

CCAD CODE OF STUDENT CONDUCT

Effective June 2020

OVERVIEW

Columbus College of Art & Design encourages all students to engage the college community towards their personal excellence. Columbus College of Art & Design also seeks to partner with students who choose to exercise freedom of conduct consistent with the mission and purpose of the college. The basic responsibilities and conduct expectations outlined in the Code of Student Conduct are intended to ensure the well-being of the college community, while also offering transparency and providing parameters for students who are a part of the community.

PREFACE

A. TERMINOLOGY

1. Here within, **Columbus College of Art & Design** will be known as any of the following:
 - Columbus College of Art & Design
 - CCAD
 - College
2. Here within, **student** refers to any admitted undergraduate or graduate student (degree and non-degree), attending CCAD for earned credit or audit purposes.
3. **Complainant /Respondent:** The student(s)/person(s) involved who reported the complaint and the student(s)/person(s) that must respond to the complaint and allegations.
4. **Jurisdiction:** The places/events/people over which CCAD has authority to apply policies and procedures that establish boundaries and expectations for conduct and behavior.
5. **Conduct Process:** The procedures by which CCAD investigates and adjudicates reports or allegations of behavior inconsistent with CCAD policies and expectations, including hearing and reviewing evidence, collecting statements from involved parties, and presenting details of each side of the case. The process can include an Administrative Hearing and if applicable, an Appeal Panel Hearing, both defined below, with the final step being the issuance of a finding of whether a policy violation occurred.
6. **Hearing:** The formal meeting where students have an opportunity to respond to allegations and when evidence is reviewed. An **Administrative Hearing** typically is a meeting conducted by one student conduct officer where the respondent is presented with the report or allegation and evidence and has an opportunity to respond to those allegations. The method of an **Appeal Panel Hearing** consists of a panel of trained community members (faculty, staff, and/or students) who objectively review appeals from respondents based on the finding(s) of the original allegation(s). Their role is to hear the facts of the case, including evidence collected, witness statements, and involved party statements, and then based on what's presented, determine a finding for the appeal, based on CCAD's standard of proof (defined below). Appeal Hearing Panels do not determine sanctions, defined below.
7. **Finding:** The outcome of whether a student is found to have violated policies, which is either Responsible or Not Responsible.

- 8. Standard of Proof:** The threshold of determining whether a respondent is responsible for violating a policy. CCAD's standard of proof is a preponderance of the evidence, meaning did it more likely than not occur.
- 9. Sanction:** Consequences rendered by the student conduct officer for violations with a responsible finding. Sanctions vary depending on the severity of the behavior and violation. The detailed conduct procedures outlined below identify and define the most common sanctions.

B. CORE VALUES

The Core Values of the Code of Student Conduct at CCAD embody aspects of strong community, responsible citizenry, and positive relationships and are woven into all expectations CCAD has of its student population.

The values are:

- **INTEGRITY:** CCAD students exemplify honesty, honor, and a respect for the truth in all of their dealings.
- **COMMUNITY:** CCAD students build and enhance their community.
- **SOCIAL JUSTICE:** CCAD students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors. CCAD students show positive regard for each other, for property and for the community.
- **RESPONSIBILITY:** CCAD students are given and accept a high level of responsibility to self, to others and to the community.

C. STUDENT RESPONSIBILITY FOR CONDUCT

CCAD students are responsible for knowing the information, policies, and procedures outlined in this document. The college reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online at <https://my.ccad.edu/studenthandbook> for the updated versions of all policies and procedures.

D. PHILOSOPHY

The college community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life, and thoughtful, creative study and discourse. The Code of Student Conduct, overseen by the Dean of Students & Title IX Coordinator, is committed to an educational and developmental process that balances the interests of individual students with the interests of the CCAD community.

A community exists on the basis of shared values and principles. At CCAD, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the Code of Student Conduct. These standards are embodied within a set of core values that include integrity, social justice, respect, community, and responsibility.

Each member of the CCAD community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others. When members of the community fail to exemplify these values by engaging in violations of the rules below, conduct proceedings are used to assert and uphold the Code of Student Conduct.

The student conduct process at CCAD is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of CCAD policy without information showing that it is more likely than not that a policy violation occurred (CCAD's standard of proof, which is also known as the Preponderance of the Evidence standard) and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

D. JURISDICTION AND STUDENT CONDUCT AUTHORITY

CCAD students are provided a copy of the Student Handbook and the Code of Student Conduct annually in the form of an email that contains a link to the CCAD website. Hard copies are available upon request from the Dean of Students & Title IX Coordinator by emailing studentaffairs@ccad.edu. Students are responsible for reading and abiding by the provisions of the Code of Student Conduct.

The Dean of Students & Title IX Coordinator is the Senior Conduct Officer at CCAD and has the authority to establish and/or alter all CCAD Code of Student Conduct policies and procedures and to hear, find, and sanction all allegations of student misconduct. Other conduct officers include the Director of Residence Life & Housing and the Residential Community Coordinator.

No incidents/reports/complaints will be considered for a hearing unless there is reasonable cause to believe a policy may have been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a victim's statement. A complaint wholly unsupported by any credible information will not be considered for a hearing.

CCAD expects students to cooperate fully in any investigations initiated by the college. These investigations include those initiated when a student is alleged to have violated college policies, disrupted college operations, caused harm to others, committed criminal acts, engaged in disruptive behavior, or is witness to such acts. The Dean of Students & Title IX Coordinator has the authority to require potential witnesses to participate in an investigative interview. Failure to comply could result in conduct violations.

Notwithstanding the processes set forth under Conduct Process & Procedures, if at any time a student, in the view of the college, does not fully cooperate with any investigation listed above, CCAD reserves the right to take disciplinary action against that student.

The Code of Student Conduct and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, and all CCAD-affiliated student organizations. For the purposes of student conduct, CCAD considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the college.

The college retains conduct jurisdiction over students who choose to take a leave of absence, withdraw, or have graduated for any misconduct that occurred prior to the leave, withdrawal, or graduation. If sanctioned, a hold may be placed on the student's ability to re-enter CCAD, to obtain transcripts, and/or to be conferred a degree from CCAD. Sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the college may invoke these procedures and should the former student be found responsible, the college may revoke that student's degree.

The Code of Student Conduct applies to behaviors that take place on the campus, at CCAD-sponsored events, and may also apply off-campus when the Dean of Students & Title IX Coordinator or designee determines that the off-campus conduct affects a substantial CCAD interest. A substantial CCAD interest is defined to include:

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

1. ONLINE PLATFORM JURISDICTION:

The Code of Student Conduct may be applied to behavior conducted online, via email, or other electronic medium. Students should also be aware that online postings such as blogs, discord, chat rooms, and social networking sites, even if the platforms claim anonymity for users, are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The college does not regularly search for this information but may take action if and when such information is brought to the attention of CCAD officials, and is:

- A true threat, defined as a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals or identity groups;
- Speech posted online about CCAD or its community members that causes a significant on-campus disruption or impact to the college;
- Reaches the level of cyberbullying, defined below; and/or,
- Violates any CCAD non-discrimination policies.

2. GUEST AND VISITOR JURISDICTION:

The Code of Student Conduct applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The Code may also be applied to resident non-students, such as campers, high school visits, corporate housing partners, prospective students, and/or continuing or community education programs by contractual agreements. Visitors to and guests of CCAD may seek resolution of violations of the Code of Student Conduct committed against them by members of the CCAD community.

3. PARENTAL NOTIFICATION JURISDICTION:

CCAD reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status, or conduct situation, particularly alcohol and other drug violations. The college may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the college will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk to the student and/or to others. The college also reserves the right to designate which campus officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act (FERPA).

There is no time limit on reporting violations of the Code of Student Conduct; however, the longer someone waits to report an offense, the harder it becomes for CCAD officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit CCAD's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Dean of Students & Title IX Coordinator and/or to the Safety & Security Office.

A respondent facing an alleged violation of the Code of Student Conduct is not permitted to withdraw from the college until all allegations are resolved.

CCAD email is CCAD's primary means of communication with students. Students are responsible for all communication delivered to their CCAD email address and students can still be found responsible for allegations if they don't monitor or respond to their student email and messages from the Dean of Students & Title IX Coordinator or designee.

E. AMNESTY & SAFE HARBOUR

- 1. AMNESTY FOR VICTIMS:** CCAD provides amnesty to victims who may be hesitant to report to CCAD officials because they fear they, themselves, may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.
- 2. AMENSTY FOR THOSE OFFERING ASSISTANCE:** To encourage students to offer help and assistance to others, CCAD pursues a policy of amnesty for minor policy violations when students offer help to others in need. At the discretion of the Dean of Students & Title IX Coordinator or designee, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.
- 3. AMNESTY FOR THOSE WHO REPORT SERIOUS VIOLATIONS:** Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of CCAD are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.
- 4. ABUSE OF AMNESTY MEASURES:** Students who abuse or misuse amnesty measures for their own benefit can result in a decision by the Dean of Students & Title IX Coordinator not to extend amnesty and possibly, to initiate conduct proceedings against that student. This also includes repeated uses of amnesty measures against other students.
- 5. SAFE HARBOUR:** CCAD has a Safe Harbor rule for students. CCAD believes that students who have a drug and/or addiction problem deserve help. If any CCAD student brings their own use, addiction, or dependency to the attention of CCAD officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct allegation and/or process will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes may be initiated.

F. VIOLATIONS OF THE LAW & INCARCERATION

CCAD will not intervene with legal authorities on behalf of a student who is arrested on any charge, whether the alleged crime occurred on or off campus, nor will the college post bond, seek/obtain a release of any student so involved, or provide legal assistance to such student.

Alleged violations of federal, state, and/or local laws may be investigated and addressed under the Code of Student Conduct. When an offense occurs over which CCAD has jurisdiction, the college conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

The college reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint (additional grounds for interim suspension are outlined within). Interim suspensions are imposed until a hearing can be held, typically within two weeks. This hearing may

resolve the allegation or may be held to determine if the interim suspension should be continued. The interim suspension may be continued if a danger to the community is posed and the college may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, the college will only delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will be no longer than two weeks from notice of the incident unless a longer delay is requested in writing by the reporting victim to allow the criminal investigation to proceed before the college process.

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

- The respondent must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The respondent must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- The respondent must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed; and
- A voluntary leave of absence for reasons related to conduct may result in a withdrawal from current term classes without the possibility of a refund, pending the length of time the legal process might take. Students should consult with the Dean of Students & Title IX Coordinator in these situations.

CCAD will not intervene with legal authorities on behalf of a student who is arrested on any charge, whether the alleged crime occurred on or off campus. This policy prohibits the University's posting of a bond or otherwise obtaining a release of any student so involved or providing legal assistance to such student.

G. GROUP VIOLATIONS

A student group or organization, and its officers and membership, may be held collectively and individually responsible when violations of this code by the organization or its member(s):

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- Were known or should have been known to the membership or its officers.

Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

PROHIBITED CONDUCT

A. CORE VALUES & BEHAVIORAL EXPECTATIONS

CCAD considers the behavior described in the following sub-sections as inappropriate for the CCAD community and in opposition to the core values set forth in this document, as well to the core values of CCAD as an institution. These expectations apply to all students, whether undergraduate or graduate. CCAD encourages community members to report to CCAD officials all incidents that involve the following actions. Any student found to have violated or to have attempted to violate the following misconduct policies are subject to the sanctions outlined in Conduct Process & Procedures.

- 1. INTEGRITY:** CCAD students exemplify honesty, creative ingenuity, and respect for the creative process and truth in all of their dealings. Behavior that violates this value includes, but is not limited to:

- a. **Falsification:** Knowingly furnishing or possessing false, falsified, or forged materials, information, documents, accounts, records, identification or financial instruments, including false reports of an emergency, fire, explosion, crime, or other catastrophe;
- b. **Academic Dishonesty:** Acts of academic dishonesty include cheating, plagiarizing, and any other misrepresentation of another's work as their own, as outlined in the Academic Integrity Policy (outlined below);
- c. **Unauthorized Access:** Unauthorized access to any CCAD building (i.e. keys, cards, etc.) or unauthorized possession, duplication, or use of means of access to any college building or failing to timely report a lost CCAD identification card or key;
- d. **Collusion:** Action or inaction with another or others to violate the Code of Student Conduct;
- e. **Complicity:** To be knowingly associated with or to aid or otherwise assist another person or persons whose behavior is in violation of college policy;
- f. **Trust:** Violations of positions of trust within the community;
- g. **Election Tampering:** Tampering with the election of any CCAD-recognized student organization (minor election code violations are addressed by the SGA);
- h. **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear;
- i. **Burglary:** The unlawful entry of a structure to commit a felony or a theft;
- j. **Taking of Property/Theft:** Intentional and unauthorized taking, or attempted taking of CCAD property or the personal property of another, including goods, services and other valuables;
- k. **Stolen Property:** Knowingly taking or maintaining possession of stolen property; and/or,
- l. **Vandalism/Graffiti:** Deliberate destruction, defacement, and/or damage to CCAD property or the property of others; graffiti is writing or drawings scribbled, scratched, and/or sprayed illicitly on a wall or other non-authorized surface. CCAD has zero tolerance for graffiti.

2. COMMUNITY: CCAD students build and enhance their community. Behavior that violates this value includes, but is not limited to:

- a. **Disruptive Behavior:** Substantial disruption of CCAD operations including obstruction of teaching, research, administration, college resources, other student learning and access to campus, other CCAD activities, and/or other authorized non-CCAD activities which occur on campus;
- b. **Rioting:** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property;
- c. **Unauthorized Entry:** Misuse of access privileges to CCAD premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a CCAD building;
- d. **Trademark:** Unauthorized use (including misuse) of CCAD or organizational names and images;

- e. **Damage and Destruction:** Intentional, reckless and/or unauthorized damage to or destruction of CCAD property or the personal property of another;
 - f. **Library & IT Appropriate Use:** Violating the CCAD Appropriate Use and Computing Policy, found online at: <https://ccadit.atlassian.net/l/c/11WTLowN>; unauthorized use of CCAD technology services for any reason other than the original intended purpose and outside the role of students. This may include illegal file sharing, unauthorized access of equipment, neglect or abuse of equipment or internet, among other infractions;
 - g. **Weapons:** Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade longer than 4 inches, or replicas of such items, including the storage of any item that falls within the category of a weapon in a vehicle parked on CCAD property;
 - h. **Tobacco/E-Cigarettes:** Smoking, tobacco use, or e-cigarette use/vaping in any area of campus where these activities are prohibited;
 - i. **Fire Safety/Arson:** Violation of local, state, federal, or campus fire policies including, but not limited to:
 - i. Intentionally or recklessly causing a fire which damages CCAD or personal property or which causes injury;
 - ii. Failure to evacuate a CCAD-controlled building during a fire alarm;
 - iii. Improper use of CCAD fire safety equipment; and/or,
 - iv. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on CCAD property. Such action may result in a local fine in addition to CCAD sanctions;
 - j. **Ineligible Association:** Associating with a student organization without having met eligibility requirements established by CCAD;
 - k. **Animals:** Violations of CCAD's Animal Policy, defined in the Student Handbook;
 - l. **Wheeled Devices:** Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted inside college buildings or residence halls. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to CCAD property caused by these activities; and/or,
 - m. **Residence Life Violations:** Any violation of the Residence Life & Housing Student Resident Handbook and Policies.
3. **SOCIAL JUSTICE:** Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing college community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:
- a. **Discrimination:** Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability,

veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from CCAD's educational program or activities;

- b. **Harassment:** See Sexual Harassment Policy for sexual based harassment. It is also any unwelcome conduct based on actual or perceived status including: sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community;
- c. **Hostile Environment:** Sanctions can and will be imposed for the creation of a hostile environment only when harassment is sufficiently severe, pervasive, and/or objectively offensive that it unreasonably interferes with, limits, or denies the ability to participate in or benefit from CCAD's educational or employment program or activities;
- d. **Retaliatory Discrimination or Harassment:** Any intentional, adverse action taken by an responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant, or supporter of a participant, in a civil rights grievance proceeding or other protected activity. See also Sexual harassment Policy;
- e. **By-standing:** Complicity with or failure of any student to appropriately address known or obvious violations of the Code of Student Conduct or law and/or complicity with or failure of any organized group to appropriately address known or obvious violations of the Code of Student Conduct or law by its members; and/or,
- f. **Bias Acts/Hate Crimes:** Bias actions are acts or behaviors motivated by bias against age, ancestry, color, disability, gender identity or expression, genetic information, medical condition, military status, national origin, race, religion, sex, sexual orientation, or veteran status; bias acts may contribute to creating an unsafe, negative, or unwelcome environment for the victim; a hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, gender, religion, disability, ethnic/national origin groups or sexual-orientation.

4. RESPECT: CCAD students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

- a. **Harm to Persons:** Intentionally or recklessly causing physical harm or endangering the health or safety of any person; this may include actions or statements that demean, degrade, or disgrace another person or entity of CCAD and/or attempts to inflict mental or bodily harm upon another person, even if that harm is inflicted by harm to self, or threats of harm to self;
- b. **Threatening Behaviors:**
 - i. **Threat:** Written or verbal conduct, either directly or indirectly, that causes a reasonable expectation of injury to the health or safety of any person or groups or damage to any property; and/or,
 - ii. **Intimidation:** Implied threats or acts that cause a reasonable fear of harm in another or in groups;
- c. **Bullying and Cyberbullying:** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression;

- d. **Manipulation:** Intentional behavior by handling, controlling, or using of something or someone to twist words, contort emotions, and otherwise manage a situation in a sneaky fashion to gain control or obtain something the person wants;
 - e. **Hazing:** Acts that endangers the mental or physical health or safety of a student(s), or that 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. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent, and/or failing to discourage, and/or failing to report those acts may also violate this policy;
 - f. **Domestic Violence/Dating Violence (also known as Intimate Partner Violence):** See Sexual Harassment Policy;
 - g. **Stalking:** See Sexual Harassment Policy;
 - h. **Sexual Harassment:** See Sexual Harassment Policy;
 - i. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent per Ohio law;
 - j. **Sexual Exploitation:** Exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit or to benefit or advantage anyone other than the one being exploited, and that the behavior does not otherwise constitute one of the other sexual harassment offenses outlined in the Sexual Harassment policy. Examples include:
 1. Non-consensual digital, video, or audio recording of nudity or sexual activity;
 2. Unauthorized sharing or distribution of digital, video, or audio recording of nudity or sexual activity;
 3. Engaging in voyeurism;
 4. Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex); and/or,
 5. Knowingly exposing someone to or transmitting an STI, STD, or HIV to another person
 - k. **Fondling:** Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity;
 - l. **Public Exposure:** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.
5. **RESPONSIBILITY:** CCAD students are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:
- a. **Facility/Equipment Misuse:** Violation of CCAD facility, studio, and/or equipment guidelines or regulations for use;
 - b. **Recording without Knowledge:** Recording another person without consent is strictly prohibited, including virtual classes or meetings; using electronic or other means to make a video, audio, or photographic record of any person in a location where there is a reasonable expectation of privacy without the person's prior knowledge or permission when such a recording is likely to cause injury, distress, or damage to reputation; this includes, but is not limited to: taking video, audio, or

photographic records in the shower/locker rooms, residence hall rooms, and restrooms. The storing, sharing, and/or distributing of such unauthorized records by any means is also prohibited;

- c. **Public Posting:** Inaccurately quoting or sharing information in a public forum that directly impacts the college, students, or conveys incorrect information is strictly prohibited;
- d. **Alcohol:** Use, possession, distribution, or sale of alcoholic beverages, paraphernalia, and/or containers, except as expressly permitted by law and CCAD's Drug & Alcohol Policy (outlined below) and CCAD's Residence Life & Housing policies;
- e. **Drugs:** Use, possession, manufacturing, distribution, or sale of illegal drugs, and other controlled substances or drug paraphernalia, except as expressly permitted by law and/or CCAD's Drug & Alcohol Policy and Residence Life & Housing policies;
- f. **Prescription Medication:** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications; in addition, no product or substance (including legal substances) may be used in a manner that is unsafe or inconsistent with the product's stated guidelines for use or consumption;
- g. **Failure to Comply:** Failure to comply with the reasonable directives of CCAD officials or law enforcement officers during the performance of their duties and/or failure to identify oneself, including the presentation of a CCAD ID badge, to these persons when requested to do so;
- h. **Financial Responsibilities:** Failure to promptly meet financial responsibilities to the institution, including, but not limited to knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity;
- i. **Arrest:** Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any crime (including non-custodial or field arrests) to the Dean of Students & Title IX Coordinator Office within seventy-two (72) hours of release;
- j. **Other Policies:** Violating other published CCAD policies or rules, including all Residence Hall policies;
- k. **Health and Safety:** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.);
- l. **Violations of Law:** Evidence of violation of local, state or federal laws, when substantiated through CCAD's conduct process; and/or,
- m. **Abuse of Conduct Process:** Abuse or interference with, or failure to comply in, CCAD processes including conduct and academic integrity hearings including, but not limited to:
 - i. Falsification, distortion, or misrepresentation of information;
 - ii. Failure to provide, destroying, or concealing information during an investigation of an alleged policy violation;
 - iii. Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
 - iv. Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
 - v. Failure to comply with the sanction(s) imposed by the campus conduct system;
 - vi. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

B. NONDISCRIMINATION POLICY

Discrimination is any act, or failure to act, that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from CCAD's educational program or activities. CCAD does not tolerate discrimination by members of our campus community against others.

Non-sex based discriminatory harassment is conduct that embarrasses, denigrates, shows hostility toward, or restricts opportunity from a person or group because of race, color, gender expression or presentation, religion, national or ethnic origin, disability, sexual orientation, veteran status, or age. Harassment may be subtle or overt, but is intolerable in whatever form it takes. Examples of harassment include the following: verbal abuse; racial, ethnic, and religious epithets; intimidation; slurs, or jokes; graffiti (remarks written or drawn on walls or other structures); obscene gestures; derogatory online postings; and hazing. Even derogatory remarks between friends may be deemed overt acts of discrimination. **PROCEDURE:** The file a complaint related to acts of discrimination and/or harassment students should email the Dean of Students & Title IX Coordinator at asanders@ccad.edu.

Sexual Harassment is discrimination on the basis of sex. See CCAD's Sexual Harassment policy for details.

C. NONRETALIATION POLICY

CCAD welcomes feedback and reports of misconduct from our students. Students who bring legitimate concerns to the attention of CCAD faculty or administrators should not fear that they will be retaliated against for their efforts. If students perceive that retaliation is occurring, they should report this immediately to the Dean of Students & Title IX Coordinator. Retaliation is defined as any adverse action taken against a person participating in a protected activity because of the person's participation in that protected activity. Retaliation against an individual for bringing forward a grievance is a serious violation of CCAD policy and will not be tolerated.

D. DRUG & ALCOHOL POLICY

CCAD prohibits the unlawful use, possession, distribution, or sale of drugs, drug paraphernalia, and alcohol by students on or off the premises. No alcohol is permitted at student events such as student exhibitions. In addition, alcoholic beverages and containers, whether full or empty, are not permitted in unauthorized residence hall areas or classrooms. Students may not be under the influence of alcohol or illegal substances while on college property. Additionally, students may not be in the immediate vicinity of alcohol or other drugs when such substances are knowingly being used in a prohibited manner.

E. ACADEMIC INTEGRITY POLICY

Academic integrity is ensuring that every piece of work students submit is their own and that work has been properly cited and credited when borrowed material or references are used. Academic misconduct may assume several forms. The most common is the use of unauthorized materials during exams, acquiring information from other students during an exam, and plagiarism. Plagiarism is defined by the following actions:

1. Reproducing another person's work and submitting it as one's own;
2. Lifting material from other sources, including the internet, to use in assignments without acknowledgment;
3. Using another person's original ideas without providing appropriate credit;
4. Misrepresenting oneself as another individual in the context of completing assignments and/or tests; and/or,
5. Co-constructing assignments without the knowledge and approval of the instructor (not to be confused

with legitimate and appropriate tutoring activities, which do not include actually completing another person's work for them).

In all cases, if a student is unsure about a question of plagiarism or academic misconduct, the instructor should be consulted. Please consult the appropriate section under Conduct Procedures below to learn about specific procedures involved in academic misconduct cases.

THE CONDUCT PROCESS & PROCEDURES: A SUMMARY

The conduct process is generally conducted in this order with the following outlined detailed procedures, but it is should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of CCAD rules. All conduct meetings and/or hearings may be recorded at the discretion of the conduct officer and if so, students will be informed as such before any conversation begins. Detailed procedures for each phase of the process over are outlined below in Detailed Conduct Procedures.

NOTICE: Once notice is received from any source (victim, RA, 3rd party, online, incident report, etc.), CCAD may proceed with a preliminary investigation, an initial educational meeting/conference, and/or an administrative hearing with the respondent. All notifications will be sent at least two (2) business days prior to the date of any meeting or hearing, unless the coordinating conduct officer determines that extenuating circumstances require an earlier hearing date. All hearing notices will include any potential policy violations, and if applicable, the time/date/location of any meetings or hearings.

WITNESSES: Students may have witnesses submit a verbal or written statement on their behalf to the conduct officer during the investigation and/or before a hearing only if the witness has direct knowledge about the incident in question. Character statements will not be reviewed or considered in the standard of proof consideration of a finding for the allegation(s). If a hearing panel is adjourned for the sake of an appeal, witnesses may be asked to appear, which is at the discretion of the coordinating conduct officer.

LEGAL REPRESENTATION: All parties participating in a CCAD conduct process are permitted to bring one support person to any interview and/or hearing, however, support persons, including legal representation, are not permitted to speak to the conduct officer and/or hearing panel. They can, however, speak privately to the student for whom they're representing and/or supporting in the meeting and/or hearing.

A. OVERVIEW OF CONDUCT PROCESS

1. NOTICE OF ALLEGED VIOLATION RECEIVED

Any member of the CCAD community, visitor, or guest may allege a policy violation(s) by any student for misconduct under this Code of Student Conduct. Notice may also be given to the Dean of Students & Title IX Coordinator & Title IX Coordinator, or designee. Additionally, CCAD may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a victim or a third party and should be submitted as soon as possible after the offending event occurs. CCAD has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process. The Dean of Students & Title IX Coordinator & Title IX Coordinator, or designee, will assume responsibility for the investigation of the alleged violation as described in this process.

2. PRELIMINARY REVIEW

Upon receiving notice of a complaint or incident, either by verbal report, a witness statement, incident report, written notice, or other report method, a college conduct officer conducts a preliminary review of the report and all relevant evidence. The preliminary review may lead to:

- a. A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Code of Student Conduct (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code);
- b. A consultation meeting or educational conference with the respondent to talk through the report(s) of concerns the conduct officer has received, which may be anonymous or vague at the time of receipt and next steps are not clear to the conduct officer (see step III);
- c. A more comprehensive investigation when it is clear more information must be gathered (detailed procedures below); this might include seeking more evidence or speaking with witnesses (see step IV);
- d. A formal notice of allegation sent to the respondent that includes information about a scheduled administrative hearing (see step V).
- e. In cases when the conduct is sufficiently egregious and the evidence is overwhelming against the respondent, a conduct officer could issue an immediate finding and sanction (see step VI).

3. CONSULTATION MEETING OR EDUCATIONAL CONFERENCE

After the preliminary review, the conduct officer might find it appropriate to have an initial consultation meeting or educational conference to better understand the situation alleged, or, if the allegations don't warrant an investigation for a policy violation finding but the behavior is concerning, the conduct officer might want to alert the respondent of the concerns brought forward, impact of the behavior, and consequences if the behavior continues or escalates. The possible outcomes of either of these meeting types include:

- a. A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter should be closed and records should so indicate;
- b. Acknowledgement and responsibility taken for the concerns and allegation(s) by the respondent during this meeting (move to step VI);
- c. A decision to proceed with an investigation that could result in an administrative or panel hearing (see step IV).

4. INVESTIGATION

If the result of the preliminary review or consultation/educational meeting is the need for a formal investigation, the student conduct officer will take steps to collect more information and speak to relevant parties who can speak directly to the behavior observed and/or experienced. The result of the investigation might include:

- a. A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter should be closed and records should so indicate;
- b. Issued notice of allegation(s) to the respondent with details and notice of the scheduled administrative hearing;
- c. An issued finding on the allegation and violation, also known as an administrative resolution

5. NOTICE OF ALLEGATION AND SCHEDULED HEARING

If after step I, II, and/or III there is enough evidence available to demonstrate that a violation may have occurred then the conduct officer will send the respondent a notice of allegation(s) and a scheduled administrative hearing. Failure of a respondent to attend a hearing can still result in an issued finding of responsibility with imposed sanctions.

6. FINDING and SANCTION(S)

The finding (with applicable sanctions) is typically emailed within five (5) business days from the date of the meeting or hearing. If appropriate and deemed necessary by the conduct officer, next of kin, family, and/or

law enforcement will also be notified of the allegations/finding/sanctions. This also includes any parties of CCAD that have a legitimate need to know the status about the outcome of the case, like instructors, supervisors, and/or Residence Life & Housing. Students will be notified, in advance, if other parties will be notified of this information.

If CCAD's finding is that the respondent is responsible for violating the CCAD Code of Student Conduct, a hearing outcome notice is sent to the respondent, outlining the violations for which the student is and/or isn't responsible and any corresponding sanctions with deadlines, as appropriate. This typically is emailed within five (5) business days from the date of the meeting or hearing. If CCAD's finding is that the respondent is not responsible for alleged violation(s), the respondent is notified as such as the case is considered closed.

7. APPEAL

Reporting and/or respondents may appeal a finding and/or sanction issued for each individual charge and/or sanction (see Appeal Procedures). Appeal determinations are final. If an appeal is not pursued, and the student was found responsible for the allegations in question, the conduct officer will move to finalizing sanctions (see step IX).

8. APPEAL HEARING

Appeals must be based on a factual disagreement surrounding the alleged violation(s), findings, and/or sanctions, a perceived violation of fundamental fairness and/or a demonstration of bias in the process, and/or the presentation of new evidence that was not available at the time of the original hearing. The Dean of Students & Title IX Coordinator will determine if the appeal is eligible for review by a hearing panel. Appeal decisions will be based upon the record of the original proceedings and upon the written appeal. If/When either parties appeal a finding and/or a sanction(s), an additional investigation may then be commenced and/or a hearing panel may be convened. The finding of a hearing panel is final.

9. FINALIZE FINDINGS AND ANY SANCTIONS AFTER APPEAL

If after an appeal process, the student is found to be responsible for some or all of the original allegations, sanctions will be determined and imposed by the Dean of Students & Title IX Coordinator or designee and are considered final.

DETAILED CONDUCT PROCEDURES

A. INVESTIGATION PROCEDURES

The Dean of Students & Title IX Coordinator will appoint the appropriate conduct officer to conduct an investigation for allegations under this Code¹, which could be themselves. The officer will take the following steps, if not already completed by the Dean of Students & Title IX Coordinator or designee:

1. Initiate any necessary remedial actions on behalf of the victim, if applicable to the case;
2. Determine the identity and contact information of the party bringing the complaint, whether that person is the initiator of the complaint, the alleged victim, or a CCAD proxy or representative;
3. Conduct an immediate preliminary investigation to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint;

¹ For any complaint that falls under Title IX (e.g. sexual harassment) or involves any other form of discrimination, the Dean of Students and Title IX Coordinator will follow CCAD's Sexual Harassment Policies & Procedures.

- a. If a victim is reluctant to pursue a complaint, determine whether the complaint should still be pursued and whether sufficient, independent evidence could support the complaint without the participation of the victim;
- b. Notify the victim of whether CCAD intends to pursue the complaint regardless of their involvement, and inform the victim of their rights in the process and option to become involved if they so choose;
- c. A preliminary investigation usually takes between 1-7 business days to complete.
- 4. If indicated by the preliminary investigation and authorized by the Dean of Students & Title IX Coordinator, the officer will conduct a comprehensive investigation to determine if there is reasonable cause to believe that the respondent violated CCAD policy, and to determine what specific policy violations should serve as the basis for the complaint;
 - a. If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action;
 - b. A comprehensive investigation usually takes between one day and two weeks;
- 5. As applicable and if not already done, meet with the complainant to finalize their statement, which will be drawn up by the officer or designee as a result of this meeting;
- 6. Commence a thorough, reliable, and impartial investigation, as needed, by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses;
- 7. Interview all relevant witnesses, summarize the information they are able to share, and have each witness sign the summary to verify its accuracy;
- 8. Obtain all documentary evidence and information that is available;
- 9. Obtain all physical evidence that is available;
- 10. Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
- 11. Prepare the notice of alleged policy violation(s) and of the scheduled administrative hearing, which is done so on the basis of the reasonable cause determination;

B. INTERIM ACTIONS

Under the Code of Student Conduct, the Dean of Students & Title IX Coordinator, or designee, may impose restrictions and/or separate a student from the community pending the scheduling of an Administrative Hearing on alleged violation(s) of the Code of Student Conduct when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve CCAD property, and/or to prevent disruption of, or interference with, the normal operations of CCAD. Interim actions can include separation from the institution or restrictions on participation in the community for no more than ten (10) business days, pending the scheduling of an Administrative Hearing on alleged violation(s) of the Code of Student Conduct.

During an interim suspension, a student may be denied access to CCAD housing and/or CCAD campus/facilities/events. As determined appropriate by the Dean of Students & Title IX Coordinator, this restriction may include classes and/or all other CCAD activities or privileges for which the student might otherwise be eligible. At the discretion of the Dean of Students & Title IX Coordinator and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent.

C. NOTICE OF ADMINISTRATIVE HEARING

Once a determination is made that reasonable cause exists for the Dean of Students & Title IX Coordinator (or designee) to refer a complaint for a hearing, notice will be given to the respondent and if applicable, the reporting student; this will be emailed to the respondent at least 2 business days ahead of the meeting, unless the conduct warrants an immediate meeting; in such case, the Dean of Students & Title IX Coordinator will locate the respondent, deliver the notice letter, and either direct them to come for a hearing or have Security

deliver the notice letter and bring them to the meeting; once emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

- Include the alleged violation;
- Instructions for where to locate the Code of Student Conduct and CCAD's procedures for resolution of the complaint; and
- The date, time, and location of the hearing

F. ADMINISTRATIVE HEARING PROCEDURES

The following describes CCAD's conduct hearing processes. Except in a complaint involving failure to comply with the summons of the Dean of Students & Title IX Coordinator (or designee), no student may be found to have violated the Code of Student Conduct solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be reviewed and considered by the Dean of Students & Title IX Coordinator or designee.

At the hearing, the conduct officer will explain why the meeting was convened, the general philosophy of conduct at CCAD, the standard of proof, what the goal of the hearing is, what will be discussed, and finally, an explanation of next steps will be shared. Before a review of the incident report and/or evidence, the conduct officer will ensure the respondent understands the information explained thus far. If not, clarification and questions will be addressed. Once the respondent is comfortable with the information, the conduct officer will start the hearing officially

The hearing will run, in most situations, as such:

1. The respondent will be presented with a copy of the original incident report and will be able to view any evidence presented.
2. The conduct officer will summarize the allegations and the content of the report and evidence, if any.
3. The respondent will then be given an opportunity to respond to the allegations and share their statement on the incident; during this stage of the hearing, the conduct officer may ask clarifying questions to best understand the point of view and/or statement of the respondent.
4. If the student accepts responsibility for the conduct and admits the conduct and report details to be true, the conduct officer will engage the student in an educational conversation regarding other outcomes they could have experienced, impact on others, ways to avoid similar situations in the future, and review any supporting resources the student may need on campus.
5. If the student does not accept responsibility, the conduct officer has the authority to probe more specifically into the incident and evidence to better understand the conflict between the report and the student's level of responsibility; the conduct officer will take notes during the hearing to make sure the respondent's statement is taken accurately so a thoughtful review of all accounts is recorded for consideration.
6. At the conclusion of the hearing, the respondent will have the opportunity to ask the conduct officer clarifying questions about the process, to which the conduct officer will respond appropriately.
7. Finally, the conduct officer will review next steps and ways the respondent can contact the conduct officer with questions before the hearing is adjourned.

G. FINDINGS

The following options (1-3) describe how to proceed, depending on whether the respondent is found responsible and whether the respondent accepts or rejects the findings and/or the sanctions either in whole or in part. All involved parties have the option to appeal any and/or all of the associated findings and sanctions of the incident/case per the Appeal guidelines within. Possible findings include:

1. **NOT RESPONSIBLE:** This finding indicates that the investigation, evidence, and hearing analysis did not meet the standard of proof of preponderance of the evidence. The respondent receives an email notice

with a finding of not responsible within one (1) business week from the date of the hearing. The reporting student, if applicable, receives an email update about the finding as well and the case/investigation will be closed. The complainant may appeal the decision, per the Appeal Procedures below. The decision to convene an appeal hearing rests solely in the discretion of the Dean of Students & Title IX Coordinator in these cases and is granted only on the basis of extraordinary cause.

2. **RESPONSIBLE:** This finding indicates that the investigation, evidence, and hearing analysis did meet the standard of proof of preponderance of the evidence. The respondent receives an email notice with a finding of responsible within one (1) business week from the date of the hearing. This notice also includes issued sanctions, related deadlines, and instructions for the sanctions, if appropriate (e.g., online drug course). The reporting student, if applicable, receives an email update about the finding as well.

If either party wish to appeal the finding(s), they may initiate the appeal via email directly to the Dean of Students & Title IX Coordinator within three (3) calendar days from the date the hearing outcome notice is sent.

H. APPEAL HEARINGS & PROCEDURES

1. APPEALS:

As stated above, both the reporting and respondent, if applicable, can appeal the finding of each allegation determined after the administrative hearing. To do so, the applicable student/party must email the Dean of Students & Title IX Coordinator directly within three (3) calendar days from the date the hearing outcome notice is sent. The Dean of Students & Title IX Coordinator can make a direct decision on the appeal, convene a hearing panel to hear the appeal, or can remand the decision back to an investigator for further consideration. The decision of the Dean of Students & Title IX Coordinator or of a Hearing Panel is final.

Appeals must be based on the following:

- a. A factual disagreement surrounding the violation; and/or,
- b. A perceived violation of fundamental fairness or a demonstration of bias; and/or,
- c. The presentation of new evidence that was not available at the time of the original administrative hearing.

If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. Generally, sanctions remain in effect during an appeal process. Appeal decisions will be based upon the record of the original proceedings and upon the written appeal.

2. HEARING PANEL ASSEMBLY:

The Dean of Students & Title IX Coordinator is responsible for and has jurisdiction over assembling a hearing panel, according to the following guidelines:

- The membership of the panel is selected by the Dean of Students & Title IX Coordinator on an annual basis and appropriately trained to serve in such capacity;
- For highly sensitive cases, the Dean of Students & Title IX Coordinator will use three (3) administrative/staff members for the panel. The Dean of Students & Title IX Coordinator's role during the hearing is to assure that CCAD conduct procedures are followed throughout the hearing;
- Chosen panelists must not be in a position for a conflict of interest to occur. (e.g. student's advisor, current instructor, or relative);
- Any panelist who feels they cannot make an objective determination must recuse themselves from the proceedings and the Dean of Students & Title IX Coordinator will select another panelist.

3. HEARING PREPARATION PROCEDURES:

The Dean of Students & Title IX Coordinator establishes appeal hearing procedures and the necessary steps that must be taken in preparation of the hearing in order to ensure due process and equal access to the rights of all parties. Hearing preparation procedures are as follows:

- a. All parties involved in the hearing will receive notice of the hearing time, date, and location, as well as the hearing panelists' names via email no later than 5 business days before the date of the hearing. Once emailed, such notice will be presumptively delivered.
- b. Should either party or both parties object to any panelist, the part(ies) must raise all objections, via email, to the Dean of Students & Title IX Coordinator immediately. Hearing panelists will only be unseated if the Dean of Students & Title IX Coordinator concludes that their bias precludes an impartial hearing of the complaint.
- c. If there is an alleged victim of the conduct in question, this individual may serve as the complainant or may elect to have CCAD administration serve as the complainant on their behalf. Where there is no alleged victim, the CCAD administration will serve as the complainant.
- d. At least three (3) days before the scheduled appeal hearing, the parties will complete the following, as applicable:
 1. Respond via email directly to the Dean of Students & Title IX Coordinator (or designee) a written confirmation and acknowledgment of the scheduled hearing notice;
 2. If the respondent fails to respond to notice from the Dean of Students & Title IX Coordinator (or designee), the Dean of Students & Title IX Coordinator (or designee) may initiate a complaint against the student for failure to comply with the directives of a CCAD official and give notice of this offense. Unless the student responds to this notice within one (1) calendar day by answering the original notice, an administrative hearing may be scheduled to adjudicate the 'failure to comply' charge and will be held on the student's behalf. As a result, the student may be suspended from attending classes and have a disciplinary hold placed on their CCAD account, deeming them ineligible to register for courses or CCAD housing until such time as the student responds to the initial complaint. The appeal hearing taking place on the original allegations will continue as scheduled.
 3. If the complainant (victim) wants the administration to represent the complainant at the hearing, they must email the Dean of Students & Title IX Coordinator with this request and intention;
 4. Email the Dean of Students & Title IX Coordinator (or designee) an emailed list of all witnesses for CCAD to call to the hearing/ witnesses must have direct knowledge of the incident in question; character witnesses alone will not be permitted, nor will character statement be permitted during a hearing; the Dean of Students & Title IX Coordinator has full jurisdiction on which witnesses may be included in the hearing.
 5. Deliver to the Dean of Students & Title IX Coordinator (or designee) all new evidence the party intends to use, or needs to have present, at the hearing and indicate who has possession or custody of such evidence, if known, so that the Dean of Students & Title IX Coordinator can arrange for its presence; and/or,
 6. Email the Dean of Students & Title IX Coordinator (or designee) the names of any advisor/advocate who may be accompanying the parties at the hearing. Only one advisor/advocate is allowed per party. Without prior notice, the advisors/advocates will not be permitted to attend the hearing.
 7. Email the Dean of Students & Title IX Coordinator (or designee) any accommodations necessary for party to have equal access to the process; these accommodations must be on the basis of a disability and if needed, the Dean of Students & Title IX Coordinator will consult with the Learning Support Office on guidance of the need and appropriate, reasonable accommodations.

I. HEARING PANEL RULES & PROCEDURES:

The Dean of Students & Title IX Coordinator will develop procedural rules for the administration of hearings that are consistent with provisions of the Code of Student Conduct. Material deviation from these rules will,

generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by posting online and/or in the form of written communication. The Dean of Students & Title IX Coordinator may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Code. The Dean of Students & Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the Code of Student Conduct will be referred to the Dean of Students & Title IX Coordinator, whose interpretation is final.

In general, **hearing procedural rules** are as follows:

1. There will be a single verbatim record, such as an audio recording, for all panel hearings. Deliberations will not be recorded. The record will be the property of CCAD and maintained according to CCAD's record retention policy.
2. The hearing is closed to the public.
3. All attendees will relinquish their cell phones prior to the start of the hearing, which will be kept in a safe place and returned at the conclusion of the hearing.
4. No one other than the Dean of Students & Title IX Coordinator and/or Panel Chair may record the hearing and if done so, will be announced prior to the start of recording and again after the start of recording.
5. All attendees and participants will conduct themselves congruent to the Code of Student Conduct and maintain poised, respectful order during the proceedings.
6. The Dean of Students & Title IX Coordinator will appoint one panelist as the Chair for the hearing.
7. Except in cases of grave or unforeseen circumstances, if the respondent fails to give the requisite minimum three (3) day notice, or if the respondent fails to appear, the hearing will proceed as scheduled. If the party bringing the complaint fails to appear, the complaint may be dropped unless the college chooses to pursue the allegation on its own behalf, as determined by the Dean of Students & Title IX Coordinator.
8. The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations.
9. In hearings involving more than one respondent, the standard procedure will be to hear the complaints jointly; however, the Dean of Students & Title IX Coordinator may permit the hearing (pertinent to each respondent) to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each respondent.
10. Attending advisors/advocates may not make a presentation or represent either party during the hearing. They may confer quietly with their advisee, exchange notes, and suggest questions to their advisee but they may not speak to the general audience, to the other party, or to the panel at any time. Failure to comply will result in the mandatory removal of this individual from the hearing permanently.
11. Witness statements must not be character statements.
12. Only the panel, the panel Chair, and/or the Dean of Students & Title IX Coordinator (or designee) will have the privilege of questioning present witnesses and parties.
13. Unduly repetitive witnesses can be limited at the discretion of the Dean of Students & Title IX Coordinator (or designee).
14. Pertinent evidence, such as records, exhibits, and/or written statements may be accepted as information for consideration by the panel and the Dean of Students & Title IX Coordinator. Formal rules of evidence are not observed.
15. All procedural questions are subject to the final decision of the Dean of Students & Title IX Coordinator.
16. The outcome, including any applicable sanctions, are final.

In general, **hearing procedural order** goes as follows:

1. The Panel Chair will convene the hearing and if applicable, state notice of recording in progress.
2. The Panel chair will ask all in attendance, except advisors/advocates, to introduce themselves and their role in the hearing;

3. The Panel Chair will review the original report that served as notice of the allegations and also review the findings and issued sanctions, if applicable, of the administrative hearing.
4. The Panel Chair will summarize the evidence and statements reviewed for the administrative hearing.
5. The Panel Chair will define which party brought forward the appeal and the basis on which the appeal was approved by the Dean of Students & Title IX Coordinator.
6. The Panel Chair will review the appeal hearing rules, as applicable, for all members to be aware.
7. The Panel Chair will begin the hearing proceedings by asking the appealing party to summarize the reasoning for an appeal and the grounds on which they are appealing the original finding.
8. If new evidence is the grounds for the appeal, the Panel Chair will next ask for that evidence to be presented and explained. If this is a witness, then the witness will be called to review their contributing information.
9. The panel will then have the floor to ask questions of all parties.
10. Once the panel has finished questioning, parties will be given the opportunity to ask any procedural or next step questions of the Panel Chair and/or Dean of Students & Title IX Coordinator.
11. The Panel Chair will then adjourn the hearing and dismiss all attendees, except for the panel, which will begin deliberations after any necessary breaks.
12. Deliberations will then occur and the panel will determine, by majority vote, whether it is more likely than not that the respondent has violated the Code of Student Conduct. The Dean of Students & Title IX Coordinator (or designee) will be present and available as a resource during all deliberations.
13. Once a finding is determined, the Panel Chair will prepare a written deliberation report that details the panel's finding, how each member voted, the information cited by the panel in support of its recommendation, and any information the panel excluded from its consideration and why. This report will also include any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Dean of Students & Title IX Coordinator within two (2) days of the end of deliberations, unless otherwise determined by the Dean of Students & Title IX Coordinator for highly sensitive cases.
14. The Dean of Students & Title IX Coordinator will consider the recommendations of the panel and make any necessary modifications to the panel's report based on observations of the hearing. The Dean will also review the finding to ensure sound decision making per the Code of Conduct Policy and Procedures.
15. The Dean of Students & Title IX Coordinator will inform both parties of the final determination within two (2) business days of the hearing. Notification will be emailed to each party, as necessary. Once emailed, such notice will be presumptively delivered.

J. SANCTIONS

Students forfeit the right to refund of tuition, room/board, and other fee charges while under disciplinary suspension, individual class dismissal, or dismissal from CCAD. One or more of following sanctions may be imposed upon any student for any single violation of the Code of Student Conduct:

1. **Warning:** An official written notice that the student has violated CCAD policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at CCAD.
2. **No Contact Order:** Written directive issued by the Dean of Students & Title IX Coordinator, or designee that prohibits a student, or group of students, from having any form of contact with another student, or group of students, for a designated period of time or indefinitely. The no-contact order applies to contact via in-person, electronic means, social media, written, 3rd party, or any other form of intentional contact. No contact orders do not include a proximity requirement. If students are in the same location, that is fine, as long as there is a legitimate reason for being in that space. They must avoid each other and maintain no contact. Students in the same class with a no contact order should notify their instructor that the two students should not sit next to each other, nor should they be assigned in a group for a project.

3. **Restitution:** Compensation for damage caused to CCAD or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
4. **Fines:** Reasonable fines charged to a student's account to deter future conduct; these fines may impose holds on the student's account.
5. **Administrative Charge:** Cost paid to CCAD in order to offset any costs accrued by the college in the investigation and adjudication of a student conduct case
6. **Community/CCAD Service:** For a student or organization to complete a specific supervised college service.
7. **Loss of Privileges:** The student will be denied specified privileges for a designated period of time.
8. **Confiscation of Prohibited Items:** Items whose presence is in violation of CCAD policy will be confiscated and will become the property of CCAD. Prohibited items may be returned to the owner at the discretion of the Dean of Students & Title IX Coordinator and/or Safety & Security.
9. **Behavioral Requirement:** This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
10. **Educational Program:** Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
11. **Restriction of Visitation Privileges:** May be imposed on a resident or non-resident student. The parameters of the restriction will be specified.
12. **CCAD Housing Probation:** Official notice that, should further violations of Residence Life or CCAD policies occur during a specified probationary period, the student may immediately be removed from CCAD housing without eligibility for a refund of housing and/or meal plan fees. Regular probationary meetings may also be imposed.
13. **CCAD Housing Reassignment:** Reassignment to another CCAD housing facility. Residential Life personnel will decide on the reassignment details.
14. **CCAD Housing Suspension:** Removal from CCAD housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to CCAD housing may be specified. Under this sanction, a student is required to vacate CCAD housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life & Housing. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for CCAD housing, the student must gain permission from the Director of Housing and Residence Life (or designee). This sanction may include restrictions on visitation to specified buildings or all college housing during the suspension. The student will not be eligible for any housing or meal plan refunds.
15. **CCAD Housing Expulsion:** The student's privilege to live in, or visit, any CCAD housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary. No refunds will be

made.

16. **CCAD Conduct Probation:** The student is put on official notice that, should further violations of CCAD policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
17. **Eligibility Restriction:** The student is deemed “not in good standing” with the college for a specified period of time. Specific limitations or exceptions may be granted by the Dean of Students & Title IX Coordinator and terms of this conduct sanction may include, but are not limited to, the following:
 - a) Ineligibility to hold any office in any student organization recognized by CCAD or hold an elected or appointed office at CCAD; and/or
 - b) Ineligibility to represent CCAD to anyone outside the CCAD community in any way including: participating in the study abroad program, attending conferences, or representing CCAD at an official function
18. **CCAD Conduct Suspension:** Separation from CCAD for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension, which could include a medical and/or psychological evaluation that addresses a student’s ability to successfully rejoin the college community without threat to others and/or the CCAD community/property. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Students & Title IX Coordinator. During the suspension period, the student is banned from college property, functions, events and activities without prior written approval from the Dean of Students & Title IX Coordinator. This sanction may be enforced with a trespass action as necessary. This sanction will be noted as a Conduct Suspension on the student’s official academic transcript. The student will not be eligible for any refunds of tuition, fees, housing/meal plan fees, parking pass fees, or any other student account charges.
19. **CCAD Conduct Expulsion (aka Dismissal):** Permanent separation from CCAD. The student is banned from university property and the student’s presence at any CCAD-sponsored activity or event is prohibited indefinitely. This action may be enforced with a trespass action as necessary. This sanction will be noted as a Conduct Expulsion on the student’s official academic transcript. The student will not be eligible for any type of refund.
20. **Other Sanctions:** Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Dean of Students & Title IX Coordinator or designee.

Groups or organizations found to have violated the Code of Student Conduct may have one or more of the sanctions listed above and/or deactivation, de-recognition, loss of all privileges (including status as a CCAD registered group/organization), for a specified period of time.

In cases involving discrimination, recommended sanctions will act to end the discrimination, prevent its reoccurrence, and remedy its effects on the victim and the CCAD community.

H. NOTIFICATION OF OUTCOMES TO OTHER PARTIES

The outcome of a campus conduct hearing is part of the education record of the respondent and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or forcible or non-forcible sex offense, CCAD will inform the alleged survivor (complainant) via email of the final results of a hearing regardless of whether CCAD finds that a violation was committed. Such release of

information may only include the alleged respondent's name, the violation committed, and the sanctions assigned (if applicable).

I. FAILURE TO COMPLETE CONDUCT SANCTIONS

All students, as members of the CCAD community, are expected to comply with conduct sanctions within the timeframe specified by the Dean of Students & Title IX Coordinator, or designee. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and/or suspension from CCAD and may be noted on, or with, the student's official transcript at the end of the semester. In such situations, resident students will be required to vacate CCAD housing within 24 hours of notification by the Dean of Students & Title IX Coordinator, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life & Housing and/or the Dean of Students & Title IX Coordinator. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Dean of Students & Title IX Coordinator. No refunds for any fees will be issued.

J. ACADEMIC MISCONDUCT PROCEDURES

The initial decision regarding allegations of academic misconduct is determined by the instructor in whose class the alleged violation occurred. Instructors will conduct their own investigation into the matter, determine who is responsible for the misconduct, decide if there are any sanctions as a result, and notify the Dean of Students & Title IX Coordinator's Office regarding the outcome. The Dean of Students & Title IX Coordinator will notify the student in writing of the outcome and what the appeal options are. The sanctions provided by the instructor may involve failing the assignment in question or failing the course in which the violation occurred. Students found responsible for multiple acts of academic misconduct during the span of their enrollment or who have been found responsible for a particularly egregious act of academic misconduct, may be dismissed from the college.

A student may appeal an academic misconduct sanction to the Dean of Undergraduate Studies, who oversees undergraduate academic programs. This contact must occur within five working days from the date the student was notified of the instructor's initial decision, unless given additional time by the Dean of Students & Title IX Coordinator. The student will be notified within a reasonable timeframe regarding the outcome of the appeal hearing. The decision of the Dean of Undergraduate Studies is final.

K. CONDUCT RECORDS

All conduct records are maintained by CCAD for seven (7) years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, which are maintained indefinitely. Conduct records are under the authority of the Dean of Students & Title IX Coordinator Office.

L. APPROVAL AND IMPLEMENTATION

This Code of Student Conduct was approved on 5/18/20 by the Dean of Students & Title IX Coordinator and implemented on June 1, 2020.

INVOLUNTARY LEAVE OF ABSENCE OR WITHDRAWAL POLICY & PROCEDURE

INTRODUCTION

Columbus College of Art & Design (CCAD) is committed to the health, safety, and well-being of the campus community. The college recognizes that students may have a medical and/or psychological experience that significantly limits their ability to function successfully or safely in their role as students. In such acute circumstances, students should consider requesting time away under the Exceptional Circumstance option of CCAD's Attendance Policy, located in the

Student Handbook linked below. Another option is a complete withdrawal from the semester. To do so, students must follow appropriate procedures outlined in the [Student Handbook](#). For questions, students can contact studentaffairs@ccad.edu to understand what circumstances may qualify. An approved Exceptional Circumstance affords a student the ability to address the issues that led to the need for time away and to potentially return within that same semester with an enhanced opportunity to achieve their educational goals. A withdrawal allows students to avoid damage to their academic record by dropping all their current courses and then taking the time to address any personal matters impacting their ability to finish the semester. If a student withdraws, they can return in a future semester, pending any conditions or restrictions on their ability to re-enroll. Breaks and withdrawals do not typically result in tuition/housing/meal plan refunds.

Under certain conditions, if a student has not voluntarily opted to take some temporary time away or to complete a withdrawal, CCAD may institute an involuntary leave of absence or completely withdraw a student under this policy. In any circumstance when the college is considering this action, students will first be given the option to voluntarily pursue time away or withdraw from their classes before an involuntary action is taken. An involuntary leave of absence or withdrawal is an administrative process; it is not a disciplinary process. This policy and these procedures are not intended to be punitive but rather a holistic approach to establishing health and safety for the student and CCAD community.

The following policy and procedure will be used to help transition a student to a safer environment more conducive to their needs when it becomes clear that remaining at CCAD is not in the best interest of the student or the college community. The goals of this policy are to:

- Define the length of separation
- Outline the path to re-entry
- Ease the transition for the student's return
- Optimize the opportunities for the student's success when they return

POLICY

Requiring a student to take a leave of absence or to withdraw is rare and only happens when current medical knowledge and/or the best available objective evidence indicates to the Dean of Students & Title IX Coordinator, or their designee, that there is a significant risk to the student's health or safety or to the health or safety of others, or the student's behavior severely disrupts the college environment, and no reasonable accommodations can adequately reduce that risk or disruption.

Consistent with CCAD's Nondiscrimination Policy, CCAD prohibits discrimination of any kind, including discrimination on the basis of any type of disability or any other characteristic protected by applicable law in the administration of the college's programs and activities. CCAD offers a range of resources, support services and accommodations to address the physical and mental health needs of students. However, on rare occasion, a student's needs may require a level of care that exceeds the care the college can appropriately provide. Where current knowledge about the individual's medical condition and/or the best available objective evidence indicates that a student poses a significant risk to the health or safety of a member of the college community, where a student is unable or unwilling to carry out substantial self-care obligations, poses a significant risk to their own safety not based on mere speculation, stereotypes, or generalizations, or where a student's behavior severely disrupts the college environment and the student does not want to take a voluntary leave or withdrawal, the Dean of Students & Title IX Coordinator, in consultation with the Care and Response Team (CART – CCAD's Behavior Intervention Team) has the authority to place a student on an involuntary leave of absence or execute an involuntary withdrawal.

The Dean of Students & Title IX Coordinator may be notified about a student who may meet the criteria of an involuntary leave of absence or withdrawal from a variety of sources including, but not limited to, the student, the student's academic advisor, Residence Life staff, Graduate Studies staff, an academic department, a member of the CART, or through various reports from faculty and/or staff.

Before initiating an involuntary leave of absence or withdrawal, CCAD will:

- Consult with the Learning Support Office and determine whether reasonable modifications or accommodations to policies, practices, or procedures will sufficiently mitigate the risk;
- Make reasonable attempts to secure voluntary cooperation for time away or a withdrawal, or a psychological or medical evaluation; and,
- Engage in thoughtful consideration through the CART using appropriate risk rubrics, with a final determination made by the Dean of Students & Title IX Coordinator (or designee).

A. CRITERIA

A student will be subject to an involuntary leave of absence or withdrawal from CCAD when, in the judgment of the CART and/or Dean of Students & Title IX Coordinator (or designee), a student's acute medical and/or psychological episode and presenting behaviors suggests a substantial and significant possibility that the student will:

- Harm and/or pose a direct threat to others;
- Cause significant property damage;
- Be substantially unable to meet their responsibilities as a student;
- Be unable to care for their own daily physical needs without assistance and/or has failed to secure such assistance;
- Directly impede the lawful activities of others; and/or,
- Directly and substantially interfere with normal operations of the college and/or substantially impact the welfare of others through self-harm actions or other behaviors.

If the student engages in an activity that subjects them to college disciplinary action and conduct proceedings, the matter will be handled through CCAD's student conduct process, at the discretion of the Dean of Students & Title IX Coordinator.

B. STANDARD FOR DETERMINING THE BASIS OF THREAT OF HARM TO OTHERS

A direct threat exists when a student poses a significant risk to the health and/or safety of others. A significant risk constitutes a high probability of substantial harm. Significance will be determined by:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that the potential harm will occur; and,
- The imminence of the potential harm.

Determining that a student is a direct threat requires an objective and individualized assessment and hearing. The assessment must be based on:

- A reasonable medical and/or psychological judgment that relies on the most current medical and/or psychological knowledge; and/or,
- The completion of an evidence based risk rubric or threat assessment tool used by the CART; and/or,
- The best available objective evidence.

This standard also applies to the reinstatement of a student who has been placed on involuntary leave of absence or has been withdrawn involuntarily. They are entitled to return upon submitting qualifying documentation from a healthcare provider that confirms the student no longer poses a direct threat of harm to others. The CART will likely assist in this determination.

C. STANDARD FOR DETERMINING THE BASIS OF SELF-HARM BEHAVIOR THAT POSES A DIRECT IMPACT ON OTHERS AND/OR CCAD OPERATIONS

Self-harming behaviors that significantly disrupt normal CCAD operations/activities and/or the welfare of others will be subject to the CCAD Code of Student Conduct. Potentially lethal or acute self-harming behaviors, such as suicide attempts, are addressed under this policy as legitimate safety concerns. When CCAD, using the process outlined below, determines that a student poses a legitimate safety concern of harm to self that poses direct impact on others and/or CCAD operations, the CCAD Involuntary Leave of Absence or Withdrawal process can be invoked.

D. CONDUCT PROCEEDINGS

If the student has been accused of a violation of the CCAD Code of Student Conduct, but it appears that the student is not capable of understanding the nature or inappropriateness of the action, this policy may be activated prior to issuance of a determination in the conduct process. Interim suspension for threat of harm to others or a legitimate safety risk to self that impacts the community and/or others will also likely be imposed.

If the student is placed on a leave of absence from the college, or another action is taken under these provisions following a finding that the student's behavior was the result of a lack of capacity, such action terminates the pending conduct action temporarily. If the student is found not to be subject to a leave of absence, conduct proceedings may be reinstated.

E. REFERRAL FOR ASSESSMENT OR EVALUATION

The CART and/or Dean of Students & Title IX Coordinator (or designee) may refer or mandate a student for an evaluation by an independently licensed medical or mental health provider. The type of evaluation requested could be a diagnostic evaluation and/or a risk assessment, depending on the circumstances of the case. Students may use a current provider, but CCAD may first confirm the provider and their relevant credentials to conduct such an evaluation. An evaluation may be appropriate if it is believed that the student may meet the criteria set forth in this policy or if a student subject to conduct proceedings provides notification that information concerning a medical and/or psychological/behavioral condition or disorder will be introduced.

Students referred or mandated for evaluation will be so informed via email to their CCAD student email account and will be given a copy of these standards and procedures. The evaluation must be completed per the direction of the referral letter, unless the Dean of Students & Title IX Coordinator (or designee) grants an extension. A student who fails to complete the evaluation in accordance with these standards and procedures, and/or who fails to give permission for the results to be shared with appropriate administrators, will be referred for conduct action for "Failure to Comply" under the CCAD Code of Student Conduct.

PROCEDURE

A. AWARENESS & CONSULTATION

1. Once the Dean of Students & Title IX Coordinator are made aware of a possible concern and have reviewed initial details of the situation, they will first consult with the Learning Support Office prior to making a decision to impose an involuntary leave of absence or withdrawal. The Dean of Students & Title IX Coordinator will also confer, as feasible and when appropriate in a particular matter, with individuals regarding the need for an involuntary leave of absence. Although each case will vary, conferring individuals could include:
 - a. Residence Life staff;
 - b. Faculty members;
 - c. Academic Advisors;
 - d. With appropriate authorization, representatives from CCAD's Counseling & Wellness Center;
 - e. With appropriate authorization, the student's treatment provider(s) or other health care professionals;
 - f. Member(s) of the CART; and/or,
 - g. Such other individuals as may be appropriate in an individual matter.

B. ACCOMMODATIONS

The Dean of Students & Title IX Coordinator will consider potential accommodations and/or modifications that could obviate the need for an involuntary leave of absence or withdrawal, such as the option to take a voluntary break or withdrawal, academic accommodations, housing and dining accommodations, and modifications to college policies, rules, and regulations. For more information about accommodations and the process to request them, visit [MyCCAD](#).

C. NOTICE

If the Dean of Students & Title IX Coordinator determine that an involuntary leave of absence or withdrawal may be appropriate and necessary, considering information discovered and using the policy criteria outlined above, they will issue a notice to the student, in writing either via email or in person, that an involuntary leave of absence or withdrawal is under consideration. The written notice will include the reason(s) why the student is being considered for an involuntary leave of absence or withdrawal, contact information for Learning Support, hearing options as described below, and a copy of this policy. In the written notice, the student will be encouraged to respond before a decision regarding an involuntary leave of absence or withdrawal is finalized and will be given a specified time period within which to do so.

If the student does not respond or engage after the timeframe outlined in this notice, the Dean of Students & Title IX Coordinator will move forward with an Administrative Hearing to consider all available information and to render a finding on the action, to either execute or not.

If the student responds, the Dean of Students & Title IX Coordinator will take into account the hearing preference of the student and send follow up instructions, including hearing meeting date/time/location, which could be held virtually.

The student can volunteer or be asked to execute a Release of Information Form (ROI), providing CCAD personnel temporary authority to request and receive information from the student's healthcare provider(s) regarding issues relevant and appropriate to the consideration of an involuntary leave of absence or withdrawal, when there is a need for the college to have access to that information as part of the interactive process and individualized assessment. If a student refuses to execute an ROI or to respond within the timeframe set by the Dean of Students & Title IX Coordinator, the Dean may proceed with the assessment and hearing option, based on information available at the time. The timeframe to submit these records will be outlined in the notice letter, along with an attachment of the ROI as well as instructions for how the student can submit the records to the Dean of Students & Title IX Coordinator.

D. ADMINISTRATIVE HEARING OPTION

An administrative hearing is an informal resolution procedure that involves a one-on-one discussion and decision making process with the student and the Dean of Students & Title IX Coordinator (or designee). This option can be invoked at the preference of the student or at the Dean's discretion. This process can be used to determine the need for an involuntary leave of absence or withdrawal without a formal hearing. In the administrative hearing, medical and/or psychological documentation and administrative evidence (e.g. CART assessment) will be introduced to which the student will be given an opportunity to respond. Final determinations will be made by the Dean of Students & Title IX Coordinator (or designee). If a medical evaluation and/or administrative assessment (e.g. CART threat assessment) support the need for a leave of absence or withdrawal, the Dean of Students & Title IX Coordinator will render a written decision within 24 clock hours of the hearing, barring exigent circumstances, stating the rationale for their determination. The decision will be delivered to the student via CCAD student email. If the determination is made that a leave of absence or withdrawal is warranted, the notification will include information regarding the timeframe in which the student must depart campus, how long the leave may endure, as well as specifying any conditions of reinstatement. If other actions are pending, the appropriate individuals will be notified and may proceed with their actions.

E. FORMAL HEARING OPTION

The student subject to an involuntary leave of absence or withdrawal may request a formal hearing in response to the notice letter, in lieu of an administrative hearing described above. If the evaluation and/or administrative assessment (e.g. CART threat assessment) supports the need for a leave of absence or withdrawal, a hearing will be scheduled before the Dean of Students & Title IX Coordinator (or designee) and core members of the CART. The student will be informed via student email of the time, date, and place of the hearing, which could be virtual. The student will be given at least two business days to independently review any healthcare evaluation or records produced as a result of the notice and ROI, prior to the hearing. The student will be notified of who is expected to present information at the hearing and is expected to notify the Dean of Students & Title IX Coordinator (or designee) of any parties with relevant

information whom the Dean should contact to request their appearance at the hearing as a witness. The student may, at the discretion of the Dean of Students & Title IX Coordinator (or designee), be assisted by an advisor in the hearing. The student is permitted to have an attorney present to attend/advise, but no advisor will be allowed to speak for or formally represent the student during a leave of absence or withdrawal hearing, unless the Dean grants an exception, such as in cases of incapacity.

The student or the student's advisor, if approved by the Dean, may present information about the necessity and appropriateness of a leave of absence or withdrawal and will be given the opportunity to ask questions of others presenting information. The hearing should be conversational and non-adversarial; however, the Dean of Students & Title IX Coordinator (or designee) will exercise active control over the proceeding, including deciding who may present information. Legal rules of evidence will not apply. Anyone who disrupts the hearing may be excluded. There will be a single verbatim record, such as an audio recording, for all involuntary leave of absence or withdrawal formal hearings. The record will be the property of the college and maintained according to the college's record retention policy for such hearings.

The Dean of Students & Title IX Coordinator, along with any other formal hearing panelists, will give significant weight to the opinion of the student's treatment provider(s), including those identified by the student, regarding the student's ability to function academically and safely at the college with or without reasonable accommodations. If the Dean of Students & Title IX Coordinator determines that the information provided by the treatment provider(s) is incomplete, requires further explanation or clarification, or is inconsistent with other information in the student's record, the Dean of Students & Title IX Coordinator, with proper authorization, will contact the treatment provider(s) to obtain additional information. In certain circumstances, the college may require the student to undergo an additional evaluation by an independent and objective professional designated by CCAD, if the Dean of Students & Title IX Coordinator believes it will facilitate a more informed decision.

F. NOTICE OF FINDING

A written decision will be rendered by the Dean of Students & Title IX Coordinator and/or the hearing panel on a preponderance of the evidence standard (more likely than not) within two business days, barring exigent circumstances and will state the rationale for its determination. The decision will be delivered to the student via CCAD email. The written notice of decision will include information about the student's right to appeal and to access reasonable accommodations during the appeal process. Where students have been asked to remain away from the college while the review is underway, every effort will be made by the Dean of Students & Title IX Coordinator to reach a decision quickly, provided the student responds in a timely manner to requests for information and, if appropriate, evaluation. The finding will be either:

- i. ***An involuntary leave of absence or withdrawal is imposed.*** The written notice of decision to the student will set forth the basis for the decision and a time-frame for when the student must leave the college and when they may be eligible to return to the college and the conditions and/or requirements the student will need to satisfy to be eligible for return. The written notice will also inform the student of their right to reasonable accommodations in the return process and will provide contact information for Learning Support. The length of the leave will be determined on an individual basis.
- ii. ***An involuntary leave of absence or withdrawal is not imposed.*** The Dean of Students & Title IX Coordinator may impose conditions and/or requirements under which the student is allowed to remain at the college and the student may still have separate conduct proceedings with sanctions involved that aren't related to a leave of absence or a withdrawal.

G. APPEAL PROCESS

Students subject to an involuntary leave of absence or withdrawal may appeal the hearing determination within two (2) business days of issuance of the hearing decision email. All appeals must be in written form and emailed to the Provost (or designee). Reviews will only be considered for one or more of the following reasons and/or purposes and not on the grounds for general dissatisfaction with the finding rendered:

- To consider new information which was unavailable at the time of the original hearing and could be outcome determinative;
- To assess whether a material deviation from written procedures impacted the fairness or outcome of the hearing;
- To decide if a medical leave is inappropriate to address the nature, duration, and/or severity of the risk or threat;
- To determine if the decision does not align with the information provided in the hearing or whether reasonable modifications might mitigate the risk without a leave; and/or
- To assess whether bias on the part of a hearing committee member deprived the process of impartiality.

After reviewing the matter fully, the Provost will issue a written decision affirming, modifying, or reversing the decision to place the student on an involuntary leave of absence or withdrawal. The Provost's decision shall be final and no other appeals or grievance procedures are available.

H. REINSTATEMENT FOLLOWING AN INVOLUNTARY LEAVE OF ABSENCE OR WITHDRAWAL

A student who is seeking reinstatement to CCAD after the involuntary leave of absence or withdrawal timeframe expires must email a request of reinstatement directly to the Dean of Students & Title IX Coordinator and must receive clearance by following all prescribed instructions for return in the finding notice, which may include providing the Dean of Students & Title IX Coordinator written evidence from a licensed medical and/or mental health professional that the student is no longer a direct threat to others or a legitimate safety concern and is otherwise qualified to participate in the college's educational programs. Students must also complete any general CCAD procedures for returning, as outlined in the [Student Handbook](#). Any other conditions outlined in accordance with this policy and/or any conduct sanctions must also be completed. All returning students must meet the essential eligibility requirements and any technical standards of the college and, if applicable, the relevant school or department, with or without reasonable accommodations. If the Dean of Students & Title IX Coordinator determines that there is not sufficient evidence that the student is ready to return to the college, the student will be notified in writing of the decision, including the reason for the decision, within a reasonable timeframe, after the student has submitted a request for return and required documentation.

At the discretion of the Dean of Students & Title IX Coordinator (or designee), a hearing, as outlined above, may be held to determine whether the student is qualified to return. All reinstatement decisions made by the Dean of Students & Title IX Coordinator (or designee) are final and not eligible for appeal. Any student denied reinstatement must wait at least one full semester before reapplying for reinstatement, using the same process outlined above. If a second request is denied, the student will not be eligible to return to CCAD.

IMPLICATIONS OF AN INVOLUNTARY LEAVE OF ABSENCE OR WITHDRAWAL

There may be several cascading impacts of an issued involuntary leave of absence or withdrawal, some of which are outlined and defined here, but this is not an exhaustive list and individual impact might vary.

A. Student Status

Students on a leave of absence or who have withdrawn generally retain their admitted student status; however, with a withdrawal, they are not registered and therefore do not have the rights and privileges of registered students.

B. Housing

Consistent with CCAD's policies and procedures, students assigned to a college residence hall are subject to the terms of the college Residential Agreement and Contract. In most cases, students issued an involuntary leave of absence will be required to complete their housing contract in full. Students who are involuntarily withdrawn must follow the Residence Life & Housing policies related to withdrawing from the college and will be required to vacate their housing assignment. Eligibility of refunds will be determined by the Director of Residence Life & Housing.

C. Effective Date(s) of Leave or Withdrawal

A student must leave the college within the timeframe set forth by the Dean of Students & Title IX Coordinator. The leave will remain in effect until:

1. It is determined after an individualized assessment that the student is able to return to the college with or without reasonable accommodations; and,
2. The student has complied with any college requirements applicable to all students returning from a leave or withdrawal and all of the conditions mandated by the Dean of Students & Title IX Coordinator.

D. Notification

At any time during the leave or withdrawal process, the Dean of Students & Title IX Coordinator may notify a student's parent, guardian, emergency contact, or other individual, consistent with the law, if notification is deemed appropriate.

E. Association with the College While on Leave

Unless expressly permitted by the Dean of Students & Title IX Coordinator in writing, students on an involuntary leave of absence or withdrawal are not permitted to be present at the college and are not permitted to engage in any college-related activities, including on-campus employment. Employment eligibility is determined by the individual supervisor.

F. Coursework Taken While on Leave

Consistent with CCAD's policies and procedures, course credit taken at another institution while on leave may be allowed to count towards a CCAD degree:

1. Students should refer to the ["Transfer Credit Policies" section of the Student Handbook](#); and,
2. Consult with the Registrar's Office and their Advisor prior to taking any coursework while on an involuntary leave of absence or withdrawal.

G. CCAD ID Privileges

While on leave or withdrawal, a student's access to campus buildings may be deactivated. Students on leave or who have withdrawn generally may retain their CCAD email account but other privileges may be restricted, such as meal plan use, library usage, and/or COTA access.

H. Tuition and Fees

Consistent with CCAD's policies and procedures, students who leave the college before the end of a term may not be eligible to receive refunds, including refunds of tuition. See the [Bursar's Withdrawal Refund Policy](#) for a schedule of refunds.

I. Meal Plan

Consistent with CCAD's policies and procedures, a meal plan refund is based on the date when a student moves out of college residence and is approved under conditions as specified in the Residential Agreement and Contract. Students with questions about residential meal plan refunds should contact the Bursar at bursar@ccad.edu.

J. Visa Status

International students (F-1 and J-1 Visa holders) placed on an involuntary leave of absence or withdrawal must speak with the PDSO or DSO of the college in the Admissions Office.

GENERAL INFORMATION

An involuntary leave of absence or withdrawal is an administrative process; it is not a disciplinary process. This policy and these procedures are not intended to be punitive and do not take the place of disciplinary actions that are in response to violations of CCAD's Code of Student Conduct or other policies or directives, nor do they preclude the removal or dismissal of students from the college or college-related programs as a result of violations of other college policies or school or departmental protocols. This policy does not limit the college's ability to place enrollment holds on students for reasons beyond the scope of this policy and nothing in this policy relieves a student of any financial obligations to the college that were in place at the time the involuntary leave of absence or withdrawal was imposed.

Nothing in this policy limits the power of the college to take administrative action to ensure the safety of the CCAD community. In exceptional circumstances, where the health or well-being of any person may be seriously affected, or where physical safety is seriously threatened, or where the ability of the college to carry out its essential operations is seriously threatened or impaired, the President or the President's designee, may summarily suspend, dismiss, or bar any person from the college or college-related programs. In all such cases, actions taken will be reviewed promptly, typically within one week, by the appropriate college authority.

In situations involving an imminent or ongoing threat of harm to the student or any other member of the college community, the Dean of Students & Title IX Coordinator, in the exercise of their reasonable judgment, may require a student to be immediately prohibited from entering CCAD's campus or facilities utilized for college programs or activities while the individualized assessment and review described in this policy takes place. Such students will receive the written notice described above as quickly as possible.

A. REQUESTS FOR REASONABLE ACCOMMODATIONS

CCAD is committed to providing equal access to all participants in college processes, including students with disabilities. Students with disabilities should contact the Learning Support Office to request accommodations. Information about the support services Learning Support provides, types of accommodations offered, and appropriate documentation for accommodations, can be found on [MyCCAD](#).

B. RELATED RESOURCES

As noted herein, students placed on an involuntary leave of absence or withdrawal may have additional conditions and/or requirements they must meet prior to returning to the college, in addition to any college requirements applicable to all students returning from a leave. Students who are placed on an involuntary leave of absence may want to consult with the following offices, where appropriate:

- Learning Support
- Academic Advising
- Registrar
- Financial Aid
- Billing
- Residence Life & Housing
- Admissions for Visa questions