FORT LEWIS COLLEGE

Photo: Rick Smith, former Resident Assistant

Your Responsibility to Know

Student Conduct Code 2014-2015

http://www.fortlewis.edu/StudentConductCode

Student Conduct Code
2014-2015

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Should you have a question or concern about a policy or procedure, please contact the Student Affairs Office. Any student who is currently enrolled in courses, whether full-time or part-time, was enrolled in the previous semester, is registered for a future semester, is attending Orientation, and/or is living on campus must comply with all policies and procedures of the College. All policies in the Student Conduct Code are subject to change without notice. Hard copies are available at the Student Affairs Office, 230 Miller Student Services, (970) 247-7331. Electronic version is available at http://www.fortlewis.edu/StudentConductCode.

STUDENT CONDUCT CODE

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Fort Lewis College does not discriminate on the basis of race, age, color, religion, national origin, gender, disability, sexual orientation, gender identity, gender expression, political beliefs, or veteran status.

STUDENT CONDUCT CODE

This code is promulgated in accordance with the policies of Fort Lewis College.

I. AUTHORITY AND JURISDICTION

The Vice President for Student Affairs is responsible for promoting observance of the *Student Conduct Code* (hereinafter, the "*Code*"), enforcing the provisions, interpreting the provisions, and acting on violations of the *Code*. The Vice President for Student Affairs (hereinafter, the "Vice President"), acting on behalf of the President of Fort Lewis College, will designate individuals or entities to administer the College judicial system. These individuals/entities include: the Dean of Students, the Judicial Coordinator, and the Judicial Panel. The Vice President may appoint additional individuals/entities as needed. These individuals/entities are considered to be Hearing Authorities.

The Vice President will designate the responsibility for the operation of the *Code* to the Dean of Students or designee (hereinafter, the "Dean"). The Dean may initiate action on violations and may act on referrals made to the Student Affairs Office by faculty, staff, administrators, students, or other sources. In addition, he/she will implement operating procedures for the judicial consideration of conduct violations and the imposition of disciplinary sanctions in an efficient, consistent, fair, lawful, and educational manner.

The Judicial Panel consists of the Dean of Students or the Judicial Coordinator, and two students. Four students will be appointed to serve on the Judicial Panel by the Dean of Students. Students will be nominated by the President of the Associated Students of Fort Lewis College and the Office of Student Housing & Conference Services. The Dean of Student or the Judicial Coordinator will serve as the chair of the Judicial Panel.

Fort Lewis College students are subject to the provisions of the *Code* while on College premises and when involved with off-campus Fort Lewis College-related activities. The term "student" means any person who is currently enrolled in undergraduate and/or graduate courses, whether full-time or part-time, was enrolled in the previous semester and/or is registered for a future semester, or is a new student at Orientation. Students will also be held accountable to this *Code* for their off-campus conduct when it is determined by the College that the off-campus conduct has a detrimental impact on the College community or the pursuit of the College's educational objectives.

Fort Lewis College has a vital interest in the conduct of its students and the health and safety of the community, and considers any off-campus behavior to be a reflection of a student's fitness to be a member of the College community. As such, students will also be held accountable to this *Code*, for their off-campus conduct that demonstrates disregard for the law and the community standards or involves the health and safety of the College community. The College's disciplinary action shall be independent of civil and/or criminal proceedings pending in the judicial system.

Student Organizations at the College are subject to the same standards as individuals in the College community and are subject to the provisions of the *Code*. Student Organizations include Registered Student Organizations, club sports, intramurals, and any other student groups or programs. A Student Organization may be held responsible for violating the *Code* when: (1) one or more officers or authorized representatives, acting in the scope of their organizational duties, commit a violation; (2) a violation is committed at an activity funded by the Student Organization; or (3) the violation occurred as a result of a Student Organization-sponsored function or activity. Both an individual student and a Student Organization can be held responsible for violations resulting from one event or activity. In the event that a Student Organization is charged with a violation of the *Code*, the head (e.g., president, chair, etc.) of the Student Organization will represent the Student Organization in the judicial proceeding.

It is the student's and Student Organization's responsibility to be familiar with and abide by the *Code*. Lack of knowledge of the *Code* does not relieve the responsibility of any violation of the *Code*.

II. PRINCIPLES OF STUDENT CONDUCT Procedures and Responsibilities

Fort Lewis College is charged with providing a quality liberal arts education for its students, as well as providing leadership opportunities and career preparation. The College is thus responsible for creating and maintaining an environment that is conducive to the pursuit of learning and the development of students as scholars and citizens. College regulations and policies are necessary to safeguard the mission of the College, ensure the integrity of the educational system, and thus protect the freedom of students to learn without undue interference or disruption

by others.

Students at Fort Lewis College must accept their responsibilities, individually and collectively, for the maintenance of this environment. To meet these responsibilities, students are expected to exhibit at all times self-discipline and standards of personal conduct that demonstrate maturity, good judgment, and respect for persons, property, and the rights of others. Behavior that threatens the health, safety, or welfare of individuals or groups on campus, disregards property, or violates the basic mission of the College will not be tolerated. Students at Fort Lewis College are representatives of the institution. As members of the College and the community, students are expected to observe all Federal, State, and local laws and ordinances.

The judicial process is based on the assumption that disciplinary procedures, when required, are an extension of the teaching mission of the institution and thus educational in intent. As such, the procedures used by the College in executing the *Code* are not subject to rules of civil or criminal proceedings. Some violations of the *Code* may also be violations of Federal, State, or local laws and ordinances, and students may be accountable to both civil actions and the College for their misconduct. Disciplinary sanctions imposed by the College may precede and be in addition to any penalty imposed by an off-campus authority.

The purposes of the judicial process are to provide a fair and educational process for accountability of student conduct and to assist in the personal growth and development of students.

Fort Lewis College provides the following procedures to students and Student Organizations charged with a violation(s) of the *Code*:

1. Written notification of the charges and possible sanctions as a result of the hearing.
2. A pre-hearing interview designed to ensure that the student understands the following in order to adequately prepare for a hearing: the charges, the procedures afforded to him/her, the options for resolution of the charges, and the disciplinary procedures to be followed.
3. Information regarding the identity of witnesses (when feasible), the general content of their testimony, and the content of any written material or physical exhibit which will be presented at the hearing.
4. The option of having an adviser, who may be legal counsel, present at the hearing. The role of the adviser is to consult with the accused student at reasonable intervals during the course of the hearing. The adviser may not speak on the student's behalf or address the Hearing Authority.
5. Consultation with the Dean concerning procedural matters.
6. Two days (excluding weekends or holidays) from the date of the pre-hearing interview before the hearing is held. This can be waived if agreed upon by the student and the Dean.
7. Web address of the *Student Conduct Code*.
8. Confidentiality as allowed by law.
9. An opportunity to appear in person at the hearing and present relevant information, speak on his/her own behalf, hear all information presented, and call witnesses and ask questions of his/her own witnesses.
10. The option not to appear at a hearing, in which case the hearing shall be conducted in the student's absence and a decision will be rendered solely on the available information.
11. The student's responsibility for the allegation will be determined solely on the information presented at the hearing with the preponderance of the evidence standard.
12. Written notification as to the disposition of the charge by the Hearing Authority.
13. An appeal process for a decision of suspension or expulsion.

III. PROHIBITED CONDUCT

Students, as an individual or a member or representative of a Student Organization, are expected to conduct themselves in a manner that adheres to the educational mission of Fort Lewis College. It is expected that all behavior and discourse will reflect respect and civility. Prohibited conduct is outlined below, and any student who is responsible for misconduct or for being an accessory to misconduct shall be subject to disciplinary action and the sanctions authorized by the *Code*. Accessory to misconduct is defined as: being present while the offense is committed; advising, instigating, or encouraging the act; failing to attempt to discourage or to prevent the offense; or facilitation in the committing of an offense in any way.

Any revisions to this list will be disseminated to the students through appropriate channels. The offenses listed below are not intended to be all-inclusive or exhaustive. Students should be aware that other actions or behaviors might constitute violations of the *Code* and therefore be subject to judicial action. The following is a list of examples of prohibited conduct:

1. Commission of any act that is a violation of local, State, or Federal law shall be a violation of the *Code* whether or not such violation is prosecuted by an off-campus authority.

2. Forgery, alteration, or unauthorized use or possession of College documents, forms, or records, including identification cards, course registration materials, parking permits, or any other official College document. This includes, but is not limited to, the unauthorized use of the name, logo, seal and trademark of the College.
3. Unauthorized use of the College computer system or any violation of the Fort Lewis College Information Technology Policies.
4. Knowingly furnishing false information to a College official or member of any Hearing Authority, or local, county, State, or Federal official acting in the performance of his/her duties which includes, but is not limited to, applications for admission, petitions, requests, or other matters of record or transaction. College officials include students working for the College in para-professional roles such as housing staff, Student Life Center staff, etc.
5. Failure to truthfully identify oneself when requested to do so by a College official, or local, county, State, or Federal official in the process of discharging his/her responsibilities; or misrepresenting to any other person or organization one's position or identification.
6. Conduct that substantially disrupts or materially interferes with teaching, research, administration, disciplinary procedures, or other conduct of business of the College.
7. Physical violence or the threatened use of violence against any member of the College community and/or his/her guests.
8. Actual or threatened sexual misconduct, either verbal or written. This includes, but is not limited to, unwanted sexual touching, making unwelcome sexual advances, or non-consensual sexual acts.
9. Hazing. Defined as any activity by which a person endangers the health or safety of or causes a risk of bodily injury to an individual for purposes of initiation or admission into or affiliation with any group or organization. Hazing includes, but is not limited to, forced and prolonged physical activity; forced consumption of any food, beverage, medication, or controlled substance in excess of the usual amounts for human consumption or forced consumption of any controlled substance or any substance not generally intended for human consumption; and prolonged deprivation of sleep, food, or drink. The willingness of an individual to participate in such activity does not relieve the responsibility for the violation of the *Code*.
10. Disorderly conduct. Defined as individual or group behavior that substantially disturbs other individuals or groups. Such conduct includes, but is not limited to, unwelcome physical conduct, stalking, and boisterous or threatening conduct that is unwanted and unreasonable for the time, place, or manner in which it occurs.
11. The unauthorized use, abuse, or destruction of College property or the property of any members of the College community or their guests. This includes, but is not limited to, defacement as a result of a deliberate action or as a result of reckless behavior.
12. Theft of property or possession of stolen property of the College, College community members or their guests.
13. Unauthorized occupancy of or forceful entry into College property, facilities, or College-related premises.
14. Tampering with locks of College buildings or unauthorized possession, use, transfer or duplication of keys belonging to the College, including campus housing keys.
15. Behavior or activities that endanger the safety of oneself or others. This includes, but is not limited to, destructive behavior by individuals or groups, self-destructive behavior, arson, and tampering, damaging, or misusing safety equipment (e.g., fire extinguishers, lighted exit signs, smoke detectors, etc.).
16. Drugs. The use, possession, or distribution of illegal drugs or drug paraphernalia; unlawful use, possession, or distribution of controlled substances; alteration of a drug prescription; or inappropriate behavior resulting from the use of drugs or other substances. Possession or use of medical marijuana on the Fort Lewis College campus, including residential buildings, is a violation of this policy.
17. Alcohol. The abuse or unlawful use, consumption, transportation, offer for sale, manufacture, dispensing, sale, distribution, possession of alcohol, or inappropriate behavior resulting from the use of alcohol.
18. Violations of Housing alcohol policies.
19. Making a false report. False fire alarm, false reporting of bomb, crime, or any other emergency.
20. Violations of Housing drug policies.
21. Violations of the College's Housing Contract and Housing rules and regulations.
22. Possession of weapons of any kind (functional or not), ammunition, explosive substances or chemicals, hazardous chemicals or materials, or any incendiary devices, as listed in the Fort Lewis College *Weapons Policy*, on the Fort Lewis College campus, including all residential facilities.
23. Violations of any of the restrictions, conditions, or terms of any disciplinary sanctions.

24. Failure to comply with directions of College officials, faculty members, or para-professionals acting in the performance of their duties including, but not limited to, a request for a meeting.
25. Misuse of telephone. Making or assisting in making unauthorized telephone calls, harassing telephone calls, or otherwise misuse or abuse telephone equipment or access codes.
26. Misappropriation or misuse of a Student Organization's funds or property.
27. Violation of other College policies, rules, and procedures.

IV. DISCIPLINARY POLICIES AND PROCEDURES
Charges and Hearings

1. INITIATION OF CHARGES

a. Any member of the Fort Lewis College community may report a student for *Student Conduct Code* violations. The description of the alleged violation must be in writing and sent to the Dean as soon as possible after the incident has occurred, preferably within one week of the event.
b. The Dean may conduct a preliminary investigation to determine if there is enough information available to proceed with disciplinary action. In the absence of sufficient information as determined by the Dean, no charge will be filed against the student.

2. NOTIFICATION

a. When it is determined that there is sufficient information to justify charging a student with a violation of the *Code*, the Dean will send a written notification electronically to the student's Fort Lewis College email address. Additionally, if the student lives on campus, the hard copy will be hand-delivered to the student's campus housing. If the student lives off campus, the hard copy will be mailed to the student's most current local mailing address as indicated in the database compiled by the Registrar's Office. When the local mailing address is not available and the student does not contact the Dean in a timely manner, the hard copy of the notification will be mailed to the student's permanent or parent address.
b. If charges are made against a Student Organization, a written notification will be addressed to the head of the Student Organization and mailed to the Student Organization's campus address.
c. The notification will include the web address of the *Code*, specify the alleged violation of the *Code*, and inform the student to contact the Dean to schedule a pre-hearing interview within three days (excluding weekends and holidays) of the date of the notification.
d. The purpose of the pre-hearing interview is to ensure that the student is sufficiently familiar with his/her rights and the disciplinary process to adequately prepare and present a response at the hearing.
e. The Dean may, with the consent of the charged student, hold a pre-hearing interview by telephone if (1) the student is not currently enrolled; or (2) it creates a hardship for the student to come to the campus. The Dean has the sole discretion on this matter.

3. FAILURE TO RESPOND

If the charged student or a Student Organization does not contact to arrange a pre-hearing interview within three days of the date of notification, the Dean may set a hearing time and notify the student or the Student Organization via campus email, hand delivery to campus housing, and/or postal delivery. If the charged student or Student Organization has been properly notified of the charges and hearing date and still does not attend the scheduled hearing, the Dean will conduct the hearing in the absence of the student or the Student Organization, determine the responsibility for the charge, and decide a disciplinary sanction based upon the available information.

4. DISMISSAL OF CHARGES

If the Dean determines, as a result of the pre-hearing interview, that insufficient information exists to justify a hearing, the charge(s) will be dismissed.

5. OPTIONS FOR RESOLUTION OF DISCIPLINARY CHARGES

The options for the resolution of disciplinary charges will be fully explained at the pre-hearing interview. The charged student or Student Organization has the following options:

a. To claim "not responsible" to the charge(s), and request a hearing before the Judicial Panel (available only for potential Suspension from Housing or the College) or the Dean. If the Judicial Panel finds the

student or the Student Organization was responsible as charged, the Dean will determine appropriate sanctions. If the Dean determines, based on the available information, that the student or Student Organization is summarily responsible as charged, he/she has the discretion of not forwarding the case to the Judicial Panel.

b. To accept responsibility for the charge(s), in which case a hearing will be held before the Dean to determine an appropriate disciplinary sanction.

6. HEARING PROCEDURES

a. Student disciplinary hearings are designed to be administrative proceedings conducted in an educational and fair manner. Federal or State rules of evidence do not apply. Hearings will be closed and confidentiality will be maintained as allowed by law.
b. The Dean is responsible for scheduling, coordinating, and presenting all relevant information of hearings.
c. The Dean may, with the consent of the charged student, hold a hearing by telephone if the student is not currently enrolled or if it creates a hardship for the student to come to the campus for a hearing. The Dean has the sole discretion on this matter.
d. For a Judicial Panel hearing, the Panel will convene each hearing by introducing those present, introducing copies of relevant materials, and explaining the basic rules of procedure.
e. The Hearing Authority will exercise control over the hearing to avoid repetition of information and/or to prevent the harassment or intimidation of participants. Hearings can be recessed at any time.
f. A charged student or Student Organization shall have the opportunity:
    1. To appear in person, hear all information presented, and present his/her version of the events by personal statements, as well as written statements, and witnesses.
    2. To elect not to appear at the hearing, in which case the hearing shall be conducted in his/her absence.
g. Witnesses shall be present only during the time they are testifying, and the charged student or the Student Organization shall have the opportunity to question them.
h. An audio recording of all hearings will be made when a charged student or Student Organization does not accept responsibility for the allegations. The recording can be waived by the student. This recording shall be the property of the College.
i. At the conclusion of the hearing, the Hearing Authority shall consider the information presented in order to determine responsibility of the charges by the preponderance of the evidence standard, which indicates that it is more likely than not that a violation of the *Code* did occur. If the Hearing Authority is the Judicial Panel, a majority vote of members present shall be required to find the charged student or Student Organization responsible.
j. If the decision of the charged student or the Student Organization is found responsible for conduct violation(s) by the Hearing Authority, the Dean will then determine an appropriate sanction.

The Dean will notify the student or the Student Organization of the decision at the conclusion of the hearing and/or in writing within five days after the decision has been reached. This notification shall consist of the determination of responsibility and complete description of any disciplinary sanction imposed.

V. DISCIPLINARY SANCTIONS

The purposes of imposing sanctions as a result of a disciplinary hearing are to assist students in identifying alternative modes of conduct that are more suitable to his/her successful attainment of his/her academic goals, to protect the College community from behaviors that are detrimental to the educational process, and to give restitution to complainants for loss or destruction of property. One or more of the following disciplinary sanctions may be imposed upon students and Student Organizations. The severity of the sanctions imposed is intended to correspond with the severity or frequency of the violation, as well as the student's willingness to recommit to good citizenship by choosing behaviors consistent with his/her educational goals and the College's mission.

1. **DISCIPLINARY WARNING**: Notice in writing that the student or the Student Organization has violated the *Student Conduct Code* and that continuation or repetition of similar misconduct may be cause for further disciplinary action and more severe sanctions. Warning may also involve conditions that are intended to be educational in nature.

2. **DISCIPLINARY PROBATION**: A period of review and observation during which a

student or a Student Organization has been officially notified that the misconduct, although not serious enough to warrant suspension, was very inappropriate. Subsequent violations of the *Code*, College rules, regulations, or policies (even after a particular probationary period expires) could result in a more severe sanction.

Disciplinary probation is a status that may involve restrictions, conditions, or terms imposed for a definite period of time. Restrictions, conditions, or terms of probation may include, but are not limited to, the following:

a. Ineligibility to run for or hold office in any Fort Lewis College Student Organizations.
b. Ineligibility to represent the College, including participation in intercollegiate athletics.
c. Ineligibility to have certain jobs on campus such as housing staff and orientation leader.
d. Ineligibility to participate in or sponsor campus activities or events.
e. Ineligibility to recruit new members.
f. Ineligibility to receive College financial assistance.
g. Periodic contact with a designated member of the campus community.
h. Completion of an assessment at the campus Counseling Center
i. Campus/community service.
j. Restitution.
k. Educational activities.
l. Restrictions on accessibility to College facilities, housing areas, and/or change of housing assignment.

Restrictions, conditions, and terms will be imposed for a specific length of time not to exceed the length of the probationary period. Failure to comply with the terms and conditions of the probation or additional conduct in violation of this *Code* during the probationary period will result in more serious disciplinary action.

3. HOUSING SUSPENSION/ REMOVAL: Involves removal from the campus residential housing community for conduct that clearly demonstrates an inability to function appropriately in the residential living situation. Such removal may be permanent or for a specified number of terms, and it prohibits accessibility to all or designated residence halls.

4. DISCIPLINARY SUSPENSION:

Defined as the involuntary separation of a student from Fort Lewis College for a specified period of time. For a Student Organization, this means temporary cancellation of recognition. Suspension shall be effective on the date of notice of the suspension or later as stated in said notice. The student or the Student Organization will be notified of the date and conditions, if any, upon which he/she may petition for re-admission or re-recognition. Students separated from the College due to disciplinary suspension are prohibited from the College campus or College-related premises and activities without securing written authorization in advance from the Vice President or the Dean. Any violation of this restriction shall subject the student to arrest for trespassing. NOTE: Any student who is convicted of a riot offense shall be immediately suspended for a period of 12 months upon notification of such conviction (C.R.S. § 23-5-124).

5. DISCIPLINARY EXPULSION:

Expulsion is permanent disciplinary separation from the College involving denial of all student privileges. For a Student Organization, this means permanent cancellation of recognition. An expelled student is prohibited from the College campus or College-related premises and activities without securing written authorization in advance from the Vice President or the Dean. Any violation of this restriction shall subject the student to arrest for trespassing. Expulsion will be effective on the date of notice of the expulsion or later as stated in said notice.

VI. JUDICIAL APPEALS

Judicial appeals are available only for disciplinary suspension or expulsion cases. An appeal is defined as a request for review of the original decision made by the Hearing Authority. If an appeal is sought, the appeal must be submitted to the Vice President for Student Affairs in writing and it must be received within five days (excluding weekends or holidays) of the day the decision letter is written by the Dean. Failure to submit a request for appeal in writing in time will render the decision final and conclusive.

The burden is on the appellant to demonstrate why the decision should be reviewed. An appeal may be sought only on the grounds listed below and reasons for the appeal must be stated in the written request. Appeal requests will be denied in cases not having sufficient or appropriate grounds for appeal.

A. Grounds for Appeal

1. On a claim of procedural error.

2. On a claim of significant and relevant new information to the case that was not available at the time of the hearing.

B. Appeal Authority

The Appeal Authority for decisions made by any Hearing Authority is the Vice President or designee.

The Appeal Authority will review the appeal and the entire record of the case if there are sufficient grounds for the appeal. The Appeal Authority may also meet with the appellant to discuss the case. After review, the Appeal Authority shall take one of the following actions:

1. Affirm or alter the original decision; however, the alteration may not result in a more severe sanction.
2. Return the case to the original Hearing Authority for further consideration.

The written decision of the Appeal Authority will be mailed to the appellant. The Appeal Authority's decision is final for the Fort Lewis College judicial proceedings.

VII. INTERIM SUSPENSION

A. When the serious nature of the alleged misconduct or immediacy of the threat makes it impractical to follow normal disciplinary procedure, the College may summarily exercise its right to temporarily suspend a student or Student Organization or restrict his/her/its access to College facilities and programs. For an individual student, this action requires the student to immediately leave College property and not return during the interim suspension period, and/or comply with stated conditions for a specified period. For a Student Organization, this action requires the Student Organization immediately to close its campus office, suspend its activities and programs, and comply with stated conditions for a specified period. Interim suspension may be imposed by the Vice President or designee when there is reason to believe, based on available information, that the student or a Student Organization represents an immediate threat to the safety, health, or welfare of oneself or others on campus, or an ongoing threat of substantially disrupting or materially interfering with the teaching, research, administration, disciplinary procedures, or other conduct of business of the College.

B. When a student or a Student Organization is on an interim suspension, he/she/it is given a direct link (URL) to the *Code* and notice explaining the reason for the interim suspension, as well as any conditions that may apply. A student or a Student Organization notified of such summary action shall, upon written request (an email is acceptable), be given an opportunity to meet with the Vice President or designee. The written request must be submitted to the Vice President within five days (excluding weekends or holidays) from the effective date of the interim suspension. This meeting shall be held to consider only the following issues related to the interim action:

1. The reliability of the information alleging the student's or the Student Organization's misconduct, and
2. Whether the conduct and surrounding circumstances reasonably indicate that the student's or the Student Organization's presence on campus or continued unrestricted participation in campus affairs poses an immediate threat to the safety, health, or welfare of oneself or others on campus, or a threat of substantially disrupting or materially interfering with the teaching, research, administration, disciplinary procedures, or other conduct of business of the College. After the meeting, the Vice President or designee shall either affirm or remove the interim suspension.

C. Following the imposition of interim suspension, standard College disciplinary procedures shall be provided as expeditiously as possible. Unless circumstances render the implementation of standard disciplinary procedures impossible or unreasonably difficult, these procedures shall be initiated as quickly as possible, but no more than five days (excluding weekends and holidays) from the effective date of the interim action.

D. Permission to come to campus for a specific purpose during the interim suspension period must be requested and obtained in writing or by telephone prior to any conduct contrary to the interim suspension or its conditions, and may be granted by the Vice President or designee.

VIII. INDIVIDUAL STUDENT JUDICIAL RECORDS

Individual student judicial proceeding records are maintained in the Student Affairs Office. These records are confidential and will be released only with the charged student's written waiver, by court order, or as otherwise permitted by law.

A. Access. A student may request access to his/her judicial proceeding record as provided by the Family Education Rights and Privacy Act and the College judicial process allows the charged student to review all of the information in his/her file that may be presented in a judicial hearing.

B. Retention. No permanent record of the judicial proceedings may be made except as authorized by the Dean. Student disciplinary files are kept for seven years from the final decision date except for expulsion cases. Files for expelled students are kept indefinitely.

IX. PROCEDURES AVAILABLE TO COMPLAINANT

A "complainant" is defined as any member of the Fort Lewis College community who reports a student or a Student Organization for alleged violation of the Code to the Dean. A complainant is allowed certain procedures during the disciplinary process; however, the ultimate disposition of the case rests with the College. The College reserves the right to proceed with the disciplinary process of the case even if the complainant withdraws the complaint during the course of the proceedings.
During the course of a disciplinary proceeding, complainants are allowed the following procedures:

1. To meet with the Dean to discuss the incident and the disciplinary process.
2. To submit a written account of the alleged incident.
3. To be notified if their participation in a hearing is required.
4. To be accompanied by an adviser at a hearing, although the adviser will not be allowed to speak, except to advise the complainant.
5. To testify as a witness during a hearing.
6. To decline to participate in the judicial process or to testify at a hearing even though this may result in dismissal of the case due to lack of information.
7. To submit a written impact statement or appear in person to offer such a statement during a hearing.
8. To be informed of the outcome of the judicial proceedings, as allowed by law.

Additionally, in order to ensure their safety in participating in the judicial process, complainants are allowed the following:

1. To have confidentiality maintained as permitted by law and College policy. If an investigation necessitates the disclosure of a student's name, the College will take all reasonable steps to notify the student prior to such disclosure.
2. To receive referral information for support services.
3. To receive assistance in using College procedures to deter harassment or retribution.
4. To expect that the College will take objectively reasonable steps to deter retaliation or retribution as a result of the exercise of any procedures under College policy.

X. REVIEW PROCESS

A review of the *Student Conduct Code* will take place annually. This review will be initiated by the Dean and will include the following: the Vice President and his/her Program Assistant, and the Director of Student Housing & Conference Services.

The purpose of this review is to conduct an evaluation of the existing judicial process and make recommendations for changes, if and when necessary that are consistent with the educational goals, the law, and the current practices in judicial affairs.

Approved by the Fort Lewis College Board of Trustees, June 4, 2003.

Revised, March 2013