicity with or failure of any organized group to appropriately address known or obvious severe violations of the Commitment to Community or law by its members.
25. **Abuse of Conduct Process.** Abuse, interference with, or failure to comply with College conduct and academic integrity hearings includes but is not limited to:
 1. Falsification, distortion, or misrepresentation of information;
 2. Concealing, destroying, or failing to provide information during an investigation of an alleged policy violation;

3. Attempting to discourage an individual's proper participation in, or use of, the campus conduct process;
 4. Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body before, during, and/or following a campus conduct proceeding;
 5. Failure to comply with the sanction(s) imposed by the campus conduct process;
 6. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct process.
26. **Health and Safety.** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, trees, etc.)
 27. **Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally. The College includes the sharing or posting of intimate or graphic images of romantic and/or sexual partners without the express permission of that individual to be a violation of this standard, if not otherwise covered by the College's Sexual Harassment Policy.
 28. **Stalking.** Consistent with Indiana law, stalking is defined as a knowing or an intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened;
 29. **Sexual Harassment.** Title IX of the Education Amendments Act of 1972 is federal law that prohibits discrimination, harassment, and violence on the basis of sex in federally-funded educational programs and activities. Earlham College prohibits sex- and gender-based harassment and discrimination including, quid pro quo sexual harassment, hostile work environment, sexual exploitation, sexual assault, dating violence, domestic violence, and stalking. To ensure a safe and inclusive campus environment in compliance with federal and state laws and regulations, Earlham has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in allegations of sexual harassment and/or retaliation for the assertion of rights. A copy of our Sexual Harassment Policy and Grievance Procedures can be found at: <https://earlham.edu/office-of-title-ix/>;

Respect for Persons

It is a foundational Quaker belief that all persons have an inner spirit of truth available to them, often known as the "Inner Light" or "God's Voice Within."

From this belief follows an assumption of the equality of all persons and grounds for respecting all persons. We commit ourselves to be a community whose members act with regard for the intellectual, physical, and emotional well-being of everyone while acknowledging that there are systems of oppression that we strive to dismantle that affect our own community. We seek mutual respect, trust, and happiness in our relationships with persons of every race, ethnicity, class, religious preference, political affiliation, gender identity, physical ability, sexual orientation, and age.

We aim to be respectful of others in our daily interactions. A small but meaningful mark of our attempt to meet one another as equals is our practice of addressing one another by first names regardless of titles and credentials.

In all of our activities, we seek to affirm and reinforce mutual respect, responsibility, and caring. We seek to be helpful, trustworthy, and considerate in all interpersonal relationships. As a community, we reject all coercive and destructive behavior in interpersonal relationships and seek to eliminate unintentionally harmful behavior in addition to intentionally harmful behavior.

Earlham students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing, learning community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all community members. Conduct that violates this value includes, but is not limited to:

30. **Public Exposure.** Excluding events and endeavors deemed by the College as appropriate expressions of art, includes deliberately and publicly exposing one's intimate body parts; public urination, defecation, and public sex acts;

31. **Alcohol.** Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the College's Alcohol Policy at <https://earlham.edu/policies-handbooks/approach-to-alcohol/>;
32. **Drugs.** Use, possession, or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the College's Drug Policy <https://earlham.edu/policies-and-handbooks/community/illegal-drug-and-drug-paraphernalia-policy/>;
33. **Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
34. **Failure to Comply.** Failure to comply with the reasonable directives of College officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
35. **Financial Responsibilities.** Failure to promptly meet financial responsibilities to the institution, including but not limited to: knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.
36. **Arrest.** Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any crime (including non-custodial or field arrests) to the Office of Student Life within seventy-two (72) hours of release.
37. **Other Policies.** Violating other published College policies or rules, including all Residence Hall policies;
38. **Violations of Law.** Evidence of violation of local, state, or federal laws, when substantiated through the College's conduct process.

V. Jurisdiction of the College

Students are provided a copy of the Commitment to Community annually in the form of a link on the Earlham College website. Students are responsible for reading and abiding by the provisions of the Commitment to Community. Members of the College community also have responsibilities to federal, state, and local laws. The College may, at the discretion of the Dean of Students or designee, report possible felonies to proper authorities. For this document, a "student" is defined as any person who is admitted, enrolled, or registered for study at Earlham College, both undergraduate and graduate, for any academic period and/or those who may attend other educational institutions but reside in an Earlham residence facility. Those who are not officially enrolled for a specific term but who have a continuing relationship with, or an educational interest in, Earlham College are considered "students." A person also shall be regarded as a student during any period in which the student is under suspension from the institution or when the person is attending or participating in any preparatory activity before the beginning of a school term – including but not limited to: pre-orientation experiences, orientation, placement testing, and residence hall check-in.

Earlham College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw, or have graduated for any misconduct that occurred before the leave, withdrawal, or graduation. If sanctioned, the College may hold the student's ability to reenroll and/or obtain official transcripts and/or graduate. All sanctions must be satisfied prior to re-enrollment eligibility.

The Student Handbook – *Commitment to Community: Principles and Practices* applies to conduct on campus, at Earlham College-sponsored events, and may also apply off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any situation where it appears that the conduct may present a danger or threat to the health or safety of the student or others; and/or
- Any situation that significantly infringes upon the rights, property, or achievements of self or others; significantly breaches the peace, and/or causes social disorder; and/or
- Any situation detrimental to the educational mission and/or interests of the College.

Expectations of the Student Handbook may be applied to online behavior, via email, text messaging, or other electronic media. Online posts, including blogs, web chats, and social network posts in the public sphere, can subject a student to allegations of conduct policy violations if evidence of such violations is posted online. Earlham College does not regularly search for this information but may take action if and when such evidence is brought to the attention of College officials.

These expectations also apply to guests of community members, and hosts may be held accountable for the misconduct of their guests. Earlham's Student Handbook expectations may also be applied to resident non-students, campers, and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements.

Visitors to and guests of Earlham College may seek resolution through these procedures regarding offenses by students of the College community. There is no time limit on reporting violations of the Commitment to Community; however, the longer someone waits to report an offense, the harder it becomes for College officials to obtain information and witness statements and to make determinations regarding alleged violations. Anonymous complaints are permitted; however, this may limit the College's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Life or Public Safety.

Students facing an alleged violation ("Respondent") of the Student Handbook cannot be barred from leaving Earlham College. However, no student who withdraws pending disciplinary action will be readmitted until all allegations are resolved. Students leaving/withdrawing under these conditions will have a pending allegation memorandum placed in their student file. The Registrar's Office will be notified of pending disciplinary actions under these conditions.

Any member of the Earlham community bringing a complaint involving a faculty or staff member may do so by reporting it to the Human Resources Department, located in the basement of Carpenter Hall. The College protects students' civil rights, including the right to a degree of privacy as outlined by federal and state law, freedom from discriminatory harassment, access to a fundamentally fair conduct process as defined in these procedures, access to information, and participation in College governance.

VI. Violations of Law and Interim Actions

Alleged federal, state, and local laws violations may be investigated and addressed under the Student Handbook. When an offense occurs over which Earlham College has jurisdiction, the College conduct process will usually go forward, notwithstanding any criminal complaint that may arise from the same incident. However, the Dean of Students or designee may grant short delays as deemed appropriate.

Earlham College reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint or in any situation that poses a substantial risk of harm to the community. The College may impose interim suspensions until it can hold a hearing on the allegations, typically within two weeks. Within that time, the suspended student may request in writing an immediate consideration from the Dean of Students or designee to show cause why the interim suspension should be lifted or modified. This request may lead to a modified interim status, or the interim suspension may be upheld.

The College may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In this case, the interim suspension may be extended if a danger to the community is posed. In such cases, the College will only delay its hearing until it can conduct an investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will typically be no longer than two weeks from notice of the incident unless the complainant requests a longer delay in writing to allow the criminal investigation to proceed before the College process.

Students accused of crimes may request to take a leave from Earlham College until the criminal charges are resolved. In such situations, the College procedure for a voluntary leave of absence is subject to the following conditions:

- The respondent must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The respondent must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- The respondent must agree that, to be reinstated to active student status, that person must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions imposed.

VII. Conduct Process: Academic Violations

The Conduct Policy for Academic Violations is based on Earlham's academic expectations of its students as outlined in the College's policies. Please refer to the Academic Policy listing on the College website.

College Authorities for Academic Violation

1. An Associate Academic Dean or their designee is responsible for advising the faculty member and the student(s) about the conduct process, oversight of the process, and reporting results of non-hearing cases.
2. A past Dean from Academic Conduct Council will convene a hearing when one is required. An Associate Academic Dean or their designee can designate a convener if necessary.
3. The Conduct Council (CC) Faculty Pool is a minimum of three faculty approved by the Faculty Nominating Committee for three-year overlapping terms with the option of renewal after the term has ended. Nominations for this pool can come from Faculty Nominating Committee in consultation with Student Development. Members of this pool function as faculty representation on Academic and Social Conduct Councils and all Appeals Boards. The selection process should strive for gender, race, class, and national diversity.
4. The Conduct Council (CC) Student Pool is a minimum of four students approved by the Earlham Student Government Executive Council. Nominations for this pool can come from Earlham Student Government in consultation with Student Development. Students must have completed a minimum of two semesters at the College, be in and maintain good academic standing, and not subject to any conduct sanction(s) in the semester for which they are nominated or during their tenure. Students may serve up to three one-year terms. Members of this pool function as student representation on Academic and Social Conduct Councils as well as all Appeals Boards. The selection process should strive for gender, race, class, and national diversity.
5. An Associate Academic Dean or designee coordinates Academic Conduct Council (ACC). The ACC can include past Associate Academic Deans, one faculty member assigned from the CC Faculty Pool, and two students from the CC Student Pool selected by the Academic Dean or designee who will serve as Convener. ACC hears cases of alleged academic infractions assigned to them by the Associate Academic Dean, and all members participate in reaching consensus. In instances where there may be a conflict of interest, a Council Member may remove themselves, at which time the Convener will designate another member.
6. The Faculty Member (or another designated faculty member) bringing the charge is responsible for gathering the information to support the charge.
7. Two Support People, one for the respondent and one for the complainant, may accompany each party to any meeting related to the conduct process and the hearing. A Support Person may be any faculty or staff member of the College community. The role of the Support Person is to provide support, advice, or assistance to the person requesting their presence. The Support person is to advise the student or faculty member they are accompanying in preparing for the hearing, understand the conduct processes and potential outcomes, and offer consultation during the hearing. During a hearing, the Support Person functions solely as an adviser to the student or faculty member requesting their presence and may not address the Council unless the Council invites. The Support Person is not permitted to serve as a witness, examine parties or witnesses or provide statements to the Council.
8. The Academic Conduct Council Appeals Board (ACC-A) considers the merit of an appeal and is convened by the Academic Dean or designee if warranted. The ACC-A comprises a Dean's office designee, one faculty member, and one student. They are assigned from their respective pools and did not participate in the original ACC hearing. All ACC-A members participate in consensus, and all decisions of the ACC-A are final.

Conduct Procedures for Academic Violations

1. **Filing the Complaint:** Any faculty member may bring a charge against a student(s). A student may report themselves for committing an academic infraction. Any student may also bring suspected acts of academic infraction to the faculty member's attention.

2. Disposition of Academic Infraction Charge: If a teaching faculty member suspects that an academic infraction has occurred, the faculty member will typically first notify the student and an Associate Academic Dean.
3. A First Violation: The Associate Academic Dean will determine if this alleged infraction would be the first recorded infraction by the student. The faculty member and student will meet if this is the First Infraction.
4. The matter ends if the student and faculty member agree that no infraction occurred.
5. Suppose they agree that an infraction has occurred. In that case, the faculty member will assess an appropriate sanction and decide whether this will be considered an Infraction or a Warning (see Sanctions for when a Warning is appropriate).
6. If the student and faculty member agree on the sanction, the faculty member will report the infraction and sanction to an Associate Academic Dean. The latter will see that the sanction is appropriately recorded in the student's permanent College file as an Infraction or the Dean's Warning File. The Associate Academic Dean will communicate the severe consequences of any subsequent academic infractions to the student.
7. If a student receives a Warning and has no further academic infractions, that student's name will be removed from the Dean's Warning File upon graduation or withdrawal from the College.
8. Suppose the student and faculty member do not agree that an infraction has occurred or do not agree concerning the sanction. In that case, the faculty member will report this to the Academic Dean.
9. If the student has no history of Infractions or Warnings, the student may choose either a Dean's Hearing or an ACC Hearing.
10. The Dean's Hearing or the ACC Hearing will determine whether or not an infraction has occurred, what the appropriate sanction is, and whether it will be designated as a Warning or a First Infraction.
11. The Dean's Hearing would involve only the designated Dean from Academic Conduct Council, the student, the faculty member, any appropriate witnesses, and if requested, a support person on behalf of the faculty member and/or student.
12. In all other cases, an Associate Academic Dean or designee will arrange for an ACC Hearing.
13. A Second or Third Infraction or an Infraction following a Warning: Suppose the student's or the Dean's Warning File contains a record of one or more prior academic Infraction(s) or Warning(s). In that case, the Associate Academic Dean or designee will notify the faculty member to determine if they are ready to proceed with the charge of an Infraction. If so, an ACC Hearing will be arranged.
14. The matter ends if the student and faculty member agree that no infraction occurred.
15. If proceeding with a charge of an Infraction, the faculty member will report to an Associate Academic Dean or designee in writing the formal charge and include the result of their communication with the student.
16. The Associate Academic Dean or designee will advise the student about procedures and options and present written notification of the charge to the student.

The ACC Hearing Procedure for Academic Violations

1. After receiving a charge and in advance of the hearing, a Dean's designee from the Conduct Council will contact involved parties concerning the hearing and the process to be followed.
2. An Associate Academic Dean or designee will schedule an ACC Hearing, typically occurring no sooner than 24 hours but no longer than ten business days after the student is sent written notification of the charges.
3. Persons who must be available at the time of an ACC Hearing include the members of the Council: two students and one faculty member; the Associate Academic Dean's designee; the respondent; and the faculty member(s) unless the right to be present is waived in writing before the scheduled hearing. An optional Support Person for either party to the case may also be present. All members of the ACC Hearing will participate in the consensus in responding to the charges. The hearing will not be open to the community.
4. An ACC Hearing is not a court of law and does not adhere to rules of procedure or evidence followed in a state or federal courtroom. An ACC Hearing determination shall be based on the preponderance of the evidence: whether it is more likely than not that the respondent violated the academic policy.
5. The Dean's designee from Academic Conduct Council convenes and conducts the hearing and has the authority to decide on procedural issues and questions and to dismiss disruptive persons from the proceedings.

6. After introductions of persons present, the hearing begins with the designated convener of the ACC reading the charges. The convener, the faculty member, and the respondent may make brief opening statements. The respondent may choose not to speak at any point during the hearing.
7. Witnesses and evidence may be presented, first by the faculty member and then by the respondent. If the faculty member has waived their right to attend, another Dean's designee from the Conduct Council will present the evidence. Any member of the Council may ask questions, as may the faculty member or respondent. All relevant evidence will be admissible as determined by the designated convener, who will resolve any questions related to admissibility.
8. The faculty member or Dean's designee from the Conduct Council presenting the complaint and the respondent may make final personal statements.
9. The ACC will then deliberate privately to consider whether the respondent is responsible for a violation. If the respondent is found responsible, the ACC then deliberates to determine what sanction(s) is appropriate.
10. The Dean or designee will explain what sanctions usually apply to an infraction to encourage the application of similar sanctions for similar infractions.
11. A student's academic conduct history will be considered during the sanction phase of a hearing.
12. ACC may choose one or several among all available sanctions and may also design a specific sanction for a particular infraction.
13. Immediately after ACC reaches a decision, the convener will notify the student and faculty member of the results in the presence of the ACC. Parties to the case will receive a written and/or electronic statement of the decision, including information about the appeals process, within three business days of the decision. Students will be directed to pick up the final letter and sign for it at the Office of the Provost.

Appeals Process for Academic Violations

1. The only acceptable grounds for appeal are a lapse of the process that might have made a difference in the outcome, persuasive new evidence, or an inappropriate sanction. The petition for an appeal must address one or more of these three grounds in detail.
2. The complainant or respondent can submit a written petition for an appeal to the Associate Academic Dean. The appeal should be received within five business days from the day the ACC decision was sent or within a calendar week should the decision occur at the end of a semester or before an academic break. The Dean will determine if there are acceptable grounds for an appeal to go forward to an Appeals Council. Should the Dean determine there are no acceptable grounds, the matter ends with the decision of the Dean.
3. Should the Associate Academic Dean determine that an appeal is warranted, an Appeals Board will be convened to review the petition.
4. The Hearing Chair for Appeals is an alternate member of the Academic Conduct Council who did not participate in the original ACC Hearing.
5. The Appeals Board includes one faculty member and one student who did not participate in the original ACC process.
6. All decisions of the Appeals Board are final. The Appeals Board will issue its results at the close of the meeting and forward a rationale summary to those involved.

Sanctions for Academic Violations

1. Sanctions resulting from an Academic Violation include, but are not limited to:
2. A First Infraction or a Warning will usually result in a 0 or F on a specific work or for the course.
3. The first time a student is accused of a breach of academic integrity, the student and faculty member, or the ACC, may decide that this was an educational experience for the student and elect to take no further action.
4. Some infractions are intentional and egregious, such as buying a paper from an online source, stealing a paper from a classmate, or using a cell phone to cheat on a test. Infractions the faculty member, the Dean's designee from Academic Conduct Council, or ACC deems egregious and intentional will be called a first infraction.
5. Some infractions are clearly opposed to academic integrity as stated in our policy but are less clearly the result of dishonesty on the student's part; the student may not fully understand the rules of citation or

what constitutes producing independent work. Since plagiarism does not rely solely on intention, students may need to learn how to avoid plagiarism actively. In these cases, the student will receive a Warning rather than a First Infraction. 6

6. Because the student is expected to learn from this experience, if a student commits additional infractions, that Warning will be treated as if it were a First Infraction.
7. For a Second Infraction or an Infraction following a Warning, a student will typically be suspended for the remainder of the semester and the following semester.
8. Students suspended as a consequence of academic dishonesty will not be able to transfer College credits toward an Earlham degree from courses taken elsewhere while on suspension.
9. A student may return to Earlham after a period of suspension on the condition that they provide a written statement affirming commitment to Earlham's standard of academic integrity. The statement should be sent to the Academic Dean, who will include it in Academic Conduct Council files. A copy of the statement will be placed in the student's permanent academic file.
10. For a Third Infraction, including a Second Infraction following a Warning, a student will typically be expelled from the College.

VIII. Conduct Process: Social Violations

The following section addresses responses to any disregard or substantiated violation of stated expectations within this document. We are both intentional and aspirational with the Commitment to Community as our agreement to engage one another with respect. We will address any behavior that falls short or causes harm to the community. The following section outlines the conduct process and outcomes.

Roles of Professionals for Social Violations

1. **The Vice President for Student Life and Dean of Students (VPDS)** or designee is responsible for investigating and coordinating a response to violations of social conduct. The VPDS or designee may also bring a complaint on behalf of the College and function as the "College's voice" in hearings where no other complainant exists or is willing/able to participate. Suppose a party involved in a hearing submits an appeal. In that case, the VPDS will review the appeal to determine if the hearing body's decision should stand or if the matter should be forwarded to a Student Conduct Council Appeals Board.
2. **The Conduct Officer** is the Associate Vice President for Student Life (AVP) or designee who is responsible for initiating an investigation of possible College social policy violations, bringing charges for alleged policy violations, and coordinating the College's response. The Conduct Officer determines whether a Student Conduct Council hears a case. During an investigation or hearing, the Conduct Officer may call additional witnesses on behalf of the College who may not have appeared at the parties' request. The Conduct Officer can also serve as a Process Adviser (as determined by the VPDS or designee) for any cases in which they are not presenting as the Complainant for the alleged policy violation(s) in question.
3. **The Process Adviser** is the AVP or designee who serves as the liaison to the Student Conduct Council regarding the conduct process. The Process Adviser attends the hearing and advises the SCC concerning precedent and procedures. Suppose the AVP is unable to serve as the Process Adviser. In that case, they will designate a colleague from within the Division of Student Life who is familiar with the conduct process to serve in this capacity. The Process Adviser will assist the Hearing Chair in preparing cases for a hearing. The Process Adviser will serve as a resource for the Respondent, Complainant, referring administrator, and Student Conduct Council regarding matters of procedure throughout the process.
4. **The Conduct Council Faculty Pool** is a minimum of three faculty approved by the Faculty Nominating Committee for three-year, overlapping terms with the option of renewal after the term has ended. Nominations for this pool come from the Faculty Nominating Committee. Members of this pool function as faculty representation on Academic and Social Conduct Councils and all Appeals Boards. The selection process should strive to reflect the diversity of the Earlham community.
5. **The Conduct Council Student Pool** is a minimum of four students approved by the Earlham Student Government Executive Council. Nominations for this pool come from Student Government in consultation with Student Life. Suppose Student Government cannot identify students to serve in the Conduct Council pool. In that case, Student Life personnel will identify students to train and serve as needed for any hearings. Students must have completed a minimum of two semesters at the College, be in and maintain

good academic standing, and not subject to any conduct sanction in the semester for which they are nominated or during their tenure. Students may serve up to three one-year terms. Members of this pool function as student representation on Academic and Social Conduct Councils as well as all Appeals Boards. The selection process should strive to reflect the diversity of the Earlham community.

6. **Social Conduct Council (SCC)** consists of two faculty members and two students. The Hearing Chair convenes the hearing and includes a Process Adviser. The names of Council members will be shared with the parties at least two days before any SCC hearing. The parties may object to any Council member based on conflict of interest.* If the AVP substantiates a conflict, the AVP will designate an alternate. The Council determines responsibility for alleged social violations and assigns sanctions and outcomes appropriate to the circumstances.
7. **The Hearing Chair** for social violations is a Student Life administrative faculty member or a CC Faculty Pool member (present or former within the last five years), designated by the AVP or designee. In instances where there may be a conflict of interest, the Hearing Chair may remove themselves, at which time the AVP will designate another Hearing Chair. With administrative support from Student Life staff, the Hearing Chair oversees all matters regarding the SCC hearing portion of the conduct process, meets with the parties, and serves as a procedural resource for the parties and the Council but is not a member of the Council's consensus decision. The Hearing Chair and the Conduct Officer have two distinct roles and shall not be the same person.
8. **The Conduct Investigative Team** comprises Student Life administrative faculty members designated by the VPDS and often involves partnering with the Department of Public Safety. Investigations typically include but are not limited to: meetings with parties and possible witnesses, collecting physical evidence, and consulting with relevant reporting offices. For procedures related to an investigation under Title IX and/or sexual harassment, see <https://earlham.edu/office-of-title-ix/>.
9. **Social Conduct Council Appeals Board (SCC-A)** – convened if warranted as determined by the VPDS, who reviews all appeal requests resulting from an SCC hearing. It comprises one faculty member, one student member, and a Hearing Chair. They are assigned from their respective pools and did not participate in the original SCC hearing process. All decisions of the SCC-A are final.
10. **One Support Person for Each Party** may accompany each party to any meeting related to the conduct process and the hearing. A Support Person may be a member of the College community or any individual selected by the participating party, excluding members of Earlham Counseling Services, Public Safety, and Residence Life staff. The role of the Support Person is to provide support, advice, or assistance to the person requesting their presence. The Support Person is to advise the student in preparing for the hearing and can offer nondisruptive consultation during the hearing. During a hearing, the Support Person serves as an

* The College is committed to ensuring that the resolution processes (i.e., investigation, conduct resolution, appeal, etc.) are free from actual or perceived bias and conflicts of interest that would materially impact the outcome. Any party who feels that bias or conflict of interest would materially impact the outcome may submit a written petition to the Associate Vice President for Student Life (AVP) to seek the person's removal from the process. If a person wants to petition to remove the AVP, they should submit a written request to the Vice President for Student Life and Dean of Students (VPDS). The petition recipient will review the information and determine if a conflict of interest and/or bias exists. The petition should include specifics on the bias or conflicts of interest and why the petitioner believes the bias or conflict could materially impact the outcome. adviser to the student requesting their presence and may not address the Council unless the Council invites. The Support Person is not permitted to serve as a witness, examine parties or witnesses, or provide statements to the Council. For support person or adviser procedures related to Title IX and/or sexual harassment, please see <https://earlham.edu/office-of-titleix/>.

Conduct Procedures for Social Violations

The following section addresses responses to any disregard or substantiated violation of stated expectations within this document. We are both intentional and aspirational with the Commitment to Community as our agreement to engage one another with respect. We will address any behavior that falls short or causes harm to the community. The following section outlines the conduct process and outcomes.

Conduct Procedures for Social Violations

1. **Filing a Complaint:** Any member of the College community, guest, or visitor may bring a complaint that a student or student group has violated the Commitment to Community expectations. A student may report themselves for committing a social infraction. The initial complaint will be referred to the AVP or designee to assign a Conduct Officer as deemed appropriate. The Conduct Officer then schedules a consultation with the Complainant. This meeting may result in a written statement of complaint to serve as a formal statement.
2. **Disposition of Social Violation Complaints**
 - a. Once a complaint has been made and/or a report has been filed, the assigned Conduct Investigative Team member(s) oversees an investigation†
 - b. Suppose a complaint is deemed to have merit and the Conduct Officer has considered the seriousness of the offense. In that case, the Conduct Officer may officially charge the Respondent (s) and/or offer the parties more than one resolution option. Charges are made in writing. They include notice of the policies allegedly violated, the process to address the charge(s), and instruction to review the interventions, sanctions, and outcomes that could result.
 - c. If a Complainant withdraws their complaint during an investigation, the College will evaluate whether to end its conduct process. The College reserves the right to continue the conduct process based on evidence other than the testimony of the Complainant, if available.
 - d. An option to pursue a conduct matter outside the SCC process is entirely up to the Conduct Officer. Such considerations depend on the nature and context of the alleged violations.
 - i. Mediation between the parties, except in cases of sexual harassment or crimes of violence, may be offered with the understanding that it is entirely voluntary and results in a mutually acceptable agreement that may not be appealed but will be enforced. If the parties cannot reach an agreement, the matter will be addressed via an SCC hearing or an administrative alternative at the discretion of the Conduct Officer. Any breach of the agreement is also a violation subject to disciplinary action.
 - ii. Suppose the Respondent agrees to an administrative alternative and admits to violation(s) of the Commitment to Community policies. In that case, disciplinary sanctions may be invoked or applied as outlined in Section C: Conduct Interventions, Sanctions, and Outcomes for Social Violations. Agreements reached through administrative alternatives are final and may not be appealed.
 - iii. Students have a right to an SCC hearing if they participate in the conduct resolution process. A Respondent's absence from investigative or conduct meetings will not prevent the Conduct Officer from proceeding with an investigation or resolving a conduct matter through an administrative alternative when deemed appropriate. The Conduct Officer may offer students options for resolving an issue without referral to an SCC hearing but may not require a student to accept the alternatives.
 - iv. The Conduct Officer allows the Respondent to accept responsibility for the charges. If the Respondent accepts responsibility for the charges against them, the Conduct Officer can elect to determine an outcome and appropriate resolution as an alternative to a hearing.
 - v. If the Respondent rejects responsibility for the charges, the Conduct Officer will appoint a resolution body that has not been involved with the investigation. The body will make official findings based on the investigative report and the results of a conduct resolution meeting.
 - vi. Failure to reply to the invitation to participate in an investigation or any meeting as part of the resolution process by the specified deadline will result in moving forward to an administrative resolution, and the Conduct Officer will determine an outcome.
3. **If the Conduct Officer refers the matter to a hearing, a statement identifying the allegation, the date of its occurrence, and the hearing date will be sent to the parties.**
 - a. A hearing will usually be scheduled to be completed within 15 business days after the student is sent an allegation statement and when all parties are free from class obligations.
 - b. Co-curricular involvement is not a barrier to scheduling a hearing
 - c. Any party wishing to delay a scheduled hearing should submit a written request at least one business day prior. The Hearing Chair will consider the request at their discretion.
4. **The SCC Hearing Procedure for Social Violations**
 - a. The hearing process never presumes that a violation has occurred but instead evaluates whether it is more likely than not that a policy violation has occurred, taking into account the totality of all relevant evidence available from credible sources.

- b. The Hearing Chair, in advance of the SCC, will meet with all parties to assure the conduct process is understood by everyone and that procedures have been followed.
 - i. The Hearing Chair determines what witnesses and Support Persons will be at the hearing.
 - ii. The Hearing Chair provides written information regarding the formalities of the hearing and participant rights.
 - iii. The Hearing Chair determines the case information to be presented at the hearing. The parties must give all witnesses' names and sources of evidence to the Hearing Chair (or designated administrative support staff) no less than three business days before a scheduled hearing. The Hearing Chair will exchange all evidence, including any investigation reports or summaries and witness lists between the parties, at least two days before the hearing.
- c. A digital recording will be made of the hearing, not the Council's deliberations. This recording will be made available to the parties and the SCC-A Board in case of an appeal. The recording will remain in possession of the College at all times and will be retained with other records of the proceedings for one semester after the respondent graduates or leaves the College.
- d. The Hearing Chair convenes and conducts the hearing. The Hearing Chair has the authority to exclude/remove disruptive persons from the proceedings and is present as the facilitator of deliberations. The Hearing Chair makes all decisions about the admissibility of evidence.
- e. After introductions of the persons present and procedural matters, the hearing begins with the Hearing Chair reading the allegations statement. If the Respondent is absent, the hearing will proceed, and the Council will reach decisions based on the available evidence.
- f. The Process Adviser, Complainant, and Respondent may make opening statements. The Investigative Team's report will also be presented to the Council.
- g. Witnesses may be presented, first by the Complainant and then by the Respondent. The parties, Hearing Chair, Process Adviser, and all members of the SCC may question the witnesses. Witnesses will be present only at times when they offer evidence.
- h. All members of SCC may question the parties, and they may question each other. The Hearing Chair and the Process Adviser may ask clarifying questions of the parties.
- i. Allegations of past social violations and behaviors are not admissible within a hearing. Previous findings of social violations are not admissible during the hearing and are only considered in deliberations as they impact sanctioning.
- j. The parties may make final statements. After final statements, the parties and their support persons are dismissed, allowing the Council to commence deliberations.
- k. During deliberations, the SCC members will first consider whether the Respondent violated College policy or policies. The Hearing Chair and Process Adviser are present during deliberations. The Council should render decisions as soon as reasonably possible but no later than three business days after the hearing has been completed. If the Respondent is found in violation, the Council then deliberates to determine the appropriate sanction(s).
 - i. The Hearing Chair will explain what sanction(s) have been applied to similar offenses in the past to encourage comparable sanctions. The Council may also consult the Process Adviser.
 - ii. A student's conduct history will be considered when determining a sanction(s).
 - iii. The Council may choose one or more sanctions from the suggestions contained within this policy. They may also design a specific sanction(s) for a violation in consultation with the Hearing Chair and Process Adviser
 - iv. The Council may require the Respondent to participate in a counseling services assessment following a hearing, with a directive to complete any associated recommendations. An evaluation with a specific licensed health care provider might be required to assess substance use or abuse risk.
- l. The parties will receive a written statement of the decision, including information about the appeals process, within three business days of the decision.

Notification of Outcomes to Parties Other than Respondent The outcome of a conduct resolution process is part of the education record of the responding student. It is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions.

Complainant's Right to Receive Notification of Outcome As allowed by FERPA, when a student allegedly violates a policy that would constitute a crime of violence or forcible or non-forcible sex offense, the College will inform the complainant in writing of the final results of a hearing regardless of whether the College concludes that a violation was committed.

FERPA defines "crimes of violence" to include:

- Arson

- Assault offenses (including stalking)
- Burglary
- Criminal Homicide—manslaughter by negligence
- Criminal Homicide—murder and non-negligent manslaughter
- Destruction/damage/vandalism of property
- Kidnapping/abduction
- Robbery
- Forcible sex offenses
- Non-forcible sex offenses

Such release of information may only include:

- The responding student’s name.
- The violation committed, if applicable.
- The outcomes imposed, if applicable

In cases of sexual harassment and other offenses covered by Title IX, the rationale for the outcome will also be shared with all parties to the complaint, in addition to the finding(s) and sanction(s). For procedures related to an investigation under Title IX and/or sexual harassment, see <https://earlham.edu/office-of-title-ix/>.

5. Appeals Process for SCC Hearings of Social Violations

- a. The only acceptable grounds for appeal are a material deviation from the process that would likely have resulted in a different outcome, persuasive new evidence previously unavailable, or an inappropriate sanction. The petition for an appeal must address one or more of these three grounds in detail.
- b. The Complainant or Respondent can submit a written petition for an appeal to the VPDS within five business days from when the hearing decision was sent or within a calendar week should the decision occur at the end of a semester or before an academic break. The VPDS will determine if there are acceptable grounds for an appeal to go forward to an Appeals Board. Should the VPDS determine there are no acceptable grounds, the matter ends with the decision of the VPDS.
- c. Should the VPDS determine an appeal is warranted, an Appeals Board will convene to review the petition. The SCC Appeals Board (SCC-A) must be convened within five business days of the VPDS’s petition review.
- d. The SCC-A’s work is limited to a review of the documentation or record of the investigation, the concluded hearing, and pertinent written information regarding the grounds for appeal. The SCC-A may determine that the original finding and outcomes are fair and appropriate or may come to a different conclusion and provide a different sanction/outcome(s).
- e. The SCC-A’s decision is rendered in writing, and the Hearing Chair will send it to the parties within three business days. The decision of the SCC-A is final.

Conduct Interventions, Sanctions, and Outcomes for Social Violations

The College utilizes a range of outcomes and interventions that will support student education and growth. The goal is to develop appropriate outcomes for each individual or organization to empower them to take responsibility for their actions and role in the community.

1. The range of potential outcomes includes:

Conduct Hold: a hold on a student’s record that prevents the student from enrolling in the College’s academic courses for the following semester. If the student is a graduating senior, a hold prevents them from receiving their diploma until certain conditions are met. It is typically used when students fail to comply with outcomes.

Community restitution/service to the community: repayment to the community through service projects or shadowing a campus department impacted by student behavior.

Educational/health interventions require a student to complete a consultation appointment with a medical professional or licensed counselor to assess risks to personal health due to substance use and/or abuse.

Expulsion: permanent separation from the College. Expelled students will not receive reimbursement for their semester’s accounting charges. Parents/Guardians of expelled students may be notified.

Learning-Based intervention: outcomes that encourage self-reflection and enable the individual and/or organization to evaluate decision-making and impact on their community.

Loss of Housing Privileges: this includes losing the opportunity to select and/or live in specific housing on-

campus or the ability to reside in residential spaces.

Loss of Privileges: for organizations, it is typically denial of the right to host social gatherings and engage in other activities for a specified time. For individuals, it might include a housing assignment change, restrictions on being in designated areas of campus, and loss of other privileges.

Parental/Guardian Notification: The College reserves the right to notify parents or legal guardians of dependent students of any violations of College policy that endanger the health and well-being of a student or other individuals in the community. The College may also notify parents or guardians in cases where other conduct modification approaches have not been successful or when the conduct is sufficiently severe.

Probation: a specified period in which a student or organization's conduct is expected to be exemplary. Any additional violations of the Commitment to **Community: Principles & Practices** by a student or organization on probation will result in more severe outcomes, including possible suspension or expulsion. Individual students and organizations are subject to losing privileges while on probation.

Restitution: repayment for financial loss to an individual or the College.

Suspension: removal from the College for a stated period and/or until a stated condition(s) is met. Suspended students are not permitted on campus without written permission from the VPDS or designee or to participate in any College activity. Suspended students will not receive reimbursement for their semester's accounting charges. Readmission to the College following the end of the period of suspension is contingent upon demonstrating to the VPDS that measures have been taken to correct the problems that resulted in the suspension. The VPDS or designee may impose restrictions on individuals or organizations as reinstatement conditions. Parents/Guardians of suspended students may be notified.

Warning: an official letter of warning placed in the file of a student or organization that has been found responsible for a violation.

2. Recommended Minimum Responses for Specific Social Violations

Acts of emotional or physical harm: For a first offense, the response will depend on the severity and likely involve disciplinary probation and an educational/health intervention or suspension from the College. Repeat offenses warrant more severe sanctioning up to and including expulsion.

Crimes of violence: Up to and including expulsion from the College.

Disorderly behavior or violation of other College policies while possessing or consuming alcohol and other drugs: The response will likely involve disciplinary probation and an educational/health intervention or suspension for a first offense. Repeat offenses warrant more severe sanctions up to and including expulsion. Any sanction short of expulsion may also include a professionally licensed care provider evaluation as a health intervention to determine whether additional educational or rehabilitative initiatives may be required.

Possession and/or consumption of illegal drugs or drug paraphernalia: The response often includes disciplinary probation and may involve educational/health intervention for a first offense. Repeat offenses warrant more severe sanctions up to and including suspension from the College. The sanctions may also include a professionally licensed counselor evaluation to determine whether additional educational or rehabilitative initiatives may be required.

Providing, sharing, and/or selling illegal drugs or drug paraphernalia: Penalties up to and including expulsion from the College.

Repeat Violations: In the case of repeated violations or a violation in deliberate disregard of a specific warning, a student will be subject to more severe sanctions.

Conduct Interventions, Sanctions, and Outcomes for Social Violations

The College utilizes a range of outcomes and interventions that will support student education and growth. The goal is to develop appropriate outcomes for each individual or organization to empower them to take responsibility for their actions and role in the community.

1. The range of potential outcomes includes:

Conduct Hold: a hold on a student's record that prevents the student from enrolling in the College's academic courses for the following semester. If the student is a graduating senior, a hold prevents them from receiving their diploma until certain conditions are met. It is typically used when students fail to comply with outcomes.

Community restitution/service to the community: repayment to the community through service projects or shadowing a campus department impacted by student behavior.

Educational/health interventions require a student to complete a consultation appointment with a medical professional or licensed counselor to assess risks to personal health due to substance use and/or abuse.

Expulsion: permanent separation from the College. Expelled students will not receive reimbursement for their semester's accounting charges. Parents/Guardians of expelled students may be notified.

Learning-Based intervention: outcomes that encourage self-reflection and enable the individual and/or organization to evaluate decision-making and impact on their community.

Loss of Housing Privileges: this includes losing the opportunity to select and/or live in specific housing on-campus or the ability to reside in residential spaces.

Loss of Privileges: for organizations, it is typically denial of the right to host social gatherings and engage in other activities for a specified time. For individuals, it might include a housing assignment change, restrictions on being in designated areas of campus, and loss of other privileges.

Parental/Guardian Notification: The College reserves the right to notify parents or legal guardians of dependent students of any violations of College policy that endanger the health and well-being of a student or other individuals in the community. The College may also notify parents or guardians in cases where other conduct modification approaches have not been successful or when the conduct is sufficiently severe.

Probation: a specified period in which a student or organization's conduct is expected to be exemplary.

Any additional violations of the Commitment to **Community: Principles & Practices** by a student or organization on probation will result in more severe outcomes, including possible suspension or expulsion. Individual students and organizations are subject to losing privileges while on probation.

Restitution: repayment for financial loss to an individual or the College.

Suspension: removal from the College for a stated period and/or until a stated condition(s) is met.

Suspended students are not permitted on campus without written permission from the VPDS or designee or to participate in any College activity. Suspended students will not receive reimbursement for their semester's accounting charges. Readmission to the College following the end of the period of suspension is contingent upon demonstrating to the VPDS that measures have been taken to correct the problems that resulted in the suspension. The VPDS or designee may impose restrictions on individuals or organizations as reinstatement conditions. Parents/Guardians of suspended students may be notified.

Warning: an official letter of warning placed in the file of a student or organization that has been found responsible for a violation.

2. Recommended Minimum Responses for Specific Social Violations

Acts of emotional or physical harm: For a first offense, the response will depend on the severity and likely involve disciplinary probation and an educational/health intervention or suspension from the College. Repeat offenses warrant more severe sanctioning up to and including expulsion.

Crimes of violence: Up to and including expulsion from the College.

Disorderly behavior or violation of other College policies while possessing or consuming alcohol and other drugs: The response will likely involve disciplinary probation and an educational/health intervention or suspension for a first offense. Repeat offenses warrant more severe sanctions up to and including expulsion. Any sanction short of expulsion may also include a professionally licensed care provider evaluation as a health intervention to determine whether additional educational or rehabilitative initiatives may be required.

Possession and/or consumption of illegal drugs or drug paraphernalia: The response often includes disciplinary probation and may involve educational/health intervention for a first offense. Repeat offenses warrant more severe sanctions up to and including suspension from the College. The sanctions may also include a professionally licensed counselor evaluation to determine whether additional educational or rehabilitative initiatives may be required.

Providing, sharing, and/or selling illegal drugs or drug paraphernalia: Penalties up to and including expulsion from the College.

Repeat Violations: In the case of repeated violations or a violation in deliberate disregard of a specific warning, a student will be subject to more severe sanctions.

IX. Review and Revision of This Document

A review of this document and corresponding procedures will occur every five years. Any community member or group may propose amendments by contacting the student and faculty leadership of the Campus Life Advisory Committee (CLAC). Generally, major amendments need to be reviewed by the Faculty and, in some cases, approved by the Board of Trustees. Regular educational sessions will be offered to inform, explain, and clarify expectations of the student handbook and the process for addressing alleged violations of the Commitment to Community.

X. Administrative Authority

Earlham College defines administrative authority in the following manner:

In case of unforeseen difficulties (including changes in local, state, or federal requirements/procedures) with this policy and process pertaining to academic violations, the Provost and Associate Academic Deans, in consultation with the enumerated Conduct Process Authorities, may institute changes as appropriate.

In case of unforeseen difficulties (including changes in local, state, or federal requirements/procedures) with this policy and process pertaining to social violations, the Vice President for Student Life and Dean of Students, in consultation with the enumerated Conduct Process Authorities, may institute changes as appropriate.

As a general rule, the President of Earlham College is not involved in issues of Student Conduct. However, the President is empowered to determine the status of any student at any time. The President may also review any College process. However, the President is obligated to try to assure individuals' safety and preserve the property, legal status, and educational process of Earlham College. Therefore, the President may, at any time, use executive authority to remove, suspend, withdraw, or expel any student from the College. The President may concern themselves with a case that is deemed particularly troubling or complicated. No student may be expelled from the College without the President's consent.

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XI. Maintenance of Records

The College maintains all conduct records for seven years from their creation except those that result in separation (suspension or expulsion), which may be maintained indefinitely.