

## Code of Conduct

### Preamble

Any student may be subject to disciplinary action as described in this chapter if the student, whether as a principle actor, aider, abettor or accomplice interferes with the personal rights or privileges of others, or with the College's educational process and/or violates any provision of this chapter. Grounds for disciplinary action include but are not limited to the following:

1. Acts of dishonesty, including but not limited to the following:
  - (a) Cheating, plagiarism, or other forms of academic dishonesty.
  - (b) Furnishing false information to any Cornish College of the Arts official, faculty member or office.
  - (c) Forgery, alteration, or misuse of a Cornish College of the Arts document, record, fund or instrument of identification.
  - (d) Tampering with the election of any Cornish College of the Arts recognized student organization.
2. Assault, reckless endangerment, intimidation or interference with another person.
3. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other Cornish College of the Arts activities, including its public service function on or off College facilities, or other authorized non-Cornish College of the Arts activities, when the act occurs in College facilities.
4. Any acts of misconduct substantially disrupting any College class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the class.
5. Filing a formal complaint and/or falsely accusing another student or College employee of violating a provision of this chapter.
6. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or the College.
7. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.
8. Engaging in racial harassment, which includes ethnic and racial jokes, racial slurs, demeaning comments, looks or gestures or other verbal, written or physical conduct deliberately designed to humiliate and/or cause discomfort to the recipient or which interferes with job or school performance.
9. Engaging in attempted or actual theft or robbery and/or damage to property of the College, the College community, or any personal or public property of another.

10. Engaging in malicious mischief, which is defined as intentional or negligent damage to or destruction of any College facility or other public or private real or personal property.
11. Converting of College or students' equipment or supplies or other property for personal gain or use, without proper authority.
12. Intentionally gaining access, without authorization, to computer system electronic data owned or used by Cornish College of the Arts shall be subject both to disciplinary action pursuant to this chapter and to criminal prosecution.
13. Forging or tendering any forged records or instruments, or any College record or instrument to an employee or agent of the College.
14. Unauthorized possession, duplication or use of keys to any Cornish College of the Arts facilities or entering or using any College administrative or other employee office or any locked or otherwise closed College facility in any manner, at any time, without permission of the College employee or agent in charge.
15. Smoking in College facilities.
16. Use, possession or distribution of alcoholic beverages, or intoxication on or at any College sponsored event, on or off campus, or appearance on campus while under the influence of alcohol.
17. Use, possession, manufacture, distribution, being under the influence of, or selling any narcotic or controlled substance except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.
18. Possession or use (to include exhibiting, displaying or drawing any weapon) of firearms, other weapons or instrumentalities or dangerous chemicals or any other device or substance which can be used to inflict bodily harm or damage real or personal property on College facilities, except for authorized College purposes or for law enforcement officers.
19. Violation of:
  - (a) Cornish College of the Arts' policies, rules or regulations; and/or
  - (b) Federal, state or local law on Cornish College of the Arts facilities and/or at Cornish College of the Arts sponsored or supervised activities.
20. Failure to comply with the directions of Cornish College of the Arts officials or law enforcement officers acting in performance of their duties.
21. Obstruction of the free flow of pedestrian or vehicular traffic on Cornish College of the Arts facilities or at Cornish sponsored or supervised activities.
22. Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on Cornish College of the Arts facilities or at functions sponsored by, or participated in by Cornish College of the Arts.
23. Engaging in actions or behaviors that result in damage to property of the College, the College community or other personal or public property.
24. Abuse of computer privileges, including but not limited to:
  - (a) Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.

- (b) Unauthorized transfer of a file.
- (c) Unauthorized use of another individual's identification and password.
- (d) Unauthorized use of phone and electronic devices such as radios, etc.
- (e) Use of computing facilities to interfere with the work of another student or faculty member of Cornish College of the Arts.
- (f) Use of computing facilities to send or receive obscene or abusive messages.
- (g) Use of computing facilities to interfere with normal operation of the College computing systems.
- (h) Theft or other abuse of computer time.

25. Intentionally and repeatedly following another person to that person's home, school, place of employment, business, or any other location, or following the person while in transit between locations may be subject to disciplinary action if the person being followed is intimidated, harassed, or placed in fear that the stalker intends to injure the person or property of the person being followed, or another person. The feeling of fear, intimidation, or harassment must be such that a reasonable person in the same situation would experience under the circumstances.

26. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct based on facts, which threatens or endangers the health and safety of any person. This is to include acts or threats to one's personal safety and/or life.

27. Any student who, by any act of misconduct, substantially disrupts any College function by engaging in conduct that renders it difficult or impossible to continue such a function in an orderly manner shall be subject to disciplinary action.

28. Abuse of the judicial system, including but not limited to:

- (a) Failure to obey the summons of a judicial body or Cornish College of the Arts official.
- (b) Falsification, distortion, or misrepresentation of information before a judicial body.
- (c) Disruption or interference with the orderly conduct of a judicial proceeding.
- (d) Institution of a judicial proceeding knowingly without cause.
- (e) Attempting to discourage an individual's proper participation in, or use of, the judicial system.
- (f) Attempting to influence the impartiality of a member of a judicial body prior to and/or during the course of the judicial proceeding.
- (g) Harassment (verbal or physical) and/or intimidation of a member of the judicial system prior to, during, and/or after a judicial proceeding.
- (h) Failure to comply with the sanction(s) imposed under the Code of Conduct.
- (i) Influencing or attempting to influence another person to commit an abuse of the judicial system.

## **Trespass**

1. The Academic Dean/Provost or his/her designee is authorized to take the following appropriate action(s) in the instance of any event deemed to be disruptive of order or deemed to impede the movement of persons or vehicles or which the Academic Dean/Provost deems to disrupt or threatens to disrupt the ingress and/or egress of persons from College facilities.
2. The Academic Dean/Provost or such other person designated by the Academic Dean/Provost, shall have the authority and power:
  - (a) To prohibit the entry of, or withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of College property or a College facility; or
  - (b) To give notice against trespass by any manner provided by law, to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from, entering onto or remaining upon all or any portion of College property or a College facility; or
  - (c) To order any person, persons, or group of persons to leave or vacate all or any portion of College property or a College facility.
3. Any individual who shall disobey a lawful order given by the Academic Dean/Provost or his or her designee(s) shall be subject to disciplinary action and/or charges of criminal trespass.

## **Hazing policy**

1. Hazing is prohibited.
  - (a) Penalties.
    - 1.) Any organization, association or student living group that knowingly permits hazing shall:
      - a.) be liable for harm caused to persons or property resulting from hazing and
      - b.) be denied recognition by Cornish College of the Arts as an official organization, association or student living group on this campus. If the organization, association or student living group is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.
    - (b) A person who participates or conspires to participate in the hazing of another shall forfeit any entitlement to institutional funded grants, scholarships or awards for a period of not less than one (1) semester and up to permanent forfeiture.
    - (c.) An act of hazing, in addition to violating this policy, may constitute a violation of the Student Code of Conduct.
    - (d.) Hazing violations are also misdemeanors punishable under state criminal law.
  2. Sanctions for impermissible conduct not amounting to hazing:
    - (a.) Impermissible conduct which is associated with initiation into a student organization or, living group or any pastime or amusement engaged in with respect to the organization or living group, will not be tolerated.

- (b.) Impermissible conduct which does not amount to hazing may include conduct which causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.
- (c.) Impermissible conduct not amounting to hazing is subject to any sanction available under the Student Code of Conduct, depending upon the seriousness of the violation.

### **Judicial authority**

1. Cornish College of the Arts officials are authorized to impose sanctions.
  - (a) All disciplinary action in which there is a recommendation that a student be suspended or expelled from the College shall be acted upon by the Academic Dean/Provost.
  - (b) Administration of this chapter is the responsibility of the Academic Dean/Provost.
  - (c) The instructor is responsible for conduct in the classroom and is authorized to take such steps as are reasonably necessary when behavior of the student interrupts the normal classroom procedure. When such behavior may be as serious as to result in summary suspension from the class, the instructor must report the infraction in writing to the Academic Dean/Provost and Department Chair within twenty-four (24) hours of the infraction.
  - (d) The student has the right to appeal any disciplinary action of an instructor to the Academic Dean/Provost.

### **Initiation of proceedings**

1. Any member of the Cornish College of the Arts community may file charges against any student for violation of provisions of this code. Charges shall be prepared in writing and directed to the Judicial Advisor responsible for the administration of the Cornish College of the Arts judicial system. Any charges should be submitted as soon as reasonably possible after the event takes place, preferably within five (5) academic days.
  - (a) All disciplinary proceedings will be initiated by the Academic Dean/Provost. The student may be placed on suspension pending commencement of disciplinary action.
  - (b) Any student charged by the Judicial Advisor with a violation of any provision of this code will be so informed by regular United States mail or by personal service of the charges and of the time, date and place of the hearing between the Judicial Advisor and the student. The student will have an opportunity to prepare for the hearing after receiving said notice. Therefore, the hearing will be scheduled not less than two nor more than five academic days after the student has been notified. The notice shall be sent to the student's last known address shown on College records. It is the student's responsibility to have his/her current address on file with the College.
  - (c) Any student may be advised and represented at the student's own expense by counsel or personal advisor.
  - (d) After a review of the evidence and interview with the student(s) involved in the case, the Judicial Advisor may take any of the following actions:
    - 1.) Terminate the proceeding, exonerating the student or students.
    - 2.) Dismiss the case.

- 3.) Impose verbal warning to the student directly, not subject to the student's right of appeal as provided in this code.
  - 4.) Impose additional sanction of reprimand, probation, suspension or expulsion, subject to the student's right of appeal as provided in this code.
- (e) The student will be notified in writing of the determination made by the Judicial Advisor within ten business days of the proceeding.

## **Appeals**

1. Appeals contesting any disciplinary action, except for summary suspension, may be made by the student(s) involved. Such appeals shall be made in the following order:

- (a) Disciplinary action taken by the Academic Dean/Provost or his or her designee(s) may be appealed to the College President. The President shall review the record of the proceedings which gave rise to the appeal, as well as the recommendations
- (b) made by the Academic Dean/Provost or his/her designee(s). The President's decision shall be final.

2. Any appeal by a student receiving a disciplinary sanction must meet the following conditions:

- (a) The appeal must be in writing and must clearly state error(s) in fact or matters in extenuation or mitigation which justify the appeal.
- (b) The appeal must be filed within twenty (20) business days from the date on which the student was notified that disciplinary action was being taken.

3. All appellate decisions shall be sent from the office of the Academic Dean/Provost.

## **Summary suspension proceedings**

1. Each College employee has the right to suspend, remove or have removed from a College class or College function and/or the College for one class day any student who by an act of misconduct renders it difficult or impossible to maintain the decorum of a class or to continue such function in an orderly manner. The College employee shall notify the Academic Dean/Provost and Department Chair in writing within twenty-four (24) hours of the infraction and the action taken.

2. Ordinarily, disciplinary sanction will be imposed only after the appropriate informal or formal hearing has taken place and after the student has, if he/she chooses, exercised his/her right of appeal. However, if the Academic Dean/Provost or his/her designee(s) has cause to believe that any student:

- (a) Has committed a felony, or
- (b) Has violated any provision of this chapter, or
- (c) Presents an imminent danger either to himself or herself, other persons of the Cornish College of the Arts community, Cornish College of the Arts property, or poses a threat of disruption of or interferes with the normal operations of Cornish College of the Arts, then that student shall be summarily suspended and shall be notified by certified and regular mail at the student's last known address, or shall be personally served.

- (d) Summary suspension is appropriate only where (c) can be shown, either alone or in conjunction with (a) or (b).
3. The notice shall be entitled "Notice of summary suspension proceedings" and shall state:
- (a) The charges against the student.
  - (b) That the student charged must appear before the Academic Dean/Provost or his or her designee(s) at a time specified in the notice of a hearing. The hearing shall be held as soon as reasonably possible after the summary suspension.

### **Procedures of summary suspension hearing**

The summary suspension hearing shall be considered an informal hearing. The hearing must be conducted as soon as reasonably possible and the Academic Dean/Provost or his or her designee(s) shall preside. The Academic Dean/Provost shall decide whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

### **Decision by the Academic Dean/Provost**

1. If the Academic Dean/Provost, following the summary suspension hearing, finds that there is probable cause to believe that:
- (a) The student against whom specific violations are alleged has committed one or more such violations, or
  - (b) Summary suspension of that student is necessary for the safety and well-being of the student, other members of the Cornish College of the Arts community on College facilities, the educational process of the institutions or to restore order to the campus, or
  - (c) Such violation or violations constitute grounds for disciplinary action

the Academic Dean/Provost or his/her designee may continue to enforce the suspension of the student from the College and may also impose any other appropriate disciplinary action.

### **Notice of suspension**

1. If a student's summary suspension is upheld or if the student is otherwise disciplined, the student will be provided with a written notice including the findings of fact and conclusions which lead the Academic Dean/Provost to believe that the summary suspension of the student should continue.
2. The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by certified mail at the student's last known address within three business days following the conclusion of the hearing with the Academic Dean/Provost.
3. The notice of suspension shall state the duration of the suspension or nature of the disciplinary action and conditions under which the suspension may be terminated.

### **Suspension for failure to appear**

The Academic Dean/Provost is authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceedings.

### **Appeals from summary suspension hearing**

1. Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the College President. No such appeal shall be entertained, however, unless:

- (a) The student has first appeared before the Academic Dean/Provost.
- (b) The student has been officially notified of the outcome of that hearing.
- (c) Summary suspension or another disciplinary sanction has been upheld.

### **Final decision**

The President or his or her designee(s) shall review the findings and conclusions of the Academic Dean/Provost and will issue a final decision within three business days. The President or his or her designee(s) shall notify the appealing student by certified and regular mail at the student's last known address or by personal service.

### **Purpose of disciplinary action**

Disciplinary action, up to and including expulsion from the College, may be imposed upon a student or group or organization for violation of the provisions of this chapter. Disciplinary action proceedings shall determine whether and under what conditions the violator may continue as a student at the College.

### **Disciplinary sanctions**

1. The following sanctions may be imposed upon any student found to have violated any section of this chapter:

- (a) Disciplinary warning. A notice in writing to the student by the academic dean or his or her designee(s) that the student has violated the rules of conduct as outlined in this chapter or has otherwise failed to satisfy the College's expectations regarding conduct. Such warnings imply that continuing or repeating the specific violation or engaging in other misconduct will result in one of the more serious disciplinary sanctions described below. Formal files or records will not be kept on warnings.
- (b) Disciplinary reprimand. Formal action censuring a student for violating the rules and regulations of student conduct as outlined in this chapter. Reprimands shall be made in writing to the student by the Academic Dean/Provost or his or her designee(s), with copies placed on file in the office of the Registrar. A reprimand shall indicate to the student that continuing or repeating the specific violation involved will result in one of the more serious disciplinary actions described below.
- (c) Disciplinary probation. Formal action by the Academic Dean/Provost or designee(s), placing conditions upon the student's continued attendance for violation of rules of student conduct. Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specific term or for an

indefinite period that may extend to graduation or other termination of the student's enrollment in the College.

- (d) Restitution. Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary replacement of material. Failure to make restitution by the time limits established by the Academic Dean/Provost will result in suspension for an indefinite period of time. Student(s) may be reinstated upon payment.
- (e) Suspension. Temporary dismissal from the College and termination of the person's student status for violation of rules of student conduct. Notice shall be given in writing and specify the duration of the dismissal and any special conditions that must be met before readmission.
- (f) Expulsion. Permanent termination of a student's status for violation of rules of student conduct. Notice must be given in writing. There shall be no refund of fees for the semester in which the action is taken, but fees paid in advance for a subsequent semester will be refunded.
- (g) Sanction(s) imposed upon groups or organizations. The following sanction(s) may be imposed upon groups or organizations:
  - 1.) Those sanctions listed above in items (a) – (d).
  - 2.) Deactivation: Loss of privileges, including College recognition, for a specified period of time.

### **Readmission after dismissal**

Any student dismissed from the College for disciplinary cases may be readmitted only on written petition to the office of the Academic Dean/Provost. Such petitions must indicate how specified conditions have been met and, if the term of the dismissal has not expired, any reasons which support a reconsideration of the matter. Because the President of the College participated in all disciplinary actions dismissing students from the College, decisions on such petitions of readmission must be reviewed and approved by the President before readmission is granted.

### **Reporting, recording and maintenance of records**

Records of all disciplinary cases shall be kept by the office of the Academic Dean/Provost. Except in proceedings wherein the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved insofar as possible for at least five years. No record of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other official College repository after the date of the student's graduation.

Adopted November 1999  
Executive Council