



STUDENT CODE OF CONDUCT AND GUIDE TO RIGHTS & RESPONSIBILITIES

Whittier College is a residential four-year liberal arts institution that prepares students from diverse backgrounds to excel in a complex global society. Inspired by a Quaker heritage, the Whittier education equips students to be active citizens and effective communicators who embrace diversity and act with integrity. Through challenging and interactive courses taught by accomplished professors, students learn to make connections across disciplines, understand cultural perspectives, and integrate learning with practical application.

With this mission in mind, the Whittier community is founded on the principles of respect, inclusion, integrity, concern for the individual, and social responsibility. It is a privilege to live and study as part of this community committed to the founding values of the Quakers and it is a responsibility to abide by the Student Code of Conduct. The effectiveness of the Student Code of Conduct depends on individual acceptance of personal responsibility and cooperation among all members of the campus community. In operation, this results in mutual respect for and commitment to the values and mission of the College.

As members of this community, Whittier College students and student organizations will

- act in a manner that reflects maturity and social responsibility with regards to health, wellness, and safety.
- act in a manner that reflects honesty and personal responsibility.
- act responsibly and respectfully towards the person and property of others.
- conduct themselves in accordance with all College, local, state, and federal laws, policies, and procedures while on or off campus.

By agreeing to be a member of the Whittier community, students and student organizations are expected to adhere to the behavioral and community standards outlined in this document and to all other policies and procedures of the College.

DEFINITIONS AND TERMS

College official

Includes any person employed by the College who is acting in the capacity of performing their assigned administrative or professional responsibilities.

College premises

Includes all land, buildings, facilities, and other property, real or personal, in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).

The College

Whittier College.

Complainant

Any person who submits a charge alleging that a student violated the Student Code of Conduct. When a student believes that he or she has been a victim of another student's misconduct, that potential victim will have the same rights under the Student Conduct Code as are provided to the Complainant, regardless of who initially submitted the charge.

Faculty member

Any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.

Guest

Person(s) to whom a student is extending or has extended hospitality or invitation to come onto the College Premises or to attend College events.

Hearing officer

The Student Conduct Administrator or their designee. The hearing officer is responsible for administering the Student Code of Conduct through the Administrative Hearing process and is responsible for issuing formal charges, engaging with the alleged violator, and rendering a decision.

Member of the College community

Includes any person who is a student, faculty member, College official, or any other person employed by the College. A person's status in a particular situation, if ambiguous given the definitions contained in this section, shall be determined by the Dean of Students or designee.

Organization

Refers to any number of persons who have complied with the formal requirements for College recognition and/or registration.

Policy

Refers to the written regulations of the College as found in, but not limited to, the Student Handbook, Residential Guide to Living, the College website, course syllabi, and Graduate and Undergraduate Catalogs.

Respondent

Any student accused of violating the Student Conduct Code.

Student

Includes all individuals enrolled in courses at the College, either full-time or part-time, pursuing undergraduate or graduate studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are

considered “students,” as are persons who are living in College residence halls, although not enrolled at the College. Although the College may not be responsible or liable for off-campus events or student behavior, the Student Code of Conduct applies at all locations where the College conducts the business of education whether on the main campus in Whittier, California, in another state or in a foreign country and specifically includes students studying abroad.

Student Conduct Administrator

A College official who determines responsibility for alleged policy violations and imposes sanctions, if any, as the result of an Administrative Hearing. The Student Conduct Administrator is also a member of the Student Conduct Review Board convened to handle a more serious disciplinary matter. Except in cases of bias or some other appropriate reason, the Student Conduct Administrator at Whittier College is the Associate Dean of Students. The Student Conduct Administrator may also be, at the discretion of the Dean of Students, members of the Student Life professional staff or the Peer Review Board. The term “Peer Review Board” (PRB) refers to a group of trained students who may, at the discretion of the Student Conduct Administrator, have been selected to hear less serious conduct code violations which are also first time offenses. The PRB is comprised of at least three students and is advised by a designee of the Dean of Students.

Student Code of Conduct

The Code of Student Rights and Responsibilities.

Student Conduct Review Board

Refers to the body of individuals trained to investigate/adjudicate student disciplinary matters. Each hearing board will generally consist of at least one faculty member, at least one student, and at least one staff member, along with a designated board chair. The members of the Student Conduct Review Board assigned to a given case are determined by the Student Conduct Administrator.

Student organization

The term “student organization” refers to any group of Whittier students who operate as a registered student club, sports team, affinity group, or any similar affiliation.

PROHIBITED CONDUCT

1. Failure to act in a manner that reflects maturity and social responsibility with regards to health, wellness, and safety

- a.** Failure to act appropriately, responsibly, and aligned with College policies regarding alcohol
 - i.** Possession, purchase, or consumption of any alcoholic beverage (including beer and wine) by any person under the age of 21.
 - ii.** Selling, either directly or indirectly, any alcoholic beverage (including beer and wine), except under the authority of a California Alcoholic Beverage Control Board license. This includes the sale of glasses, mixes,

- ice, or tickets for admission.
 - iii.** Providing alcohol for anyone under the age of 21.
 - iv.** Serving alcohol to an intoxicated person and/or serving alcohol to someone to the point of intoxication or incapacitation.
 - v.** Being drunk/intoxicated and disorderly in public view.
 - vi.** Consumption of alcoholic beverages in a public place (unless licensed for consumption of alcohol on premises) such as academic facilities, recreation fields, and College housing common areas including lounges and hallways.
 - vii.** Driving a motor vehicle or a bicycle while under the influence of alcohol.
 - viii.** Possession of an alcoholic beverage in an open container in a motor vehicle or on a bicycle, regardless of who is driving or whether one is intoxicated.
 - ix.** Failure to take a portable breathalyzer test (PBT) at the request of Campus Safety or any other law enforcement entity.
 - x.** Violation of the College policy on student-sponsored social events.
- b.** Failure to act appropriately, responsibly, and aligned with College policies regarding other drugs except as expressly permitted by law (note that the possession or use of marijuana for medical purposes is not permitted on College premises or at College-sponsored events)
- i.** Possession or use of marijuana, heroin, narcotics, or other controlled substances, paraphernalia, or instruments (bongs, pipes, etc.).
 - ii.** Furnishing, manufacturing, or otherwise distributing marijuana, heroin, narcotics, or other controlled substances, paraphernalia, or instruments.
 - iii.** Use of prescription or over the counter medication other than as directed by a medical professional.
- c.** Social host liability: Students and student organizations hosting non-registered gatherings, particularly with alcohol, assume all social host liability, including unintended consequences, for the gathering.
- d.** Unauthorized possession, duplication, or use of keys to any College premises or unauthorized entry to or use of College premises.
- e.** General hazing, defined as an act that endangers (puts at risk), the mental or physical health or safety of a student, or causes physical or psychological harm or social ostracism to any person within the College community, or destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the alleged victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
- f.** Illegal or unauthorized possession or use of firearms, explosives, toy guns or weapons, dangerous chemicals, or other weapons on College premises, even if legally possessed, in a manner that harms, threatens, or reasonably causes fear to others.

Campus Safety to make contact with a student off campus, whether or not the student is charged with violation of the law by non-College enforcement agencies.

- d. Assenting to a policy violation. This applies to student(s) who knowingly are present, condone or assent to a violation of the Student Code of Conduct by another member of the College community or third party. This includes, but is not limited to, being in the presence of an alcohol or drug violation, vandalism or theft, physical or verbal abuse, etc.
- e. Abuse of the Student Code of Conduct system, including but not limited to:
 - i. Failure to obey a notice from a Student Conduct Administrator or College official to appear for a meeting or hearing as part of the student disciplinary process contained in the Student Code of Conduct or any other College policy.
 - ii. Falsification, distortion, or misrepresentation of information in the context of the student conduct process.
 - iii. Disruption or interference with the orderly conduct of an Administrative Hearing or Student Conduct Review Board Meeting.
 - iv. Filing charges of a Student Code of Conduct violation in bad faith.
 - v. Attempting to discourage an individual's proper participation in, or use of, the Student Code of Conduct system.
 - vi. Harassment (verbal or physical), intimidation, or attempting to influence the impartiality of the Student Conduct Administrator or a member of a Student Conduct Review Board prior to, and/or during the course of, the Student Conduct Code process.
 - vii. Failure to comply with the sanction(s) imposed under the Student Code of Conduct or any other College policy.
 - viii. Influencing or attempting to influence another person to commit an abuse of the Student Code of Conduct system.
 - viii. Failure to abide by Housing and Residential Life administrative policies

WHITTIER COLLEGE TOBACCO-FREE POLICY

Because Whittier College is committed to providing a safe and healthy community in which to live, learn, work and play for the students, faculty, staff and guests on campus, it hereby adopts a tobacco-free policy, effective September 2, 2018.

Section 1. Findings and Intent

Given the research-based evidence noted as Findings and Intent, in Amendment A, Whittier College finds and declares that the purposes of this policy are (1) to protect the public health and welfare by prohibiting smoking and the use of marijuana and tobacco products, including electronic cigarettes, on Whittier College campus; (2) to guarantee the right of nonsmokers to breathe smoke-free air, and (3) to encourage a healthy, productive environment in which to live, learn, work and play for all members of our campus community.

Section 2. Definitions:

For the sake of clarity in this policy, the following definitions are provided:

- A. “Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
- B. “Hookah” means a water pipe and any associated products and devices which are used to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other plant matter.
- C. “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing prohibiting smoking in this policy.
- D. “Tobacco Product” means any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body by inhalation; but does not include any cessation product specifically approved by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence.

Section 3. Smoking and Tobacco Use Prohibited on Whittier College Campus

In light of the research-based evidence of the harm created by tobacco use, Whittier College campus shall be entirely tobacco and smoke-free.

The Tobacco-Free Policy applies to all Whittier College facilities, property, and vehicles, owned or leased, regardless of location. Smoking and the use of tobacco products shall not be permitted in any enclosed place, including, but not limited to, all offices, classrooms, hallways, waiting rooms, restrooms, meeting rooms, community areas, performance venues and private residential space within Whittier College housing. Smoking and the use of tobacco products shall also be prohibited outdoors on all Whittier College campus property, including, but not limited to, parking lots, paths, fields, sports/recreational areas, and stadiums, as well as in all personal vehicles while on campus. This policy applies to all students, faculty, staff, and other persons on campus, regardless of the purpose for their visit.

Section 4. Promotion and Sale of Tobacco Products Prohibited on Whittier College Campus

In further recognition of the incompatibility of Whittier College's educational mission and the promotion of tobacco products:

No tobacco-related advertising or sponsorship shall be permitted on Whittier College property, at Whittier College-sponsored events, or in publications produced by Whittier College, with the exception of advertising in a newspaper or magazine that is not produced by the Whittier College and which is lawfully sold, bought, or distributed on Whittier College property. For the purposes of this policy, "tobacco related" applies to the use of a tobacco brand or corporate name, trademark, logo, symbol, or motto, selling message, recognizable pattern or colors, or any other indicia of product identical to or similar to, or identifiable with, those used for any brand of tobacco products or company which manufactures tobacco products.

No tobacco products or paraphernalia shall be sold or distributed as samples on Whittier College grounds, either in vending machines, the Campus Center/Spot or any area on campus.

Section 5. Dissemination of Policy; Signage

Copies of this policy shall be made available to all faculty and staff and shall be included with information given to all admitted students. Information about the policy and how to comply with it shall also be posted on the Whittier College website. Announcements concerning the policy and any changes to it shall be printed in the campus newspaper and posted on the Whittier College website to ensure that everyone fully understands the policy. Signs prohibiting smoking and the use of tobacco products shall be posted at points of entry to the Whittier College campus and at Whittier College building entrances. No ashtrays shall be provided at any location on campus.

Section 6. Transition Period

This policy has been announced nearly one year in advance of implementation which is September 2, 2018, in order to give smokers time to adapt to its restrictions and to facilitate a smooth transition to a tobacco-free environment. On-site smoking cessation programs shall be made available to assist and encourage individuals who wish to quit smoking. Questions and problems regarding this policy should be handled through existing departmental administrative channels and administrative procedures.

Section 7. Enforcement of Policy; Compliance and Penalties

The goal of the committee is to encourage community member compliance to this policy. Each member of the Whittier College community will be informed of the policy (as noted above); community members will be encouraged to contribute to a healthy environment in which to live, learn, work and play by supporting the policy and educating others.

Policy violations will be treated in a manner that is congruent with offenses to the Student Code of Conduct (students) and the Employee Manual (staff/faculty). Opportunities for smokers to

learn about the policy change and adapt their behavior may be granted in the form of courtesy cards, which may be distributed by any member of the community. This policy may be enforced by all members of the campus community, including the taskforce, peer-educated POET Interns and/or volunteers and by Campus Safety officers.

Violations may be reported using the complaint form on the whittier.edu/tobaccofree web page, or by writing/emailing a complaint to tobaccofree@whittier.edu.

Complaints should be filed within 10 days of observing a potential violation in order to be facilitated in a timely manner. Complaints will also be filed in the form of reports by Campus Safety.

- **Students:** Regarding student conduct, violations will be addressed with a hierarchy of sanctions congruent with the Student Code of Conduct, as deemed appropriate by the Dean of Students Office, a Student Conduct Administrator or designee. Sanctions may include reflective or restorative sanctions, educational programming, fines, or others as noted in the Student Code of Conduct and Guide to Rights and Responsibilities (<https://www.whittier.edu/studentlife/policies>)
- **Faculty/Staff:** Human Resources will address violations through the progressive discipline model, which will include a formal verbal warning, educational programming, written reprimand, suspension without pay and any fines, restitution or other disciplinary action deemed appropriate for repeated violations, up to and including possible termination of employment. (<https://www.whittier.edu/humanresources>)
- **Visitors and Vendors:** Upon violation, a verbal request to cease the use of tobacco may be made by any member of the campus community, especially direct supervisors who oversee contracts. In cases where visitors or vendors fail to comply, Campus Safety will be called to make and document a request to cease use of tobacco products. Visitors that do not comply with Campus Safety will be issued a trespass admonishment and escorted off of Whittier College Property.

HOUSING & RESIDENTIAL LIFE POLICIES

As a residential college committed to the tenets of our Quaker heritage and to the values of a liberal arts education, Whittier College places a strong emphasis on the development of a deep sense of community within our residential housing areas. The Office of Housing & Residence Life has established the following policies to promote and maintain an atmosphere conducive to community living, based in integrity, and grounded in a sense of shared accountability to oneself and one's peers. All residents are responsible for knowing and adhering to these policies and regulations. Failure to do so may result in disciplinary action. In addition to the expectations outlined in the Code, the following are considered to be prohibited conduct within Whittier College residence halls and in proximity to residential facilities:

1. Health and Safety Violations

- a. Possessing items within a residence hall room, common space, or in proximity to

residential buildings that pose a risk to fire and life safety

- i.** Possession or use of toasters, toaster ovens, electric skillet, ovens, tabletop grills, and hot plates
 - ii.** Possession or use of candles and incense
 - iii.** Possession or use of halogen lamps
 - iv.** Smoking inside a residence hall room, within 20 feet of residential buildings, or in common spaces
 - v.** Tampering with, disabling, or otherwise damaging fire and life safety equipment (including door closures, smoke detectors, pulling stations, fire extinguishers, sprinklers heads, etc.), pulling false fire alarms, or stopping existing fire alarms
 - vi.** Failing to immediately evacuate during a fire alarm are violations of the state fire code. Immediate evacuation when an alarm sounds is mandatory, and re-entry into a building before the alarm
 - vii.** Use of unauthorized and/or improperly sized refrigerators, air conditioning units, extension cords, appliances, or other electrical devices within individual residence hall rooms or common spaces
 - viii.** Storage of personal items or assigned residence hall room furniture in any common space, hallway, balcony, outdoor area, or stairway
- b.** Any personal or commercial solicitation (including door-to-door and distribution of advertising circulars) within residence hall living or public areas without express written consent from the Dean of Students office
- c.** Operating a business or other similar enterprise from a residence hall room, common area, or Lounge
- d.** Failing to lock doors and/or properly secure one's belongings within individual residence hall rooms, and/or failing to carry one's key to their residence hall room
- e.** Tampering with, disabling, or otherwise damaging lock mechanisms on residence hall room door, restroom facilities, common spaces, or other secure access points to the residential community
- f.** Unauthorized access to roofs, ledges, balconies, equipment rooms, or other areas
- h.** Possession of a pet or animal within the residence halls other than a fish or turtle in a tank not exceeding ten gallons
- g.** Use of cinder blocks or other unauthorized bed elevation tool, instrument, or object

2. Guest Policy Violations

- a.** Violation of any College policy or regulation committed by a guest
- b.** Allowing or inviting a guest to visit a room or stay overnight without receiving permission from one's roommate(s)
- c.** Violating the time restrictions for guests set forth in the Whittier College Guest and Visitor Policy <https://www.whittier.edu/reslife/policies>

3. Common Space Violations

- a.** Failure to maintain an appropriate level of cleanliness in residential common spaces including, but not limited to, lounges, restrooms, hallways, outdoor spaces, and laundry rooms
- b.** Theft, vandalism, unauthorized moving and/or other damage or destruction of College or personal property located in residential common spaces including, but not limited to, lounges, restrooms, hallways, outdoor spaces, and laundry rooms
- c.** Use of a common area in a manner that precludes or obstructs the use of the space by other residents
- d.** Throwing items in the hallways, bouncing balls on the floor or in corridors, pranks, or other behavior which obstructs the common spaces from use by other students.
- e.** Storage of personal items (including, but not limited to, clothing, bicycles, furniture) in common spaces or in unauthorized areas of the residence halls
- f.** Riding skateboards, roller skates, bicycles, scooters, hoverboards, in-line skates, and any other means of conveyance within the residence halls including in corridors, hallways, common spaces, or resident rooms

4. Administrative Policy Violations

- a.** Failure to return keys, check in, or check out of the residence halls properly and in accordance with stated procedures
- b.** Addition of wireless internet routers, splicing into existing television or telephone cables or outlets, wrapping TV cable, or otherwise adding to or tampering with telephone/networking hardware
- c.** Allowing another individual or group unauthorized access to a residence hall, common area, or individual room
- d.** Occupying a residential space other than that which is specifically assigned, or changing/switching room assignments with another individual without express written approval from the Office of Housing & Residence Life.
- e.** Painting, altering, or otherwise damaging the walls, ceilings, or floors within residence hall rooms and/or common spaces
- f.** Tampering with, disabling, or otherwise damaging window screens, glass panes, and/or frames
- g.** Posting, disbursing, or otherwise distributing information within the residential community without prior written approval from the Office of Housing & Residential Life
- g.** Tampering with, unhinging, or removing closet doors within individual resident rooms or in common spaces
- h.** Excessive noise, including any noise after official quiet hours or at any other time when negatively impacting another individual within the community

Residence hall room inspections and entry

Health and safety within the residential community are a top priority at Whittier College. As

such, common spaces and individual resident rooms may be accessed by College officials in the performance of their duties. The College shall have the right of access to all rooms for the purpose of making routine or emergency repairs as necessary without prior notice to or consent from the student. A search of a student's residence hall room by Campus Safety or College official may be conducted with the student's permission or with authorization by the Dean of Students or designee. Whenever possible, searches of residence hall rooms and personal property shall be conducted in the presence of the student. However, the College reserves the right to inspect all rooms for the purpose of emergency, inventory, maintenance, health and safety checks, and policy enforcement.

For reasonable cause, as determined by an appropriate member of the Dean of Students' Office or other officials as designated by the Dean of Students, a formal search of a residence hall room may be conducted if appropriate personnel believe one or more of the following conditions exist:

1. there is a suspected violation of College policy or illegal activity
2. there is a serious threat to persons within the residence hall
3. there is possible stolen property in the room
4. there are possible illegal substances in the room
5. there is a sick or injured individual in the room

The College cannot prevent or prohibit the search of a students' room or the College premises by law enforcement officers acting in the performance of their duty. In those cases, it is expected that the ordinary requirements for lawful search will be followed.

STUDENT CONDUCT PROCEDURES

Any member of the College community may file charges against a student for violations of the Student Code of Conduct. A charge should be prepared in writing and directed to the Student Conduct Administrator or designee. Any charge should be submitted as soon as possible after the event takes place, preferably within two weeks. The College reserves the right to institute misconduct procedures against an individual regardless of the amount of time that has passed and even if the charge is not in writing.

Upon receiving a report of alleged violation of the Student Code of Conduct, the Student Conduct Administrator or designee may initiate proceedings as outlined below.

All complaints against a student for sexual misconduct as described in the College's Sexual Misconduct Policy will be dealt with in accordance with the procedures set forth in that policy. The procedures in that policy will also be followed when a student is charged with multiple violations during a single incident, at least one of which would fall within the definition of sexual misconduct, and when a student fails to comply with a sanction given as a result of a violation of the Sexual Misconduct Policy, or violates a no-contact order put in place as a result of any form of sexual misconduct.

Adjudication Options for Conduct Code Violations

The Student Conduct Administrator or designee will review the facts of the case to make a

preliminary determination of whether there is sufficient information to proceed with a Student Code of Conduct proceeding. If it is determined that a disciplinary proceeding is necessary, the Student Conduct Administrator or designee has three options:

1. **Administrative Hearing:** In cases where the potential violation is of a less serious nature and the misconduct, including a consideration of the frequency, attitude of the student and circumstances, would not result in suspension or expulsion, the Student Conduct Administrator or designee will hold an administrative hearing with the student to discuss the incident, the student's involvement in it, and any steps that must be taken or sanction imposed to resolve the matter. If the Student Conduct Administrator or designee determines that the student is not responsible for any Student Code of Conduct violation, no sanctions shall be given, the case will be dismissed and a record of the incident, a copy of which shall be provided to the student, shall remain on file. If the Student Conduct Administrator or designee determines that the student is responsible for a Student Conduct Code violation, that person will determine what sanctions to impose and a record of the incident shall remain on file. Normal appeal procedures shall be available to the respondent.
2. **Student Conduct Code Review Board:** In cases involving more serious misconduct, including a consideration of the frequency, attitude of the student and circumstances, or which misconduct could result in suspension or expulsion, the Student Conduct Administrator or designee will refer the case for determination by a Student Conduct Review Board. The following procedures shall be followed in connection with such a proceeding:
 - a. The facts and circumstances surrounding the alleged conduct shall be promptly investigated by person(s) designated by the Student Conduct Administrator who have been properly trained. The College will endeavor to complete its investigation within 20 days.
 - b. All charges, if any, shall be presented to the respondent in written form and delivered via e-mail and/or in person. This written notification of charges shall include a summary of the behavior that allegedly violates the Student Code of Conduct and shall be provided no less than five days and no more than 15 days prior to the date the Student Conduct Review Board meets to adjudicate the matter. This notification shall also state the date, time and location of the Student Conduct Review Board Meeting. Maximum time limits for scheduling of the Student Conduct Review Board Meeting may be extended at the discretion of the Student Conduct Administrator or designee, but only in instances with just cause. The respondent may request a Student Conduct Review Board Meeting earlier than five days if they do so in writing and the College will use its best efforts to accommodate such a request.
 - c. Not less than 72 hours prior to the Student Conduct Review Board Meeting, a copy of the investigator's report shall be made available for the investigator(s) to

review it with the respondent, but the respondent is not entitled to receive copy of the report, nor should any changes be made to the report at that time other unless the Investigator determines, at their sole discretion, that a change is needed. Rather, the respondent may address points raised in the report at the time of the Student Conduct Review Board Meeting.

- d. The Student Conduct Review Board members shall be provided with a copy of the Investigator's report before the Student Conduct Review Board Meeting.
- e. Not less than 24 hours before the Student Conduct Review Board meets to adjudicate the matter, the respondent may submit any additional relevant documentation, statements or reports for review. The respondent may also bring witnesses to the Student Conduct Review Board Meeting so long as the Student Conduct Administrator is given at least 24 hours' notice of the intent to bring witnesses, their identities and the purpose of the witness(es). The College may also bring witnesses as long as the respondent is given 24 hours' notice of that intent and the identity of the witness(es). Individuals who wish to serve as a witness to share information about the respondent's character without having specific firsthand knowledge of the incident/behavior in question are generally not permitted. Questions of whether potential information or witnesses will be allowed shall be at the sole discretion of the Student Conduct Administrator presiding over the Student Conduct Review Board Meeting.
- f. Student Conduct Review Board Meetings shall normally be conducted in private, with only the respondent, and their adviser, if desired, being present with the board members. Should witnesses also be allowed to present information at the meeting, they will be permitted at the meeting only long enough to present the information relevant to the charges.
- g. The Student Conduct Review Board Meeting will consist of a reading of the charges, the respondent's acceptance or denial of responsibility for the charges, presentation of information or witnesses supporting the charges, presentation of information or witnesses by the respondent, and a closing statement by the respondent. Questions may be asked of the witnesses or respondent by the Student Conduct Review Board members during the Meeting.
- h. The respondent has the right to be advised by an adviser of their choosing, at their own expense, but the adviser is not permitted to speak or participate directly in any Student Conduct Review Board Meeting. A student should select as an adviser a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Review Board Meeting because delays will not normally be allowed due to the scheduling conflicts of an adviser. In cases involving more than one respondent, the Student Conduct Administrator handling the case may permit the Student Conduct Review Board Meeting concerning each student to be conducted either separately or jointly.

- i. If, during the course of the meeting, additional potential violations are discovered, the respondent will be notified of the new charges and will be granted additional time, if needed, to prepare a defense of the new charges. The respondent may waive the additional time and the meeting can proceed with the new charges taken under consideration by the Student Conduct Review Board. A record should be made in the meeting notes of additional charges and whether or not the student desires additional preparation time.
- j. Upon considering all information submitted to the Student Conduct Review Board, in private deliberations, based on a preponderance of the evidence standard (more likely than not), the Student Conduct Review Board will determine whether the respondent is responsible for violation of the Student Code of Conduct. The board will then determine what, if any, sanctions should be issued. The decision of the Student Conduct Review Board is final, subject only to the appeal procedures contained in this Student Code of Conduct.
- k. All procedural questions are subject to the final decision of the Student Conduct Administrator presiding over the Student Conduct Review Board Meeting. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code of Conduct proceedings.
- l. If a respondent, with notice, does not participate in or attend their Student Conduct Review Board Meeting, the information in support of the charges shall be presented and considered in their absence.
- m. The Student Conduct Administrator responsible for the Student Conduct Review Board Meeting may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, and/or other witnesses during the meeting by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, as determined in the sole judgment of the Student Conduct Administrator to be appropriate.
- n. The decision and sanctions imposed by the Student Conduct Review Board may be appealed according to the procedures outlined below.

Sanctions

The student conduct process at Whittier College is grounded in reflective growth and restorative practices. The purpose of sanctioning is to provide educational opportunities that will result in positive behavior change for the betterment of self and community.

As a result of a responsible finding, a formal sanction must be issued. The options for formal sanctions are below:

1. **Warning:** A notice in writing to the student that the student or student organization is violating or has violated the Code of Conduct. This sanction is typically for low level

violations, and a student/student organization will generally only receive one warning during their time at the College.

2. Probation: Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student or student organization is found to violate the Student Code of Conduct during the probationary period.
3. Deferred college suspension: Though the sanction of College Suspension is assigned, the student is permitted to remain on campus and enrolled in courses for credit. However, any violation of College policy or the Student Code of Conduct will result in the initial sanction of College Suspension being enacted immediately. Students on Deferred College Suspension may not be able to hold any positions in student leadership, such as Student Senate, Clubs, Organizations, Societies or Resident Adviser. Additional restrictions on involvement in campus activities, such as participation in College athletic teams, may also be applied as part of the sanctioning process. Student organizations sanctioned with deferred suspension will be restricted in their activities in a manner determined by the hearing officer in conjunction with the Office of Student Engagement office.
4. College suspension: Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students suspended from the College are not eligible for a refund on tuition and/or other fees. This may also be an interim measure taken before there is any finding of responsibility. (see Interim Suspension below). Student organizations sanctioned with suspension will be restricted in their activities for a time period determined by the hearing officer in conjunction with the Office of Student Engagement office.
5. College expulsion: Permanent separation of the student from the College. Students expelled from the College are not eligible for a refund on tuition and/or other fees. Student organizations sanctioned with expulsion (permanent derecognition) will be immediately suspended from participation in all organizational activities in a manner determined by the hearing officer in conjunction with the Office of Student Engagement.

In addition to the formal sanctions listed above, the hearing officer can assign a variety of other sanctions to create an accountability plan for the student. This list is not exhaustive but does cover a wide array of sanction possibilities. Note that more than one of the sanctions listed below may be imposed for any single violation.

- Reflective sanctions: A variety of reflection essay assignments are available for use by the hearing officer. The purpose of these assignments is to encourage the student to reflect on the incident(s) involved and their potential impact on themselves, their peers, and the community.
- Restorative sanctions: These sanctions are intended to restore the relationship between the responsible party and the aggrieved entities (peers, staff, faculty, community members, etc.) Restorative sanctions may include letters of apology, repairing a torn down poster/item, or helping to clean a mess that one made
- Action-based sanctions: These sanctions all involve a specific action item and most

involve direct attention from the responsible party. Action-based sanctions include, but are not limited to:

1. Parent/guardian notification: Notification of the violation to legal parent/guardian. This sanction is typically issued for alcohol and drug violations, as well as for incidents that may impact the student's ability to remain on campus or as an enrolled student at Whittier College (i.e. when a student is placed on deferred college suspension or for other severe cases.)
2. Loss of privileges: Denial of specified privileges for a designated period of time
3. Fines: Previously established and published fines may be imposed.
4. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
5. Confiscation of prohibited property: Items whose presence is in violation of College policy will be confiscated and will become the property of the College. Prohibited items may be returned to the owner at the discretion of the Dean of Students and/or Campus Safety
6. Drug testing: In response to violations of the Code relating to use or possession of illegal drugs, controlled substances, or drug paraphernalia, the sanctions may include drug testing for a defined period of time at the student's expense.
7. Limited access to campus: The parameters of the restriction will be specified.
8. No contact order: An order that one student refrain from direct or indirect contact with another student(s) or member of the College community when on College Premises or at off- campus College-sponsored activities or events. This may also be an interim measure taken before there is any finding of responsibility.
9. Residence hall relocation: The student is assigned to another residence hall room or Building. Residence Life personnel will decide on the reassignment details. This may also be an interim measure taken before there is any finding of responsibility.
10. Residence hall suspension: Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students removed from the residence halls will not be eligible for a refund or proration of housing and/or meal fees.
11. Residence hall expulsion: Permanent separation of the student from the residence halls. Students expelled from the residence halls will not be eligible for a refund or proration of housing and/or meal fees.
12. Revocation of admission and/or degree: Admission to or degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of the College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
13. Withholding degree/transcript: The College may withhold awarding a degree otherwise earned or a student's academic transcript until the completion of all sanctions imposed, if any.

Interim Suspension

In certain circumstances, the Dean of Students, Student Conduct Administrator or a designee, may impose a College or residence hall suspension prior to a Student Conduct Review Board Meeting. Interim suspension may be imposed only:

1. to ensure the safety and well-being of members of the College community or preservation of College property;
2. to ensure the student's own physical or emotional safety and well-being; or
3. if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.

During the interim suspension, a student shall be denied access to the residence halls and/or to the campus, including classes and/or all other College activities or privileges for which the student might otherwise be eligible, as the Dean of Students or the Student Conduct Administrator or designee may determine to be appropriate. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Student Conduct Review Board Meeting, if required. A student who receives an interim suspension may request a meeting with the Dean of Students or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the College may still proceed with the scheduling of a Student Conduct Review Board Meeting.

Appeals

Decisions reached following an Administrative Hearing or Student Conduct Review Board Meeting are subject to a written request by the Respondent for an appeal to the Dean of Students or designee ("appellate officer") within five (5) business days of receiving the written decision from the Student Conduct Administrator. As this written request may be the only direct contact with the appellate officer, the request should include a detailed explanation of the bases for appeal and all supporting documents, and should be signed by the student. The appellate officer will hear all appeals relating to Student Code of Conduct violations handled under the procedures above.

When a student requests an appeal, whether a sanction remains in effect is at the discretion of the appellate officer with input from College officials as he/she deems necessary. An appeal is not intended to serve as a second review meeting and may be decided based solely on written materials. The sole bases for an appeal are:

1. A procedural error, omission or irregularity that undermined the complainant's or Respondent's ability to present their allegations or defense, including demonstrated bias of involved hearing officer or Student Conduct Review Board member
2. New information sufficient to alter the decision or sanction, unknown or unavailable during the time of the original investigation and adjudication. A summary of this new evidence and its potential impact must be included
3. The sanctions imposed are substantially disproportionate to the severity of the violation

Conduct Records

Disciplinary sanctions shall not be made part of the respondent's permanent academic record, but shall become part of the student's disciplinary record. Disciplinary records are the education records of the respondent. In situations involving an alleged victim and the conduct is not subject to the College's Sexual Misconduct Policy, the alleged victim is only entitled to know when the matter has been resolved and of any sanctions that directly affect the alleged victim, e.g., no contact order, residence hall relocation, etc.

Interpretation and Revision

Any question of interpretation or application of the Student Code of Conduct shall be referred to the Dean of Students for final determination.

Hazing

The Whittier community is founded on the principles of respect, inclusion, integrity, concern for the individual, and social responsibility. As such, Whittier College condemns hazing in all forms. Hazing is defined by hazingprevention.org as "any action taken or any situation created intentionally that causes embarrassment, harassment or ridicule and risks emotional and/or physical harm to members of a group or team, whether new or not, regardless of the person's willingness to participate." Hazing is antithetical to our mission and values as a community, and has no place at Whittier.

WHITTIER COLLEGE HAZING POLICY

(adapted from Massachusetts Institute of Technology Hazing Policy)

Whittier College prohibits hazing by individuals or groups and defines it as follows: Any action or activity that is reasonably likely to, or is intended to, endanger the physical or mental health of a person for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group, organization, or living community. This definition shall apply regardless of location or consent of participants. Hazing includes, without limitation, behaviors that violate California State Penal Code 245.6.

Endangering mental health is defined as sleep deprivation, extended isolation, public degradation, intimidation, creation of artificial and excessive stress, public nudity, and other comparable behaviors that are reasonably likely to, or are intended to, cause a significant degree of distress, disgrace, anguish, or interference with academic, professional, or personal pursuits.

Apathy or acquiescence in the presence of hazing are not neutral acts and constitute hazing as prohibited by this policy. Students and other members of the College community must report incidents of hazing that they witness or for which they were present. Incidents of hazing shall be reported to an appropriate law enforcement official and the Office of the Dean of Students. Failure to report incidents of hazing is a violation of this policy.

Any retaliation against any person who reports, is a witness to, is involved with, or cooperates with the adjudication of hazing is strictly prohibited.

Is this Hazing?

(www.hazingprevention.org)

If you're not sure whether or not something happening to you or to someone else is hazing, ask yourself these questions:

- Would I feel comfortable participating in this activity if my parents were watching?
- Would we get in trouble if a school/college administrator walked by and saw us?
- Am I being asked to keep these activities a secret?
- Am I doing anything illegal?
- Does participation in this activity violate my values or those of this organization?
- Is this causing emotional or physical distress or stress to myself or to others?
- Am I going to be able to get a job if I have to put a criminal arrest on my application?

Reporting Hazing

Students, faculty, staff, and others who either witness or are a party to hazing activity are strongly encouraged to complete a Hazing Reporting Form

(https://cm.maxient.com/reportingform.php?WhittierCollege&layout_id=7)

which can also be submitted anonymously. Note that according to our policy, students who witness potential hazing behaviors and fail to report them are also in violation of the hazing policy.

Impact of Hazing

(www.hazingprevention.org)

Impact on the person/people being hazed: The media is full of stories reporting one of the worst possible consequences of hazing: death. While death is the worst possible outcome, there are far more examples of less severe but still life-altering consequences. One study has shown that 71% of those who are hazed suffer from negative consequences. These consequences may include but are not limited to:

- Physical, emotional, and/or mental instability
- Sleep deprivation
- Loss of sense of control and empowerment
- Decline in grades and coursework
- Relationships with friends, significant others, and family suffer
- Post-traumatic stress syndrome
- Loss of respect for and interest in being part of the organization
- Erosion of trust within the group members
- Illness or hospitalization with additional effects on family and friends

Impact on those who haze others

Those who are leading or participating in the hazing may unintentionally trigger the memory of a

traumatic event in the victim's past that could result in devastating consequences. Those who are accused of engaging in the hazing behaviors may face suspension or expulsion, and legal action which may include misdemeanor or felony charges and/or jail time. In addition to being accountable to the organization, the College, the state criminal process, and civil litigation, those that haze may experience the following:

- Decline in grades and coursework
- Relationships with friends, significant others, and family suffer
- Loss of connection to alums through the organization
- Media scrutiny
- Damage to one's personal reputation
- Warped sense of leadership
- Feelings of shame and guilt

Impact on the organization/team

When a team, club or chapter participates in hazing, not only are individuals affected, but the organization also suffers. Individuals and their organization may be accountable to the national offices as well as institutional and local governing boards. Depending on the organization, the consequences can be quite significant. A society might be suspended from campus for a number of years, whereas a sports team could forfeit their season or a club could be disbanded. In addition, the following outcomes may result when members of an organization participate in hazing:

- Loss of reputation within the campus community, local area and nationally
- Loss of recognition for the organization, team or club and/or other privileges revoked
- Civil damages may be levied against the organization
- Organization's officers may be held responsible
- A gradual erosion of the true meaning and values of the organization

COLLEGE AND STATE HAZING POLICIES

Whittier College Student Code of Conduct Policy on Hazing

1. Failure to act in a manner that reflects maturity and social responsibility with regards to health, wellness and safety
 - a. General hazing, defined as an act that endangers (puts at risk), the mental or physical health or safety of a student, or causes physical or psychological harm or social ostracism to any person within the College community, or destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the alleged victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.

California State hazing law

California Penal Code Section 240-248 (Excerpt) 245.6.

- a) It shall be unlawful to engage in hazing, as defined in this section.
- b) “Hazing” means any method of initiation or preinitiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. The term “hazing” does not include customary athletic events or school-sanctioned events.
- c) A violation of this section that does not result in serious bodily injury is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100), nor more than five thousand dollars (\$5,000), or imprisonment in the county jail for not more than one year, or both.
- d) Any person who personally engages in hazing that results in death or serious bodily injury as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
- e) The person against whom the hazing is directed may commence a civil action for injury or damages. The action may be brought against any participants in the hazing, or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing.
- f) Prosecution under this section shall not prohibit prosecution under any other provision of law.

The sanction of **SUSPENSION** or **EXPULSION** will be strongly considered for individuals or groups found responsible for hazing.

Hazing Investigations

The Hazing Prevention and Intervention Team (HPIT) will investigate all reports of hazing received through the form and through other means. Once a report is received, the HPIT will convene to discuss the reported information and determine next steps. Hazing investigations will take three main forms:

- those involving societies
- those involving athletic teams
- those involving other clubs/organizations.

All investigations will generally follow the same format, with slight alterations depending on the population/group involved.

1. **Incident/Report Review Meeting:** Once the HPIT has had a chance to initially review the report(s) submitted, a group will be convened to discuss the format of the interview and

investigation process, and to set logistical framework for the remainder of the investigation. This meeting will include all members of the HPIT as well as:

- a. For society related cases: Associate Dean of Students and the Office of Student Engagement
 - b. For athletic cases: Director of Athletics, Associate Director of Athletics and the Senior Woman Administrator
 - c. For other group and organization cases: Associate Dean of Students and the Office of Student Engagement
2. Pre-interview action: Depending on the specific case, the HPIT in conjunction with other staff (specifically those overseeing the team, society, or group in question) may require actions be taken during the investigative process. These actions may include but are not limited to:
- a. Immediate suspension of all new member activities
 - b. Suspension of the activities of the group (specified by the office/department overseeing recognition of the group)
 - c. Restriction of communication between group members
 - d. Restriction or suspension of meetings, practices, or other activities of the full group
3. Interviews: Based on the strategy developed by the HPIT and the review meeting with stakeholders (societies, athletics, or other groups), interviews will be conducted with all members of the involved organization(s). Interviews will take place individually (one student at a time) with at least one assigned faculty or staff members. The Director of Student Rights and Responsibilities will determine which members of the organization will be interviewed. The dates, times and locations of the interviews will be distributed to the all participating in the interview process no later than 24 hours in advance. Interviewers will take detailed notes and provide them to the Director of Student Rights and Responsibilities. The interview notes as well as any other relevant material will be given to members of the Student Conduct Review Board assigned to the case (refer to pg.____)

Throughout the interview process, students are expected to be truthful and honest. Patterns of untruth or fabrication may result in student conduct charges.

Final decision regarding the status of the group(s) involved generally rests with the department/office overseeing that group.

Note that this policy does not include specific sanction requirements or regulations imposed by other entities including departmental regulations, NCAA compliance standards, etc. Groups may be subject to additional investigation and sanctioning by these groups as deemed appropriate.

Last Revised 8/22/2018