

EFFECTIVE
AUGUST 1,
2020



CODE OF STUDENT CONDUCT

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OXY

THIS VERSION OF THE CODE
OF STUDENT CONDUCT
REPLACES AND SUPERSEDES
ALL PREVIOUS VERSIONS.

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Occidental College Code of Student Conduct

A. MISSION

The Office of Student Conduct is designated by the Vice President for Student Affairs and Dean of Students to administer the Occidental College Code of Student Conduct (the “Code”). When a violation of College policy is alleged, the Office of Student Conduct engages with those involved, investigates, and takes appropriate action in accordance with the Code (or refers the matter to the appropriate office for resolution).

In furtherance of Occidental College's commitment to excellence, equity, community, and service, the Office of Student Conduct encourages and expects Students to:

- respect themselves and others;
- resolve conflicts peacefully;
- repair harm caused by their actions;
- understand their responsibility to both the local and global community; and
- participate in a complex, pluralistic, and interdependent world.

The Office of Student Conduct strives to create an environment in which Students seek truth and justice, thoughtful decision-making is paramount, and all community members are grounded in the values of trust, honesty, and respect.

Interpretation

The College publishes this Code to provide Students with general notice of prohibited conduct. Any question of interpretation or application of the Code shall be referred to the Office of Student Conduct for final determination. Students are responsible for knowing and understanding the Code. Failure to abide by the Code regardless of whether the behavior was intentional, Reckless or otherwise negligent may result in Conduct Action.

The purpose of conduct proceedings is to provide a fair evaluation of a Student's responsibility for alleged violations of College policies including this Code. Formal rules of evidence shall not apply and deviations from the prescribed procedures will not invalidate a decision in the absence of substantial prejudice to the Respondent.

B. DEFINITION OF TERMS

- a. The term “**College**” refers to Occidental College and all of its departments, programs, divisions, and offices.
- b. The term “**Student**” includes all applicants and persons taking courses at the College either full-time or part-time. Persons who withdraw or are not officially enrolled for a particular term, but who have a continuing relationship with the College (e.g.

- Students who are on a leave of absence, are participating in postgraduate research, or have been suspended) are considered Students subject to this Code.
- c. The term **“Faculty Member”** means any person employed by the College (as an employee, volunteer, or independent contractor) to conduct classroom, research, or teaching activities or who is otherwise considered by the College to be a member of its Faculty.
 - d. The terms **“College Official”** and **“College Administrator”** include any person engaged or employed by the College (as an employee, volunteer, or independent contractor) to perform assigned administrative or professional responsibilities.
 - e. The term **“Member of the College Community”** includes any person who is a Student, Faculty Member, College Official or any other person employed by the College. A person’s status in a particular situation shall be determined by the appropriate College Administrator.
 - f. The term **“College Premises”** means buildings or grounds owned, leased, operated, controlled, or supervised by the College (including adjacent streets, sidewalks, and off-campus locations).
 - g. The term **“Organization”** means a Student organization, group, or club that has satisfied all College requirements for registration as managed by the Division of Student Affairs and/or the Department of Athletics.
 - h. The term **“Conduct Council”** means the panel of persons designated by the Office of Student Conduct to determine whether a Student has violated the Code and to recommend sanctions when a violation of the Code is found to have occurred.
 - i. The term **“Conduct Officer”** means a College Official designated by the Office of Student Conduct to determine whether a Student has violated the Code and to recommend sanctions when a violation of the Code is found to have occurred.
 - j. The term **“Honor Board”** refers to the judicial branch of the Associated Students of Occidental College (ASOC).
 - k. The term **“Policy”** means the written regulations of the College as found in, but not limited to, the Student Handbook, the Catalog, and other published College policies.
 - l. The term **“Conduct Action”** refers to the process of investigation and determination of a sanction as the result of a violation of College policies.
 - m. The term **“College-Sponsored Activity”** means any activity on- or off-College Premises that is initiated, supervised, and/or sanctioned by the College.
 - n. The terms **“will”** or **“shall”** are used in the imperative sense.
 - o. The term **“written notice”** includes paper copy and electronic mail.
 - p. The term **“alleged”** means that reports or accusations of violations of College policy are asserted but have not yet been proven by a preponderance of the evidence.
 - q. The term **“Complainant”** means the College or a Student, employee, or third party who alleges misconduct by a Student.
 - r. The term **“Respondent”** means any Student alleged to have violated this Code.
 - s. The term **“Complaining Witness”** means an individual who refers a case to the Office of Student Conduct.
 - t. The term **“Reckless”** means conduct that a person should reasonably be expected to know would create a substantial risk of harm to persons or property.

- u. The term “**Business Day**” means a Monday through Friday, except for College designated holidays.
- v. The term “**preponderance of the evidence**” means more likely than not that an alleged fact occurred.

C. JURISDICTION

Occidental College holds its Students accountable for their behavior on campus. The College may also choose to address off-campus behavior, whether that behavior constitutes a violation of local, state, or federal law or a violation of College regulations, if that behavior:

1. occurs in connection with a College-Sponsored Activity or when Students are acting as representatives of the College;
2. directly affects another member of the Occidental community;
3. adversely affects the peace, comfort, safety, or security of others; and/or
4. adversely affects the integrity of the educational or developmental process.

Students are responsible for their individual conduct, even though conduct may occur before classes begin or after classes end, as well as during the academic year and between terms of actual enrollment. The Office of Student Conduct decides whether and the manner in which to respond to allegations of off-campus misconduct on a case by case basis.

D. CONDUCT AUTHORITY

The authority for Student conduct is vested in the Vice President for Student Affairs/Dean of Students ("VPSA"), who delegates this authority to the Office of Student Conduct. In some instances, the responsibility for making factual findings or resolving conflicts is delegated to College Administrators, panels of College community members (e.g., Faculty, Students, committees, and/or Organizations), according to this Code or in other policies or regulations as approved by the VPSA.

Alleged violations of the Sexual Misconduct and Academic Misconduct policies are resolved in accordance with separate policies and procedures identified in the Student Handbook. It is in the College’s sole discretion to determine whether violations of College policy other than the Code shall be resolved in multiple or consolidated proceedings.

Students should expect that all official College notifications (including communications concerning Student Conduct) shall be given exclusively by e-mail to the “oxy.edu” e-mail address assigned to a Student. Students are therefore expected to check their “oxy.edu” e-mail address at least once a day (and more frequently when a disciplinary matter is pending) and shall use e-mail as the primary form of communication with the Office of Student Conduct. Students who forget or otherwise fail to check or read their e-mail are not excused from their obligations and responsibilities imposed upon them by the Code.

1. Office of Student Conduct

The VPSA has delegated the following responsibilities to the Office of Student Conduct:

- a. Interpret the Code, other College policies, and related procedures, in light of College precedent, best practices, and legal developments.
- b. Train members of the Honor Board and Conduct Council.
- c. Appoint and train Conduct Officers.
- d. Maintain Student conduct records and correspondence.
- e. Investigate complaints and other reports of misconduct (using the “preponderance of the evidence” standard) and take appropriate action pursuant to, and in accordance with, this Code.
- f. Assign cases for adjudication to a Conduct Officer or a Conduct Council.
- g. Determine whether the Registrar shall withhold the degree and/or transcript of a graduating senior while a conduct case remains pending.
- h. Provide reasonable and appropriate interim measures such as No Contact letters, temporary housing relocation, or interim suspension as outlined in section G (Responding to a Complaint) of this Code.
- i. Advise the chair of the Conduct Council about procedural matters.
- j. Meet as needed (no less than every other year) with members of Honor Board to recommend changes to the Student conduct process. Changes to this document shall be approved by the Dean of Students.

2. [ASOC Honor Board](#)

Membership

- a. Ten Students will be elected by the Student body to serve on Honor Board and act as representatives of the Student body in conduct proceedings.
- b. Elections to serve on Honor Board will take place in accordance with the [ASOC Constitution](#) and [Honor Board Bylaws](#).
- c. Each semester one member of the Honor Board will be elected as the Chair. The remaining members of the Honor Board are referred to as Jurors.
- d. No Student who is charged with a violation of the Code may serve as a Conduct Council member while the charges against them are pending. Honor Board Jurors found responsible for a violation that results in probation, suspension, or expulsion will be disqualified from further participation on the Honor Board. The Office of Student Conduct may establish additional grounds and procedures for removal of Student participants.

Responsibilities

- a. Jurors shall serve as Student representatives in the College’s adjudication processes which include Conduct Councils for violations of the Code of Student Conduct and Hearing Panels for cases of Academic Misconduct. Additionally, the Office of Student Conduct may delegate cases to Honor Board. For more information, please refer to page 21.
- b. Separate from College adjudication processes, Honor Board is responsible for reviewing alleged violations of the Honor Code, ASOC elections complaints and officer

impeachment appeals. Honor Board hearings are educational in nature and practice restorative justice principles.

- c. Jurors shall complete a training program by the Office of Student Conduct prior to being assigned to a case.
- d. Jurors participate in Conduct Council proceedings where they contribute their skills and insights into the resolution of conduct cases. However, the Office of Student Conduct is solely responsible for the outcome of any Conduct Council conducted under the Code.
- e. Jurors shall not participate in a Conduct Council proceeding if there is a conflict of interest or if their participation may give the perception of an unfair or biased proceeding.
- f. Jurors shall hold in confidence all information concerning a Student conduct case (including the existence of the case). Failure to do so will constitute grounds for immediate removal from the Council and Conduct Action.

3. Conduct Council

Membership

- a. The Conduct Council includes 10 Faculty Members appointed annually by the Faculty Council president, 10 Honor Board jurors, and all Conduct Officers.
- b. A Conduct Council hearing panel usually includes one Conduct Officer, one Faculty Member or administrator outside of the Division of Student Affairs, and one Student member of the Honor Board. The Office of Student Conduct may, in its sole discretion, modify the composition of the Conduct Council hearing panel, provided that all panel members are trained members of the Conduct Council.
 - The Office of Student Conduct will appoint one member of the Conduct Council hearing panel shall be appointed as Chair prior to the hearing.
 - The Chair shall maintain good order, recognize who is to speak, move the process along, and control the meeting. The Chair may excuse any participant (including an advisor) who disrupts the proceeding or otherwise fails to abide by College policy.

Responsibilities

- a. The Conduct Council will hear cases assigned to it by the Office of Student Conduct.
- b. The Conduct Council shall follow the process set forth in section G (Responding to a Complaint) and shall recommend sanctions to the Office of Student Conduct for Students who are determined to have violated this Code. Sanctions are determined by the Office of Student Conduct, and the Office of Student Conduct may reject or modify recommended sanctions in order to be consistent with previous cases of similar nature or similar outcomes, best practices and legal developments.
- c. Conduct Council members shall treat all information confidentially. Violations of confidentiality will subject members to Conduct Action and removed from the Conduct Council.

4. Conduct Officers

- The Office of Student Conduct shall appoint staff members and administrators to serve as Conduct Officers, who shall receive appropriate training prior to the commencement of their service.
- Conduct Officers:
 - Maintain Student conduct records and correspondence.
 - Investigate complaints (using the “preponderance of the evidence” standard) and initiate charges on behalf of the Office of Student Conduct if appropriate.
 - Adjudicate alleged violations in a Conduct Conference and recommend appropriate sanctions.

E. RULES AND REGULATIONS

Occidental College expects its Students to meet high standards of honor and to conduct themselves, both on- and off-campus, in a manner that reflects positively on themselves and the College. Students shall convey these expectations to their guests.

1. Standards of Behavior

The following, while not exhaustive, represents behavior subject to Conduct Action:

- a. Conduct which threatens or endangers the health or safety of any person, including physical abuse, verbal abuse, threats, intimidation, harassment, and/or coercion.
- b. Possession of a weapon. A "weapon" includes explosives; metal knuckles; knives with blades more than two and a half inches long; firearms of any kind, including, but not limited to, guns, pistols, revolvers, air/pellet guns, paint guns, and gun replicas (including facsimile water pistols); or any other instrument used or designed to be used to intimidate, threaten, and/or injure any person.
- c. Reckless, disorderly, or lewd conduct.
- d. Substantially interfering with normal College or College-Sponsored Activities, including but not limited to studying, teaching, research, administration, or emergency services, such as fire and police.
- e. Unauthorized entry or use of College facilities. This includes unauthorized possession, duplication, or use of keys or access cards to any College Premises.
- f. Unauthorized use of an Oxy ID card. Students may not permit other persons to use their ID card for any reason. The only person permitted to use an ID card is the individual to whom the card is issued.
- g. Unauthorized or inappropriate use of College computers, e-mail, or network or other violations as specified by the most current Appropriate Use of Technology Policy published by Occidental Information Technology Services.
- h. Use of electronic or other devices to record any person while on College Premises without their prior knowledge or their effective consent.
- i. Failure to comply with any sanction(s), administrative and/or educational, imposed in accordance with the Code.

- j. Furnishing false or misleading information to the College or a College Official, or withholding information that may impede an investigation. This includes, but is not limited to, any false report, warning, or threat regarding a fire, explosion, or other emergency.
- k. Violation of the College Alcohol and Other Drugs Policy: [Alcohol Policy](#).
- l. Violation of the College Alcohol and Other Drugs Policy: [Drug Policy](#).
- m. Forgery, unauthorized alteration, or unauthorized use of any College document or instrument of identification.
- n. Substantially interfering with the freedom of expression of others.
- o. Attempted or actual theft of College property or the property of others.
- p. Damage to College property or the property of others, including littering. Departments may have additional regulations and/or requirements dealing with conduct and/or use of College funds or property.
- q. Failure to comply with the reasonable directions of College Officials, including but not limited to Campus Safety officers and residence hall staff, acting in performance of their duties. This also includes failure to identify oneself to these persons when requested.
- r. Violation of other College regulations, rules, or policies.
- s. Conduct that could result in the violation of any federal, state, or local law.
- t. Students are to maintain adequate oversight of their guests and to exercise good judgment when inviting guests into the community. Guests include individuals invited or signed in for by the Student or the Student's passive acceptance of an individual's known presence. Guests also include individuals who are not personally invited, but who respond to a general invitation.
- u. Hosting non-official events or other activities that create a nuisance or endanger the safety of the community.
- v. Retaliation: Acts or attempts to retaliate or seek retribution against any Complainant, Complaining Witness, Respondent, or individual or group of individuals otherwise involved in the complaint, investigation and/or resolution of an allegation of a policy violation. Retaliation can be committed by any individual or group of individuals, not just a Complainant, Complaining Witness, or Respondent. Retaliation can take many forms, including continued abuse, violence or other forms of harm to others.

2. Standards of Classroom Behavior

Primary responsibility for managing the classroom environment rests with the Faculty. Students who engage in any inappropriate, prohibited or unlawful acts that result in disruption of a class may be directed by the Faculty Member to leave the class for the remainder of the class period, and may be referred to the Office of Student Conduct. Longer suspensions from a class or dismissal on disciplinary grounds must be taken in accordance with this Code. The Academics Ethics policy can be found [here](#).

3. Student Organizations

Organizations must adhere to all College policies and the directives of College Administrators acting in their role as agents of the College. Organizations that violate College policies may be

referred for Conduct Action, which may result in loss of privileges. Organizations may face charges of violating this Code if their behavior meets criteria such as:

- a. one or more members of the Organization is alleged to engage in behavior that violates the Code and the behavior appears to be supported by the Organization, Organization members, and/or its officers;
- b. one or more of the Organization members' behavior is alleged to violate the Code at an activity sponsored by the Organization or on property utilized by the Organization; and/or
- c. a reasonable person would understand the alleged misconduct of one or more members to fall within the scope of the Organization's usual and customary activities.

An Organization and its officers may be held collectively and individually responsible for violations of this Code when it has been determined by a preponderance of the evidence that those associated with the Organization have received the consent or encouragement of the Organization or of the Organization's leaders or officers. Sanctions for Organization misconduct may include revocation or denial of registration or recognition, as well as other appropriate sanctions.

4. Procedural Protections

Students and Organizations alleged to have violated this Code can expect that all procedures outlined in the Code will be followed. Students and Organizations are entitled to the following procedural protections:

- a. To be informed of these rights in accordance with [Section G](#) (Responding to a Complaint) of this Code;
- b. To be informed in writing of the specific charges against them, the factual basis for such charges, and the range of potential sanctions;
- c. To be informed of the identity of the Complainant, except in instances in which identification might pose a risk of danger to the health or safety of the Complainant or if the Complainant is unwilling or unable to participate. In such instances, the College will act as Complainant;
- d. To be informed of and given (if applicable) the option to choose the procedure to resolve the case, including a Conduct Conference with a Conduct Officer or a Conduct Council hearing;
- e. To be informed of the right to request that a Conduct Officer conducting a Conduct Conference or a Conduct Council member be disqualified on the grounds of personal bias;
- f. To be informed of the right to an advisor, as provided in this Code;
- g. To be allowed reasonable time to prepare a response to the charges, as outlined in [Section G](#) (Responding to a Complaint) of this Code;
- h. To be informed of the right to respond to Code charges as follows: "responsible," "not responsible," or "no response;"
- i. To be considered "not responsible" for the violation or alleged charges until and unless determined "responsible" by a preponderance of evidence standard;
- j. To view all documentation upon which a charge is based;

- k. To present relevant evidence, including witnesses and documentation;
- l. To appeal the decision reached by a Conduct Officer or Conduct Council on grounds set forth in [Section H](#) (Appeals) of this Code; and
- m. To be assured that all education records will be handled in accordance with the terms of the Family Educational Rights and Privacy Act (“FERPA”).

5. Violations of Law and College Policy

Students may be held accountable to civil authorities, law enforcement and the College for acts that constitute violations of law and of this Code. When a Student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of their status as a Student. If the alleged misconduct is also being processed under the Code, the College may advise off-campus authorities of the existence of the Code and of how such matters are typically handled within the College community.

The College will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in upholding the conditions imposed by criminal courts for the rehabilitation of Student violators, provided that the conditions may be reasonably implemented and present no campus conflicts.

Investigation of charges and Conduct Action by the College will normally be concurrent with civil or criminal proceedings and may proceed despite the dismissal or reduction of the charges by any court. However, the Office of Student Conduct will entertain a request from a Respondent to postpone a hearing for up to 10 calendar days absent extenuating circumstances if the Respondent believes that the admission of information in the College’s conduct process could compromise their ability to a fair trial in the court.

6. Convictions

Students who are convicted of felony criminal charges are required to immediately inform the Dean of Students Office. The College may bring Disciplinary Action against the Student for the same incident if the alleged conduct is prohibited by the College and/or if it is judged to be within the jurisdiction set forth in [Section C](#) (Jurisdiction) of this Code.

F. FILING A COMPLAINT

1. Process

- a. Any Member of the College community may refer a Student or Organization suspected of violating the Code to the Office of Student Conduct. A report should be prepared in writing and directed to the Office of Student Conduct. An individual who refers a case serves as the Complaining Witness and presents relevant information during the investigation. The College, represented by a member of the Office of Student Conduct, typically will act as the Complainant and may also gather relevant information to present during the Conference or Council.

1. Although Students are not required to report violations of the Code, they are urged to do so and should consider the consequences to the community when incidents are unreported.
 2. Although complaints may be made anonymously, all charges must be substantiated by a preponderance of the evidence. Therefore, community members should consider the evidentiary consequences of anonymous reports or otherwise declining to participate in the conduct process.
- b. Complaints must ordinarily be filed within 30 Business Days from the date of the alleged incident. The Office of Student Conduct may extend this deadline in its sole discretion in extenuating circumstances, up to a maximum of 12 months from the alleged incident.
 - c. Complaining Witnesses are invited to meet with the Office of Student Conduct, to learn about their rights, responsibilities, appropriate resolution options, and the conduct process.
 - d. The Office of Student Conduct has the authority to determine whether reported misconduct, if substantiated, would constitute a violation of the Code and whether there is sufficient information to proceed with a charge.
 - e. The Office of Student Conduct may, in its sole discretion, proceed with a charge in the absence of a formal complaint (or in the event that a complaint is withdrawn) if there is sufficient information to proceed with a charge.
 - f. The Office of Student Conduct files charges on behalf of the College after determining that there is enough information to warrant bringing charges.

G. RESPONDING TO A COMPLAINT

1. Case Review, Investigation, and Assignment of Process

The Office of Student Conduct will conduct a preliminary review of each complaint. The totality of the circumstances, including but not limited to the extent, severity and impact of the alleged misconduct shall guide the Office's determination of the appropriate investigation and process for resolution in accordance with this Code. The Office of Student Conduct shall interview involved parties (including potential witnesses) and collect incident documentation as appropriate. The Office of Student Conduct excludes expert witnesses and character references.

a. Consultations

1. In cases where the alleged misconduct, if substantiated, would not appear to warrant suspension or expulsion and the Office determines in its discretion that formal disciplinary proceedings would likely not effectively further the Office's mission, the Office may defer formal Conduct Action and offer the Student the option to participate in a face-to-face consultation ("Consultation"). At the Consultation, the Conduct Officer and Student will discuss the alleged misconduct and may agree to an informal (non-disciplinary) resolution that is memorialized in writing and placed in the Student's conduct file. If the Consultation does not resolve the matter, the complaint may proceed to formal discipline, as follows.

b. Conduct Conferences

1. In cases where the alleged misconduct, if substantiated, would not appear to warrant suspension or expulsion, the case shall be referred to a Conduct Conference. The range of sanctions that the Conduct Officer will recommend shall not rise to suspension or expulsion.
2. Students may waive their right to a Conduct Conference in favor of a Conduct Council hearing before a hearing panel. In that event, the hearing panel may recommend any appropriate sanctions permitted by this Code, including suspension or expulsion. Please review [Section G.2](#) for more detailed information about the Conduct Conference Process.

c. Conduct Council Hearings

1. In cases where the alleged misconduct, if substantiated, would appear to warrant suspension or expulsion, the case shall be referred to a hearing panel for resolution at a Conduct Council hearing.
2. Students may elect to participate in a Conduct Conference with a Conduct Officer in lieu of a Conduct Council hearing before a hearing panel. In that event, however, the Student shall affirm in writing that they have waived their right to a hearing and that the Conduct Officer may recommend any appropriate sanctions permitted by this Code, including suspension or expulsion. Please review [Section G.3](#) for more detailed information about the Conduct Council Process.

d. Interim Measures

1. No Contact Orders: The Office of Student Conduct may direct Students to have no contact with each other through a No Contact order. A No Contact order can be issued prior to or as a result of a conduct proceeding, during, or entirely outside of the conduct process for a specified or unlimited duration of time. No Contact orders do not become part of a Student's conduct record unless the Student violates the order as determined through the College's conduct system. No Contact orders prohibit all forms of communication between designated Students, direct or indirect, written, electronic, or through a third party.
2. Change of Housing Assignment: The VPSA or designee may require that a Student be temporarily reassigned to another residence hall room if there is information available that the Student's continued behavior(s) or presence on campus poses threat of harm to the safety or well-being of other Students in the residence hall environment.
3. Interim Suspension: The VPSA or designee may suspend a Student from the College on an interim basis pending disciplinary proceedings (including during the College's investigation) or criminal proceedings. An interim suspension shall become effective immediately and without prior notice, if there is information available that the Student's continued presence on campus poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal College

functions. Pending resolution of the report, the individual or Organization may be denied access to campus, campus facilities, and/or all other College activities or privileges for which the Student might otherwise be eligible, as the College determines appropriate. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution process within an expedited time frame. A Student who has been put on interim suspension has the right to a meeting within three (3) Business Days with the Dean of Students or designee to appeal the interim suspension. The Dean of Students (or designee) reviews the appeal to determine whether the decision to put a Student on interim suspension was arbitrary or capricious. A decision is arbitrary and capricious if there is no rational connection between the facts presented and the decision made.

1. Conduct Conference Process

Conduct Conferences will be conducted as follows:

- a. The Respondent shall receive written notice of the specific charges, a summary of facts that form the basis for the charges, and date of scheduled Conference, which shall be at least two Business Days prior to the scheduled Conference, unless waived by the Respondent.
- b. The Respondent shall be afforded reasonable “view only” access to the case file, which will be retained by the Office of Student Conduct. Reasonable access to the case file typically includes review in the presence of a designee of the Office of Student Conduct prior to the Conduct Conference. The case file may include materials that would be considered “education records” under the Family Educational Rights and Privacy Act of 1974 and may be redacted to protect personally identifiable information of other Students.
- c. The Respondent shall meet with a Conduct Officer to review the case file, discuss the alleged misconduct, and respond to the charges. The Conduct Officer shall explain the procedural protections as described in [Section E](#) (Rules and Regulations) in this Code and discuss confidentiality.
- d. The Respondent may bring an advisor to the Conference as outlined in [Section G](#) (Responding to a Complaint) of this Code.
- e. After meeting with the Respondent the Conduct Officer will make a determination of responsibility based on the preponderance of the evidence and recommend appropriate sanctions if needed. A Conduct Officer’s decision may be appealed in accordance with and on the grounds set forth in [Section H](#) (Appeals) of this Code.
- f. If the Respondent fails to appear for the Conduct Conference, the case will be reviewed and decided in their absence based on the information in the case file.

2. Conduct Council Process

The Conduct Council hears all cases referred for hearing under this Code. The Office of Student Conduct shall endeavor to arrange for Honor Board and Faculty Members to participate on a Conduct Council; however, the hearing will not be delayed due to scheduling conflicts or the

inability of Honor Board or Faculty Council to timely identify Conduct Council members to serve. A Conduct Council quorum is met when a combination of eligible members are assembled and the Respondent does not object to any member for potential bias. Conduct Councils will abide by the following procedures:

- a.** After the preliminary review of the complaint, the Office of Student Conduct will assign a Conduct Officer to investigate the case, gather all relevant information needed, and present to the Conduct Council.
- b.** The Office of Student Conduct shall assemble a panel of three panel members (from among those available) based upon their availability, overall caseload, and level of experience. Each available panelist must indicate to the Office of Student Conduct whether they have knowledge of the participants in the case that could affect—or may be perceived to affect—their ability to judge a case impartially, and shall recuse themselves if their participation might reasonably compromise the integrity of the process.
- c.** The Office of Student Conduct shall give Respondents written notice of the hearing date, the specific charges brought against them, and the members of the Conduct Council at least five Business Days in advance.
- d.** The Respondent may challenge a Conduct Council member on the grounds of personal bias in advance of the hearing. The Respondent must submit an explanation of their challenge to the Office of Student Conduct at least two Business Days in advance. The Office of Student Conduct makes the final decision regarding the exclusion of any Conduct Council member.
- e.** Conduct Council members shall be provided with the case file at least 24 hours prior to the hearing.
- f.** The Respondent shall be afforded reasonable “view only” access to the case file, which will be retained by the Office of Student Conduct. Reasonable access to the case file typically includes review in the presence of a designee of the Office of Student Conduct prior to the Conduct Conference. The case file may include materials that would be considered “education records” under the Family Educational Rights and Privacy Act of 1974 and may be redacted to protect personally identifiable information of other Students.
- g.** The Respondent may be accompanied by an advisor of their choice at all meetings with the Office of Student Conduct and the hearing. Advisors are present to assist and support; however, they do not have speaking privileges during the hearing, and may neither speak for, nor on behalf of, a Student. A hearing will not be canceled or postponed in the event a scheduled advisor does not attend or to accommodate an advisor’s schedule.
- h.** The Office of Student Conduct will appoint a member of the panel to serve as the Chair of the Conduct Council. The Chair shall maintain good order, recognize who is to speak, move the process along, and control the hearing. The Chair may excuse any participant (including an advisor) who disrupts the proceeding or otherwise fails to abide by College policy.

- i. The individual representing the College as Complainant may not advise the hearing process or serve as the Chair.
- j. The Chair shall determine the relevance and admissibility of information submitted during the Conduct Council hearing. Complainants and Respondents may address questions of the witnesses and one another when recognized by the Chair. Witnesses are to speak only when they are addressed.
- k. Witnesses shall be asked to affirm that their statements are truthful and may be subject to charges of violating this Code by providing false information to the College.
- l. Prospective witnesses, other than the Respondent, will be excluded from the hearing during the testimony of other witnesses. A hearing is not required to be canceled or postponed if a scheduled witness does not attend.
- m. Written statements of witnesses not in attendance due to extenuating circumstances shall be provided to the Conduct Council at the discretion of the Chair.
- n. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Conduct Council at the discretion of the Chair.
- o. In Conduct Council hearings involving more than one Respondent, the Office of Student Conduct representative, in their discretion, may conduct the Conduct Council hearing for each Student either separately or jointly. Students may request to have a separate hearing by providing an explanation to the Office of Student Conduct for consideration. Students must submit this request in writing to the Office within two Business Days of receipt of the notification letter.
- p. If the Respondent fails to appear for the Conduct Council after proper notice, the case will be decided in their absence based on the information available in the case file.
- q. Hearings will be closed to the public, except for the Respondent's advisor. Parents, attorneys, or other observers that are not acting as advisors are not permitted in the hearing.
- r. The Office of Student Conduct may accommodate concerns of the Complaining Witness or Respondent for their personal safety and well-being during the hearing by providing separate meeting facilities and/or by permitting participation by written statement, telephone, videophone or other electronic means, where and as determined in the sole discretion of the Office of Student Conduct to be appropriate.
- s. At the start of the hearing, the Chair shall ask the Respondent whether they are responsible for violations of the charges that have been filed.
- t. The remainder of the hearing shall customarily proceed in the following order with all of the elements occurring at least once:
 1. Statement from Complainant
 2. Questioning of Complainant by Respondent and Conduct Council
 3. Statement from Respondent
 4. Questioning of Respondent by Complainant and Conduct Council
 5. Statement from witnesses, if any
 6. Questioning of witnesses from Complainant, Respondent, and Conduct Council
 7. Final questions from Conduct Council
 8. Complainant's closing statement and comments for consideration in connection with any sanction

9. Respondent's closing statement and comments for consideration in connection with any sanction
- u. Hearings shall be recorded and may be transcribed. These recordings/transcripts are the property of the College and are maintained in accordance with the College's [Record Retention Policy](#).
- v. Retaliation against, or the intimidation or harassment of witnesses or panel members is a violation of the Code and will result in Conduct Action.

3. Conduct Council Deliberations

- a. Deliberations shall occur in closed session immediately following the hearing or as soon as practicably possible.
- b. During deliberations, the Conduct Council panel shall review only the information presented at the hearing to determine the responsibility of the Respondent (i.e. whether or not the Respondent has violated College policies) based on a preponderance of the evidence.
- c. Once the responsibility of the Respondent has been determined, the Conduct Council panel shall then recommend any appropriate sanction(s). The Conduct Council panel shall not be apprised of a Respondent's prior conduct record (if any) until the sanctioning stage of the deliberations.
- d. The responsibility of the Respondent and recommendation of appropriate sanctions shall be decided by majority vote of the panel.
- e. The standard of proof used for making factual findings is the preponderance of the evidence.
- f. Sanctions shall be determined with due regard for College precedent and in line with best practices and legal developments. If possible, the Office of Student Conduct should prepare, in advance, an accounting of previous similar infractions and their sanctions for the Council to consider.
- g. At the conclusion of the deliberations, the chair shall draft a recommendation for the Office of Student Conduct. This recommendation shall include the finding as to responsibility for infractions, the Conduct Council's rationale, and any recommended sanctions. The Office of Student Conduct will send a final outcome letter to the Respondent. This final outcome letter will be placed in the Respondent's conduct file.

4. Advisors

Any person involved in a Student conduct proceeding may be accompanied by an advisor of their choosing to any proceeding or meeting with the Office of Student Conduct.

Advisors are present to assist and support; however, they do not have speaking privileges during any Conduct Council hearing or Conduct Conference, and may neither speak for, nor on behalf of, a Student. A proceeding will not be canceled or postponed in the event a scheduled advisor does not attend or to accommodate an advisor's schedule.

H. APPEALS

Absent extenuating circumstances (which shall be determined in the sole discretion of the Office of Student Conduct), all sanctions will remain in effect during the appeal.

1. Process

- a. The Respondent shall have the opportunity to request an appeal of a decision made in a Conduct Conference or a Conduct Council hearing.
- b. The Complainant does not have the right to request an appeal of a decision.
- c. A request for an appeal will be considered solely on the following grounds:
 1. A procedural or substantive error occurred that could substantially impact the outcome of the Conduct Conference or Conduct Council hearing (e.g. substantiated bias, material deviation from established procedures, refusal to consider relevant and material evidence). The Respondent must identify the error and explain the potential impact in their appeal.
 2. To consider new evidence that could not have been discovered at the time of the original Conduct Conference or Conduct Council hearing, that could substantially impact the outcome of the Conduct Conference or Conduct Council hearing. This new evidence, the reasons why it could not have been discovered by the time of the conduct meeting and an explanation of its potential impact must be included.
- d. A request for a review must be submitted in writing, via the Office of Student Conduct online submission portal within five Business Days from receipt of notification of the decision. The request for review must include a detailed discussion of one or both of the grounds listed above. Appeals that do not follow these instructions will be rejected. The completed appeal will be reviewed to determine if it has merit and standing. If the Office of Student Conduct determines the appeal does not have merit, the original decision of the Conduct Conference or Conduct Council hearing is final.
- e. If the Office of Student Conduct determines that new evidence should be considered, it will return the complaint to the original Conduct Officer or Conduct Council to reconsider the matter in light of the new evidence. Any reconsideration of the hearing body is not appealable.
- f. If the Office of Student Conduct determines that a material procedural or substantive error occurred, it may return the complaint to the original Conduct Officer or Conduct Council with instructions to reconvene to cure the error. In rare cases, where the procedural or substantive error cannot be cured by the original Conduct Officer (as in cases of bias), the Office of Student Conduct may order a new Conduct Conference or Conduct Council hearing on the complaint with a new panel or Conduct Officer. The results of a reconvened Conduct Conference or Conduct Council Hearing cannot be appealed. The results of a new hearing or Conference can be appealed, once, on the applicable grounds for appeals.
- g. Appeals shall be considered, and notice to Respondent shall be given, within 10 Business Days after the request for appeal is made, unless a new Conduct Officer or panel is required, in which case the matter will proceed as soon as practicable.

- h. Appeals shall be evaluated based on information found in the appeal submission and the Student's case file. All materials considered for the appeal shall be subject to inspection, in accordance with FERPA.

I. SANCTIONS

The following is a non-exhaustive list that illustrates the range of possible sanctions. Student conduct files will be retained in accordance with the College's [Records Retention policy](#) and the College's [FERPA policy](#). The file of a Student with sanctions of expulsion, revocation, or withholding of a degree shall be kept indefinitely.

More than one of the sanctions listed below may be imposed for any single violation. Significant mitigating and aggravating factors may be considered when sanctions are imposed, including the present demeanor and past conduct record of the Student, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it.

In determining the appropriate sanctions, the Office of Student Conduct may consult with appropriate officials on-campus (e.g. Athletic Director, Department Chair).

1. Warning

Notice, in writing, that continuation or repetition of prohibited conduct may be cause for additional Conduct Action.

2. Censure

A written reprimand for violating the Code of Student Conduct or other College policy. This conduct status specifies a period of time during which the Student's or Organization's good standing with the College may be in jeopardy. The Student is officially warned that continuation or repetition of prohibited conduct may be cause for additional Conduct Action including probation, suspension, or expulsion from the College.

3. Disciplinary Probation

Exclusion from participation in privileged activities for a specified period of time. Privileged activities may include, but are not limited to, elected or appointed ASOC officer positions, Student research, Student preceptorship, some Student employment, study abroad, and College athletics. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other College policy violations may result in further Conduct Action.

4. Restitution

Repayment to the College or to an affected party for damages resulting from a violation of this Code. To enforce this sanction, the College reserves the right to withhold transcripts and degrees or to deny a Student participation in graduation ceremonies and privileged events.

5. Removal from College Housing

Students may be removed from College housing and/or barred from applying for campus housing due to disciplinary violations of this Code.

6. Suspension

Suspension from Occidental College involves the separation of a student from the College and College-owned housing for a specified period of time, after which the student may be eligible to re-apply to return. Any conditions for re-enrollment will be included in the notification of suspension. The [Refunds and Withdrawals policy](#) applies to Students on suspension.

During the period of suspension, the student may be prohibited from participating in College-related academic activities, including attending classes in person or remotely. Students who are suspended may be withdrawn from all courses, including enrolled courses, during the period of suspension. During the period of suspension, the student may not participate in any other College-sponsored privileges or activities, on or off campus. Students who are suspended may be barred from all property owned or operated by the College and may be restricted from campus unless granted permission from the Vice President for Students Affairs and Dean of Students, or their designee.

Suspension is for a designated period of time and includes the possibility of more severe sanctions, including expulsion if the student violates the conditions of suspension or is found responsible for additional violations of the Student Code of Conduct.

Notification of suspension will be sent to parent(s) or guardian(s). Appropriate notification(s) will be sent by the Office of the Registrar, and may include notification to academic advisors, faculty, athletic coaches and other appropriate personnel at the discretion of the Vice President for Student Affairs and Dean of Students. The record of suspension will appear on the student's academic transcript. Students will remain responsible for their financial obligations to the College.

7. Expulsion

Permanent termination of Student status and exclusion from College Premises, privileges, and activities. This action will be permanently recorded on the Student's academic transcript, along with the date of expulsion from the College. The [Refunds and Withdrawals policy](#) applies to Students who are expelled.

8. Revocation of Admission and/or Degree

Admission to, or a degree awarded by, the College may be revoked for fraud, misrepresentation in obtaining the degree, violation of College policies, or other serious violations committed by a Student prior to enrollment or graduation.

9. Withholding Degree

The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the investigation and completion of all sanctions imposed, if any.

10. Educational Sanctions

Other educational sanctions may be imposed instead of or in addition to those specified above which can include restorative approaches to address harm. The following are examples of educational sanctions and their respective processes.

Restorative Justice

Office of Student Conduct

- a. Restorative Justice (RJ) is a philosophical approach that embraces the reparation of harm, healing of trauma, reconciliation of interpersonal conflict, reduction of social inequality, and reintegration of people who have been marginalized and outcast. RJ embraces community empowerment and participation, multi-partial facilitation, active accountability, and social support. A central practice of restorative justice is a collaborative decision-making process that includes harmed parties, people who caused harm, and others to seek a resolution that includes: (a) accepting and acknowledging responsibility for harmful behavior, (b) repairing the harm caused to individuals and the community, and (c) working to rebuild trust by showing understanding of the harm, addressing personal issues, and building positive social connections.
 - a. Restorative Circle: Students will meet with trained facilitators for a mediated dialogue aimed at resolving conflict and addressing behaviors that may not rise to the level of a Code violation but have caused individual or community harm. Participation in restorative circles is voluntary and may or may not result in a formal agreement between Students or groups of Students.
 - b. Restorative Conference: Students who take responsibility for engaging in prohibited conduct that has caused minor harm (e.g., minor theft, property damage, community disruptions) may be offered the opportunity to participate in a restorative conference. These proceedings bring Students who have caused harm together with harmed parties, community members, and co-facilitators to explore ways that the harm can be redressed. This process is voluntary for all parties.

ASOC Honor Board

- a. Honor Board Hearings are a method of conflict resolution and address community issues that may fall outside the jurisdiction of the Code of Student Conduct and/or Academic Misconduct Policy
- b. Honor Board Hearings fundamentally consider whether or not there is a violation of the Honor Code: "No Student shall take unfair advantage of another Student or member of the Occidental Community." In doing so, the Honor Board must make three determinations:

- i. Whether an Honor Code violation has occurred; How to rectify the violation, if such a determination has been made; and How to restore the concept of honor in the Occidental community.

11. Transcript Actions

The Dean of Students Office and/or the Office of Student Conduct may direct the Registrar to place a hold on a Student's College records (diploma/transcripts) while conduct proceedings are pending; as part of a sanction involving restitution for damages to a Complainant, Complaining Witness, or College property; or as part of an outstanding educational assignment. Permanent notation will be made on the transcript only if a Student is expelled from the College.

The College will notate the Student's transcript with "Administrative Matter Pending" once a formal investigation of alleged misconduct has begun for all Title IX cases and any Student Conduct case that may result in suspension or expulsion. The notation will be removed after the Title IX and/or Student Conduct process is completed. In instances where both processes are undertaken, the notation will be removed after the last process is completed.

In any case in which the final outcome is either suspension or expulsion, the sanction will be permanently recorded on the Student's academic transcript, along with the dates of the suspension or expulsion.

12. Revocation of Affiliation

Revocation of affiliation is the permanent removal of a Student as a member of a registered Student Organization and/or the permanent removal of the Organization's recognized affiliation with the College due to violations of this Code.

J. REVIEW AND REVISION

This Code and related procedures shall be reviewed at least every other year by a committee under the direction of the Office of Student Conduct. The committee shall be comprised of members from the Dean of Students office, Residential Education and Housing Services as well as Student representatives.