

## Student Rights and Responsibilities

*Statement adopted by Campus Senate on May 13, 1964; revised June 1972.*

The objectives of Kenyon College include the development of maturity in moral and social behavior as well as the cultivation of intellectual excellence. Social and moral attitudes and behavior have a great influence upon the intellectual quality of the College; most especially, the patterns set by the students as a group create a major portion of the environment within which each as an individual, as well as each member of the faculty and administration, lives and works.

A substantial area of personal freedom for the individual is necessary if a student is to perceive and voluntarily accept the attitudes and conduct of maturity, that is, if one's educational experience is to produce the desired results. Reluctant conformity to external pressures will not serve this end. Imposed conformity is not compatible with the rural and isolated nature of the College, where there are few opportunities outside the College to relieve the pressures of academic life.

The College's concern for the conduct of each student arises initially from its concern for each as an individual, but is reinforced because of the influence each has on fellow students. The patterns of student attitudes and conduct have even more far-reaching implications, however, when one remembers that the students determine the character of the entire community. The patterns affect the attractiveness of the College as a place for faculty to live and teach. They influence the willingness of parents to send their sons and daughters here, and the ability of the College to attract financial support from alumni and other sources. Concern for the opinions of faculty, parents and alumni means that, ultimately, students must be guided by the standards of the adult world, at a level somewhere between the average and the ideal.

In this spirit, the restrictions and regulations have been kept at a minimum consistent with the welfare of individuals and of the community. Responsible behavior is set forth as a challenge and as an opportunity. That is, while the College does not force students into conformity, it does not believe that students should be left entirely on their own to set standards of behavior and to develop self-discipline.

At college, a student is in transition from the relative rigidity of home or preparatory school to the independence and responsibility of adulthood. To leave the moral and social standards of college life entirely to the influence of student peer groups is to insure the danger that adult standards will be unrepresented. Too frequently it is immature and antisocial acts that are the most visible to impressionable students seeking models and standards, however atypical such acts may be. Upperclass students and faculty members have a willingness and an obligation to see that correct models and standards are set lest the worst social and moral patterns become impressed upon and stand for all the students of the community.

It is with this latter point in mind that Kenyon affirms basic standards of behavior that cannot be disregarded with impunity. Any behavior which seriously affects the academic performance of the student or of fellow students, which offends the sensibilities of others (whether students, faculty members or visitors), or which causes damage to the property of the College or of individuals will result in disciplinary action. Kenyon students are required at all times to show due respect and courtesy; and vulgar behavior, obscene language or disorderly conduct are not tolerated. Acceptance of such a code reflects a mature understanding of social freedom.

Formal responsibility for student discipline is shared by the president (working through the vice president for student affairs) and the faculty (working through its representatives on Campus Senate and the Student Conduct Review Board). One of the advantages of a small liberal arts college is that students are brought into continuous personal contact with their academic teachers and benefit informally from their wider experience and greater maturity. The effectiveness of this contact will be best revealed when the students realize that to make the system of social freedom at Kenyon operative, there must be an agreement between what they feel to be reasonable conduct and what the College authorities enforce as standards. It is in this sense that responsible behavior is both an opportunity and a challenge.

## Student Regulations

Kenyon College resolves to provide students with the most up-to-date information that governs student life. While policies typically do not change mid-year, if changes are made, those changes will be reflected on the College website and students will be notified of the changes via email. Excepting those amendments, a fixed version (i.e., hard copy) of all College policies, rules and regulations (described herein), plus the following three documents — Campus Government Constitution, Campus Government Constitution: Senate Statutes, and Student Council By-Laws — is provided to each campus senator, Student Council member and community advisor by the end of the first week of each school year. A copy of all documents is also on reserve at the library.

### A. Alcoholic Beverages

Kenyon College's alcohol policy reflects its intention to adhere to state and local laws governing the use, distribution and consumption of alcoholic beverages. Kenyon is subject to these laws and administers all policies in accordance with their current interpretation. Thus, Kenyon's specific alcoholic beverage regulations are designed to encourage responsible drinking and behavior by clearly stating what is expected of those who choose to consume or serve alcohol. If alcohol is found in a shared living space where all residents are under the legal drinking age (21), all residents will be held accountable for this policy violation. Violations of these regulations will result in disciplinary action.

**1. Ohio State Law.** Students are expected to know and comply with state and local laws regarding the sale, possession and consumption of alcohol.

- a. State statutes prohibit persons under the legal drinking age (21) from buying, possessing, being furnished with and/or consuming alcoholic beverages.
- b. The law provides fines for convicted violators (including minors and those who furnish alcohol to minors), or imprisonment, or both. Statutes also impose penalties on persons with knowledge of persons violating the statutes cited above.
- c. State law prohibits misrepresentation of age or falsification of ID cards or the use of another person's identification for the purpose of obtaining alcoholic beverages.
- d. State law also prohibits anyone, regardless of age, from opening or drinking from a container of beer or intoxicating liquor in a moving vehicle, and anyone under legal age from having alcoholic beverages in a motor vehicle.

**2. Restraints Governing Use of Alcohol.** Because the consumption of alcohol in a campus setting raises many complex issues, including behavioral, safety and legal problems, it is necessary for the College to define certain limitations on and restrictions regarding the possession, consumption, and purchase of alcoholic beverages. Students found responsible for violating this policy will be held accountable, and they may also be required to participate in counseling, assessment, and/or treatment; this may need to take place off-campus at the student's expense.

- a. Kenyon expects that individuals will respect responsible standards regarding the use of alcoholic beverages for both themselves and others. Being severely intoxicated (regardless of age) is in violation of College policy. This may include but is not limited to being incapable of looking after oneself, endangering the welfare of oneself and/or others, and/or behaving in offensive or disorderly ways.

- b. Drinking of alcoholic beverages and/or possessing an open container of alcohol in public campus areas or in the village, is unacceptable. No open container, carrier, or cup is permitted in residence hall hallways, restrooms, or lounges, or beyond the immediate vicinity of a campus apartment areas. Students are encouraged to familiarize themselves with their assigned living areas per housing agreement, public property, e.g., exterior apartment property, portions of Middle Path, roadways, sidewalks, etc., where citations are more likely to be issued by law enforcement. Farr Hall, as a mixed-use facility, is subject to special rules. Drinking of alcoholic beverages in that building may take place inside rooms on the second-floor residential area only. Drinking of alcoholic beverages is prohibited elsewhere in the building, including hallways and the first floor, front patio and the vicinity of the building.
- c. Possession or consumption of alcoholic beverages is prohibited at intercollegiate, club and intramural athletic events and at any of the athletic fields.
- d. No alcohol may be sold by students at any events that take place on College property.
- e. Alcoholic beverages are prohibited at membership-recruitment functions of any recognized College organization (e.g., fraternities, sororities, clubs, teams) or at events where potential members are invited or required to attend (e.g., pledging or work-week activities).
- f. Funds administered through Student Council may not be used for the purchase of alcoholic beverages except where permitted in the Student Council Constitution.
- g. Alcohol is only permitted in public College areas at registered social events. For a complete explanation regarding registered social events, including typical event locations. See the Social Events policy under section Y.
- h. Beer funnels/beer bongs and any other apparatus that promotes high-risk drinking are not permitted.
- i. To allow and encourage the informal gathering of students, College officials, including campus safety officers and student staff members, will typically not become involved with a gathering unless there is clear evidence (or a reasonable suspicion) that irresponsible destructive, dangerous and/or illegal activity is taking place, and/or a complaint is received.

## B. Non-Sexual Assault

*Note: Sexual assault and intimate partner violence are discussed in the [Title IX/VAWA Policy](#). See Section W.*

### 1. Physical Assault

A physical assault occurs when a person knowingly or willfully causes or attempts to cause physical harm to another person, without the consent of the alleged victim. Physical harm includes any injury, illness or other physiological impairment, regardless of its gravity or duration. Intentionally spitting on another person is considered to be physical assault regardless of whether it results in physical harm.

Examples of assault include, but are not limited to: punching; beating; kicking; spitting; hitting (open- or closed-handed); and any other unwanted physical contact that results in physical harm to the alleged victim. When a student is found responsible for violation of this policy, the recommended sanction is a minimum of one-semester suspension from the College. When a student is found responsible for assault on a staff or faculty member (including student staff members), the recommended sanction is a minimum one-year suspension.

## 2. Threats/Menacing

Threats/menacing are considered to be forms of assault that occur when a person knowingly or willfully causes another person to believe that the offender will cause physical harm or mental distress to the alleged victim or to the alleged victim's friend or family member, or physical harm to the alleged victim's property. Threats/menacing is considered to be more serious when the incident involves force or coercion. Force, for purposes of this provision, may involve the use or display of a weapon, or any other violence, compulsion, constraint or other threatening physical behavior that causes immediate fear of physical harm. Coercion, for purposes of this provision, involves psychological pressuring or threats that are generally non-physical, including, but not limited to, the abuse of a power relationship (e.g., campus leader to student member of group), or the use of alcohol or other drugs intended to hinder resistance to the threat/menacing. Hazing, as it is defined and discussed in detail in section O, can be considered a form of menacing.

## 3. Unwanted Contact

Unwanted contact includes, but is not limited to shoving, pushing, tripping, etc. that is done without the alleged victim's consent but does not result in physical harm. A minimum sanction of deferred suspension is recommended for first-time violators. Subsequent violations could result in suspension or dismissal from the College. In cases of unwanted contact, all parties may be charged and a thorough investigation conducted. The adjudicating body will determine responsibility in the case.

## C. Banners, flyers and posters

Signs and posters may only be placed in designated areas in College buildings. Most have a bulletin board space available for such information. If the bulletin board is not in a main area, ask a staff person in that building. Tape on glass leaves residue and should not be used.

## D. Bicycle Registration and Regulations

Bicycles must be registered when brought to campus. When registration is completed at the Office of Campus Safety, a decal will be issued that must be affixed to the frame. Students are encouraged to bring locks for their bikes and to have bikes insured in case of damage, loss or theft. Copies of the College's bicycle regulations may be obtained at the Office of Campus Safety.

Bicycles must be stored in the shelters provided or in students' rooms. Bikes are not allowed in hallways, stairwells, or residence-hall storage areas. Bicycles found in violation of regulations will be impounded by Campus Safety. Bicycles left out on campus, in impound or in student storage after Commencement will be donated each year.

## E. Brown Family Environmental Center

The Brown Family Environmental Center (BFEC) is open during daylight hours only. BFEC policy requires everyone to be aware that in order to protect the wildlife and plantings on the property, as well as the center's many friends and visitors, the following are expressly prohibited unless permission is explicitly granted by the directors or managers of the BFEC.

1. Any use of trails or facilities after dark.
2. Any open fire regardless of location. If permission is granted, all fires must be in designated campfire areas.

3. Alcoholic beverages and/or illegal drugs.
4. Camping.
5. Sledding.
6. Use or possession of firearms or fireworks.
7. Hunting.
8. Littering.
9. Picking or harvesting plants and specimens.
10. Tampering with scientific equipment.
11. Off-road use of motorized or propelled vehicles.

Please note that any student participating in any of these activities or other, unstated activities inconsistent with College or BFEC policies is subject to College discipline, plus a minimum fine of \$200 and 40 hours of community service.

## F. Computers, Email and Social Media

Computing at Kenyon is a vital tool in the educational experience. Computer and network access is a privilege extended to all students and members of the administration, faculty and staff at the College. Members of the Kenyon community are responsible for knowing College policies on computer use. All students are given accounts, including Internet access, which may be used at any time without charge. The following policies are in place to maintain control and availability to the community at large.

1. Users of Kenyon computing systems are not charged for their use of the systems. Charges may be levied for consumption of certain supplies, such as paper or other printing supplies, or for access to commercial services over the network. Students are provided with a limited amount of data storage on the campus network, intended for their academic work. In addition to the limited storage available on the Kenyon network, Google Apps for Education provides unlimited storage via Google Drive.
2. To ensure access to academic resources on the Internet, Kenyon may limit the bandwidth for certain types of non-academic Internet use, including Internet games and file-sharing technologies.
3. Never use any College computer account other than your own. Never lend your account to someone else. Do not respond to emails that ask for or solicit your password. You are fully responsible for anything that happens through access to your account. If you believe someone else has access to your account, contact the Helpline at (740) 427-5700 immediately. Kenyon staff, including Helpline and employees of Library and Information Services, will never ask for your password.
4. Do not access files other than your own, unless you have specific permission to do so. Do not attempt to obtain unauthorized control over campus computers.
5. Do not use computing resources for any activity that may intimidate, harass or threaten others. The College's policies on harassment apply to electronic communication, as well.
6. Do not use College-provided computing resources or facilities for business or profit-making purposes. This restriction is necessary in order to maintain the College's nonprofit status.
7. Do not use College-provided computing resources to invade or alter private records, data or communication belonging to individuals, to the College or to others.

8. Do not waste computing resources, either tangible such as printer paper, or soft resources such as Internet bandwidth or access to computers.
9. The unauthorized distribution of copyrighted material is illegal. This includes distribution via unauthorized peer-to-peer file sharing. Students who do so may be subject to civil and criminal liabilities. In addition to civil and criminal penalties, students who obtain or distribute copyrighted material will be subject to institutional disciplinary action.
10. The College is required by law to provide the following information about copyright infringement. Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement. Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or statutory damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For willful infringement, a court may award up to \$150,000 per work infringed. A court can, at its discretion, also assess costs and attorneys' fees. For details, see Title 17 of the United States Code, Sections 504 and 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. For more information, see the website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov).
11. If you violate computer and network use policies, the College may temporarily or permanently suspend your use of College computing facilities, accounts and/or resources. Repetitive or particularly egregious violations will be referred to the vice president for student affairs or her/his designee or division head for disciplinary action.
12. Although the College does not search student pages on websites such as Facebook, if material that allegedly violates College policy is brought to the attention of the College, an investigation into the material will be conducted and, if appropriate, charges will be issued.

## G. Conduct

The College requires behavior on and off campus, in academic, co-curricular settings and off-campus student housing, consistent with the principles outlined in the introduction to this section. Allegations of a failure to conform to such principles may result in a Conduct charge.

### Policy Statement Regarding Off-Campus Student Conduct

The College requires behavior on and off campus consistent with the principles and rules of behavior outlined in the Kenyon Student Handbook. Whenever the College becomes aware of violations of the College's rules and regulations, regardless of where such conduct allegedly occurs, appropriate follow-up (including potential discipline) may take place by members of the Student Affairs staff. If the behavior poses a disturbance, is threatening to the safety and security of individuals or property, or is required to be reported by law, law enforcement may be contacted and a report filed.

## H. Damage

Negligent or intentional damage to personal or College property (including, but not limited to: kicking or shaking pole lights; damaging ceiling tiles, furniture or bathroom stalls; graffiti; pulling signs; etc.) is prohibited and will subject an individual or organization to disciplinary action and repair or replacement

costs. Damage to personal and/or College property has negative repercussions for all members of the Kenyon community. Acts of intentional damage are especially problematic and troublesome. The range of recommended sanctions for acts associated with intentional damage include, but are not limited to: a fine of \$1,000 in addition to restitution, suspension from the College, community service, etc.

### I. Demonstrations/Protests

Kenyon welcomes and encourages serious discussion on any issue from all points of view, but the College will not condone behavior that threatens the safety of individuals or is intended to prevent, obstruct or interfere with any of its activities and programs.

### J. Discriminatory Harassment

Kenyon aspires to create an environment where the worth and dignity of every individual is recognized and where individuals' unique experiences and backgrounds are respected. Respect for difference and equality of opportunity are values to which the College strongly adheres. In today's environment, Kenyon faces the need to make absolutely clear its commitment to a community of mutual respect for difference, of understanding and tolerance and, concomitantly, its absolute rejection of bigotry and persecution. The following statement is universal; it covers a wide array of forms of discriminatory harassment. Note however that discrimination and/or harassment on the basis of sex, sexual orientation, gender, gender identity or gender expression that is prohibited under the College's [Title IX and Violence Against Women Act \(VAWA\) Policy](#) will be handled pursuant to that policy.

#### Statement of Principle

The objectives of the College include the discovery of new knowledge, communication of knowledge through education, and the creation and sustenance of a community of scholars. All members of the Kenyon community, whether students or employees, incur additional civic responsibilities by choosing to belong to this community. By accepting membership in this community, students and employees not only retain a right to free expression and free inquiry, but also accept a responsibility for honesty, tolerance and respect for the rights and dignity of others.

Students, in particular, come to Kenyon to study the liberal arts. These address, in various ways, what it is to be human. As a consequence, Kenyon students live under an expectation to seek out and recognize the common humanity of those they meet and with whom they deal. This entails several responsibilities. First among these is the responsibility of engaging in mutual and respectful discussion and education. It also includes the responsibility of becoming aware of offensive language and ceasing to use it. It entails as well the responsibility of educating others in a courteous spirit about what is offensive so that fellow students do not offend in ignorance.

In the context of this expectation for behavior, harassment and discrimination will not be tolerated. Harassment is a very serious offense and can result in the imposition of severe disciplinary measures. Harassment, as defined below, is offensive to the principles of appropriate discourse and civil conduct. Indeed, it is a form of persecution which can cause extreme anguish and humiliation. An individual, whether student or employee, who engages in harassment may be made subject to the applicable student or employee grievance and disciplinary procedures. Students or employees who experience harassment, as defined below, should report this experience to a discrimination advisor and discuss with this person strategies for responding. No member of this community should tolerate harassment.

## Definition of Discriminatory Harassment

Speech or other expression constitutes harassment if it:

- is intended to insult or stigmatize an individual or an identifiable group of College-related individuals on the basis of their race, color, sex, age, disability, religion, sexual orientation, gender identity, national/ethnic origin or other characteristic that is intrinsic to a person's identity, and
- is addressed directly to or at (though not necessarily in the presence of) the individual or individuals whom it insults or stigmatizes, and
- makes use of words or nonverbal symbols that convey hatred or contempt for human beings on the basis of their race, color, sex, age, disability, religion, sexual orientation, gender identity, national/ethnic origin or other characteristic that is intrinsic to a person's identity. Harassment may also be constituted by nonverbal acts, which would also be punishable as, for example, vandalism, physical assault or destruction of property.

Other examples of harassment include:

- epithets or "jokes" referring to an individual's group-based attributes;
- placement of offensive written or visual material in or on another's living quarters or work area;
- offensive messages sent through email;
- undesired physical contact; and
- physical violence or threat of the same.

## Explanatory Notes

1. For verbal utterances to be punishable as harassment they must fall under the precise definition stated above. They must be directed at an individual or an identifiable group of College-related individuals (for example, the Black Student Union), must be uttered with an intent to insult or stigmatize, and must not be protected under any of the exempt categories, which are listed and described below. For example, however lamentable, the telling of racist jokes is not harassment unless directed at a member of the scorned group for the purpose of insulting or stigmatizing that person by his or her group membership. Similarly, group libel (e.g., "all Jews..."), however revolting, is not harassment by this definition if it is not directed at particular individuals or an identifiable group of College-related individuals.
2. The intention, design or reason of the person charged with violating this policy may be inferred from that person's contemporaneous conduct or statements, before, during and after the conduct or expression which is the subject of a complaint or grievance, including any racial, sexist or similarly offensive slurs or epithets, and by the totality of the facts, circumstances and conduct surrounding the subject conduct or expression. While the mere fact that some particular thing was uttered does not determine intention, prior knowledge that an expression or action is offensive is an indication of intent.
3. Exempt categories: Because harassment can take the form of speech, it is necessary to clearly distinguish harassing speech from the protected speech which is vital to the intellectual enterprise of the College. Thus:
  - a. Speech that conveys reasoned opinion, principled conviction or speculation is not harassment. For example, the assertions that "all whites are racist" or "affirmative action

is wrong” or “Christians are foolish to believe...” are not harassment. Of course, the mere claim of engagement in reasoned opinion is not sufficient to lift the charge of harassment. For example, shouting racist insults under a residence-hall window at night cannot disguise itself as “reasoned opinion.” However, debates, discussions and/or arguments, however lively, do not give grounds for harassment charges.

- b. Political commentary and satire are not harassment. For example, satirical comments about the Laramie Project are not harassment. Putting a Confederate flag on one’s own door would also not be harassment, however offensive it might be deemed by many. Again, the mere claim of political commentary or satire cannot excuse what is really harassment.
- c. Speech that occurs in the ordinary course of classroom discussion and teaching is especially sacrosanct. That is, any opinion, including that of Hitler, for example, has to be allowed for discussion and even advocacy in the classroom. A racially-tinged tirade directed against a particular student or students, and unrelated to the academic content of the class, however, might be deemed harassment.

*Approved by Campus Senate May 1990; last revised January 2011.*

### Information Procedures for Complaints

The College has two groups of advisors on campus who assist students and others with issues of discrimination. They are the discrimination advisors and the sexual misconduct advisors. The sexual misconduct advisors assist with cases of sexual harassment and they are specifically trained to do so; the discrimination advisors assist with cases of group-based discriminatory harassment. The Office of Diversity Equity and Inclusion recruits and directs the training of the discrimination advisors, and the College Counseling Center recruits and directs the training of the sexual misconduct advisors. Any person who believes he or she is a victim of discriminatory harassment should consider bringing the situation to the attention of one of the advisors or to the civil rights/Title IX coordinator to explore options.

The responsibilities of the discrimination advisors include:

- Listening to complaints.
- Discussing allegations.
- Suggesting ways to address the harassment.
- Facilitating conversations with the parties involved if/when appropriate.
- Acquainting others with College policies and procedures pertaining to discrimination.

### Formal Procedures for Complaints

A student who wishes to file a formal complaint needs to submit a written and signed complaint to the civil rights/Title IX coordinator. The civil rights/Title IX coordinator will refer the written and signed complaint to:

1. Student Affairs, if the complaint is against another student(s). The case will be assigned to a Student Affairs staff member who will determine its appropriateness for a Student Conduct Review Board hearing.

2. The provost, if the complaint is against a faculty member. The provost determines whether the case should be referred to the appropriate faculty grievance committee for adjudication (see Faculty Handbook, “Grievance Procedures”).
3. The director of human resources, if the complaint is against an administrator or staff member. The director determines whether the case should be referred to the Staff and Administrative Hearing Board for adjudication (see the Administration and Staff Handbook, “Discrimination and Discriminatory Harassment”).

Ordinarily, no action or investigation can be undertaken unless the individual chooses to file a formal, written complaint. However, in serious cases such as those that appear to be criminal in nature, or that pose a serious physical or emotional threat to students or members of the administration, faculty or staff, or in cases of repeated allegations by the same individual, an advisor may request that an investigation be undertaken. The request will be submitted to the civil rights/Title IX coordinator, who in consultation with the president will refer it to the appropriate grievance committee or senior staff officer.

At the end of each academic year, the sexual misconduct and discrimination advisors will provide the president with a written report of the number and nature of complaints of harassment that were made during the year. To ensure confidentiality, this report will not contain names of individuals involved or details that would enable identification of individuals.

## K. Drugs

The following laws govern distribution, possession and use of drugs and drug paraphernalia:

**United States:** The Harrison Act of 1914 as amended, the Marijuana Tax Act of 1937 and the Drug Abuse Control Amendments of 1965.

**Ohio:** Chapters 2925 and 3719 of the Ohio Revised Code, appropriate sections. The sale or possession of drugs can result in substantial fines or prison terms under Ohio law. Section 2925.14 prohibits the use, possession, sale, manufacture or advertisement of drug paraphernalia and requires its seizure. The state of Ohio does not currently recognize or permit the use of medical marijuana, even that which is permitted in other states or countries. Students who have health concerns should see the Health Center.

Kenyon will not tolerate student involvement with illegal drugs or possession of drug paraphernalia (e.g., bong, water pipes, roach clips, hookahs and hookahs that test positive for drugs, scales, cutters). This includes the illegal possession, use, abuse, distribution or provision of prescription or nonprescription medications. Violations of the law will result in disciplinary action; penalties may include suspension or dismissal, depending on the seriousness and extent of the offense. The College also will take disciplinary action against any student who endangers his or her own or another student’s health or academic performance through drug use, abuse, distribution or provision. Students found responsible for violating this policy may also be required to participate in counseling, assessment and/or treatment; this may need to take place off campus at the student’s expense.

When drugs or drug paraphernalia are found, Campus Safety will be notified and the Knox County Sheriff’s Office may be contacted.

If drugs, drug paraphernalia, drug distribution or provision are found in a shared living space, all residents will be held accountable.

Students found responsible for manufacture and/or distribution, or provision, of drugs will be dismissed and referred to appropriate legal authorities.

### L. Endangering Behavior

Any action that may lead to loss of life or serious harm to oneself or others is considered endangering behavior and is subject to fines, disciplinary action and/or criminal charges. Such acts include, but are not limited to” driving under the influence of alcohol or other drugs; tampering with fire equipment; blocking a fire escape; failing to evacuate a building during a fire alarm; defacing or tampering with safety equipment; throwing objects out of windows; careless use of any other material that may result in danger to oneself or others; and any other harmful or endangering act not specifically stated above.

### M. Failure to Comply

Students are expected to identify themselves to an official of the College, including student staff members, campus safety officers, or law enforcement, upon request. This may include producing official College or state-issued identification cards. Likewise, each student is expected to comply with the reasonable requests of such officials when acting in accordance with their responsibilities.

Students who are subject to the College disciplinary system are expected to complete sanctions in a timely manner.

### N. Fire Safety

Where required by Ohio law, Kenyon will report fire-safety violations to law enforcement authorities for investigation and possible criminal charges. Fire is a serious and constant threat to persons and property. Over its history, Kenyon has suffered great loss due to fire, including the loss of human life. As a result, the College takes very seriously issues related to fire safety. Kenyon is served by the College Township Fire Department.

Each student residence will be organized for fire protection, and periodic fire drills will be held throughout the academic year. Residences are to be evacuated immediately whenever a fire alarm sounds, day or night. In addition, all College living spaces are inspected by College personnel for issues of maintenance, health, and fire safety throughout the year. Students are expected to cooperate fully in these matters and to be conscious of fire-safety precautions.

The following are important College standards and regulations concerning fire safety:

1. The setting of a fire, whether deliberately or accidentally, may result in dismissal from the College and a minimum fine of \$200, in addition to paying restitution. This includes, but is not limited to, setting fire to papers in a student residence and improperly extinguishing materials such that a fire results.
2. Intentionally pulling a false alarm will result in suspension and/or dismissal from the College and a minimum fine of \$200.

3. Improper use, vandalism or destruction of fire-safety equipment (e.g., fire extinguishers, fire hoses, exit signs, emergency lights) will be grounds for suspension or dismissal from the College, as well as a minimum fine of \$200.
4. Any student and/or student group found participating in any of the following may be subject to College discipline, plus a minimum fine of \$200 and a minimum of 40 hours of disciplinary community service:
  - a. Any open flame, burning candle, incense or other incendiary device in a living unit. Note: Candles (regardless of the condition of the wick) are not permitted including for religious purposes or observances.
  - b. Failure to evacuate a building during a fire alarm.
  - c. Tampering with wiring, including heating, electrical or cable television wiring.
  - d. Possessing or discharging fireworks.
  - e. Causing or contributing to a fire-safety hazard. This includes, but is not limited to, obstructing exits, stairwells and hallways and using non College-issue waste containers.
  - f. Using live trees or other greenery as holiday decorations in student rooms, suites, apartments or living areas. All decorations must be fireproof. Decorative holiday lights must be of “mini-light” specifications. Decorations or lights may not be placed on the exterior of buildings or windows, and they may not block entrances, exits, hallways, room doors or stairwells.
5. Students must avoid using extension cords or multiple plug-in adapters and should use UL- or ETL-approved surge protectors of no more than six feet in length. Only one surge protector or power strip should be plugged into a single duplex electrical outlet. The power strip must have an internal circuit breaker to prevent overheating.
6. Recognized student organizations and campus departments may host bonfires with prior approval in designated areas on campus. Please see the [Ceremonial Fire Permit PDF](#).
7. Stationary campus charcoal grills are provided in designated locations for use by students, faculty and staff. Charcoal, coals, ashes and other grilling supplies must be disposed of in an appropriate manner. Any questions regarding appropriate grilling and fire safety should be directed to Campus Safety and/or Maintenance.

## O. Hazing

### Applicable state law

Ohio is one of 44 states with an anti-hazing law. Individuals may be held criminally or civilly liable. The Ohio Revised Code, Section 2903.31, prohibits any person from recklessly participating in the hazing of another, and provides that violation of the statute is a fourth-degree misdemeanor. Hazing is defined as doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person. State law also provides that individuals subjected to hazing may pursue a lawsuit for injury, damages, mental and/or physical pain and suffering that result from the hazing. See Ohio Revised Code Section 2307.44.

### More Information

The College will not tolerate hazing on the part of any individual, organization, group or team. Hazing, for purposes of College policy, is defined as any action or situation, regardless of intention, whether on or

off Kenyon premises, that results in or has the potential of resulting in physical, mental or emotional harm; discomfort; embarrassment; harassment; or distress to a group's members or prospective members.

Furthermore, being a member or prospective member of any student organization, group, sports team or activity does not provide for, allow or tolerate hazing in any form. It is not a defense to a hazing charge that the person against whom the hazing was directed consented to or acquiesced in the hazing activity. Forms of hazing include, but are not limited to: personal servitude; tests of physical endurance; kidnapping, transporting or stranding anyone; private or public skits; loss of personal dignity or self-worth; activities or attitudes that breach reasonable standards of mutual respect; lowering of one's personal standards; exposure to the elements without appropriate protection; sleep deprivation and creation of excessive fatigue; consumption of a food, liquid, alcohol, drug or other substance; social isolation; expecting certain items to always be in one's possession; restrictions on personal hygiene; calisthenics; academic dishonesty; threats or implied threats; destroying or removing public or private property; behaviors which emphasize a power imbalance; wearing of any public apparel which is conspicuous and not normally in good taste; activities which are not consistent with personal growth and academic achievement; and violations of federal, state or local laws. The College will treat the hazing action of even one member of a group as constituting hazing by the group.

Individuals or groups believed to be in violation of this policy will be subject to Kenyon disciplinary action. An individual commits an offense if the person: engages in hazing; solicits, encourages, directs, aids or attempts to aid another in engaging in hazing; recklessly permits hazing to occur; or has firsthand knowledge of the planning of a specific hazing incident or has firsthand knowledge that a specific hazing incident has occurred and knowingly fails to report that knowledge through the Report of Concern (found on the Office of Student Engagement website) or an appropriate official of the institution. Individuals who are found to be responsible for hazing face sanctions up to and including suspension or dismissal from the College. An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing. Groups or organizations found to be responsible for violations of this policy face sanctions up to and including suspension, dismissal or removal of their recognition by Kenyon. Individual members of a group are subject to sanctions up to and including suspension or dismissal from the College for allowing such violations to occur.

### Report of Concern

A large barrier to the prevention of hazing is both the failure to report hazing activities and the lack of knowledge of how to report hazing. Do not assume that others will report matters. Kenyon College encourages anyone affiliated with the College to report possible acts of hazing through the Report of Concern. The Report of Concern form can be found on the Office of Student Engagement website and will be submitted for further investigation. In order to respond appropriately and seek additional information when necessary, the form is not anonymous. However, the identity of the individual(s) submitting the Report of Concern will be protected. All reports will be investigated promptly.

### P. Honesty

The quality of College life depends largely upon the personal integrity of students. Dishonesty in any form is an extremely serious offense that may result in suspension or dismissal from the College. Instances of dishonesty include, but are not limited to, presenting, using and/or possessing a falsified ID

or another's College issued ID as one's own; misrepresentation; furnishing false information; and falsification or forgery of documents. Questions of academic honesty are addressed by procedures established by the faculty (refer to the Kenyon College Catalog).

## Q. Housing and Residential Life

Housing matters at Kenyon are handled by the Office of Housing and Residential Life. Areas of responsibility include housing contracts, the housing lottery process, room changes, roommate concerns, facility issues and residential safety policies. For more information, please contact the Office of Housing and Residential Life at (740) 427-5142 or email [reslife@kenyon.edu](mailto:reslife@kenyon.edu).

### 1. Residential Requirement

All students enrolled at Kenyon are required to live in College housing and enroll in the College dining plan. Students found living off campus without permission from the Office of Housing and Residential Life will be subject to disciplinary action.

### 2. Housing Terms and Conditions

All students are required to sign the Office of Housing and Residential Life Housing Terms and Conditions prior to moving into their housing assignments each academic year. This is a binding agreement stating that students will read and comply with all rules, regulations and policies related to housing and residential life while an undergraduate at Kenyon and live in their assigned residential space. These include, but are not limited to, rules set forth in the current Kenyon Student Handbook and all other documentation provided by the Office of Housing and Residential Life.

### 3. Assignment Information

The College believes that an important part of the residential learning experience is getting to know and interact with community members.

Students are provided space within the residence-hall system while they are undergraduates at Kenyon; they are not guaranteed a specific room. Assignments will be made according to procedures and space available as established by the Office of Housing and Residential Life. Roommates in the residence halls are assigned without regard to race, creed, sexual orientation or national origin. Any actions that jeopardize the rights of a roommate or other students in the residential community to normal use of the assigned residence are unacceptable, and the student responsible is subject to disciplinary action.

The Office of Housing and Residential Life reserves the right to reassign, remove or suspend (pending review) from campus housing any student at any time. Reassignment or removal may result if a student exhibits disregard for the residential community, violates the terms and conditions of the Housing Terms and Conditions/housing contract/division, theme, or program house requirements, or violates other College rules and regulations. In addition, the Office of Housing and Residential Life reserves the right to reassign students to address administrative issues. In the event of an unresolved conflict involving students sharing a room, apartment or suite, the Office of Housing and Residential Life may dissolve the entire living arrangement and require all of the residents to relocate.

The College may terminate a student's housing and take possession of the room/space at any time (1) upon violation of the Housing Terms and Conditions/housing contract; or (2) at the direction of a duly

authorized judicial body, dean or other officer of the College; or (3) following a student's suspension or dismissal from the College.

Any student who is notified that he or she is reassigned or removed from a campus housing space or from the College, or who is withdrawing from the College, must vacate within 48 hours of receipt of such notice, unless instructed otherwise by the Office of Housing and Residential Life or its designee. Any of the student's possessions remaining on the premises after that time will be deemed abandoned, the student will be assessed a late-vacate fee up to \$150, and any cost incurred in removing the possessions will be charged to the student.

Students with disabilities, as defined by the Americans with Disabilities Act, may apply for a housing accommodation, including an emotional support animal. See Kenyon's [Emotional Support Animal \(ESA\) Policy](#) for additional information.

#### 4. Accountability

Each campus housing space is to be used only as the personal living quarters of the assigned individuals and in accordance with the rules and regulations of the College. Students cannot loan, lease, sublet and/or buyout other students' rooms. All assigned residents of single or shared living spaces are responsible for all activities taking place in the room/suite/apartment/house, whether the assigned resident(s) is (are) present or not. The assigned residents may also be held responsible for any prohibited items found in the space.

#### 5. Occupancy Period

Students may occupy their assigned spaces in campus housing while academic terms are in session, starting with the fall-term move-in dates published by the Office of Housing and Residential Life for either upperclass students or first-year students, as appropriate. All students except seniors and those authorized to stay for late departure must vacate their rooms by the closing date and time. Extensions, if given, must be approved by the Office of Housing and Residential Life and may be subject to a fee. Graduating seniors may remain until 7 p.m. the evening of graduation. Student residences are closed during Thanksgiving break, winter break and spring break. Students must vacate their rooms by the closing date and time posted. Students are not permitted to return to campus housing prior to the posted opening date and time for each break period.

#### 6. Break Housing

*\*Defined as any time that the College is not open when academic terms are in session.*

If students are affiliated with an approved group, or have another approved commitment related to the opening and/or closing of the College, or during a break, they may request permission to return early, stay late, or stay during a break period. Students must request permission in writing and in advance from the Office of Housing and Residential Life; current students may not stay as guests of other students during any break period. During break periods, all rules and regulations of the College as detailed in the Student Handbook are still in effect. Being in College housing when the College is not in session, without permission from the Office of Housing and Residential Life, is a violation of College policy; violators are subject to disciplinary action and fees. A daily fee for break housing may be assessed for each student permitted to stay in College housing during a break period.

## 7. Room Condition and Contents

It is expected that student quarters, including public areas, will be kept in good condition and used in a careful, safe and proper manner, and that students will abide by the College's policies. The condition of student rooms is assessed prior to the beginning of the fall semester and during the week that immediately follows the close of each academic year. Students will be responsible for reviewing the condition of their living spaces on the "Room Condition Report" at move-in and check-out. All rooms and common areas in residential areas must be returned to the same condition in which they were found at check-in.

Particular attention is given to cleanliness and to whether damage beyond normal wear has occurred. Room residents are responsible for the condition of their room, apartment or suite and for the payment of costs that may result from damage or conditions that require cleaning and/or repair.

Charges will be assessed for repainting; refinishing; fabric replacement for furniture; carpet replacement; repair or replacement of damaged or missing furnishings and equipment; unassembled beds; reinstallation of closet doors; cleaning; removal of extra furniture, cinder blocks, abandoned property or large quantities of trash; or other unusual conditions requiring correction. The Office of Housing and Residential Life website, [kenyon.edu/reslife](http://kenyon.edu/reslife), provides a list of common charges. Students are responsible for notifying the Office of Housing and Residential Life immediately upon discovering any deterioration or altered room condition.

The College does not assume any responsibility for, nor does it provide insurance coverage for, the loss of or damage to a student's personal property/effects when stolen, damaged or destroyed through willful, malicious or careless acts, or by causes beyond the control of the College. It is strongly recommended that students check if their belongings are covered by a current insurance policy or purchase renter's insurance to cover the cost of repairing and/or replacing their personal belongings should they be lost, stolen or damaged.

## 8. Public Area Damages

Charges will be assessed for damages or vandalism to public areas in campus housing. If the individual(s) responsible for the damage cannot be identified, charges will be divided among all students sharing responsibility for that public area (e.g., hall, floor, building).

## 9. Keys

Students are responsible for all keys assigned to them for their designated living space(s). There will be a \$150 charge per key to replace the key(s) and change the lock(s). Students must return keys to the Office of Housing and Residential Life when a living space is vacated; unreturned keys carry a \$150 per key fee. Unauthorized possession, duplication or use of residential keys, as well as tampering with locks, are subject to disciplinary action. Students are responsible for immediately notifying the Office of Housing and Residential Life when they notice a missing key so that the door lock can be re-keyed to ensure safety of people and belongings in the space.

Students who have been locked out of their rooms or locked out of a residence hall and require a door to be unlocked should contact Campus Safety to request the door be unlocked. They should show proof of identity. When Campus Safety unlocks a door for a student, a charge of \$25 per unlocked room door and a charge of \$25 for external door (proxy card) will be assessed to the student's account and these funds

are contributed to a scholarship fund. Any questions regarding an unlock charge should be directed to Campus Safety, as this office initiates these transactions.

### 10. Abandoned Property

All items left in student rooms after closing are considered abandoned property, will be discarded and a charge will be assessed for their removal.

### 11. Guest Policy

Students are responsible for the conduct of their guests in their living area or building and on campus, whether the student host is present or not, at all times. Student hosts are accountable for any misconduct, loss or damage caused by their guest(s).

Guests must register at Campus Safety in order to participate in campus events and activities.

### 12. Overnight Guests

All overnight guest stays are contingent on the approval of all residents of the living space. An overnight guest (any person staying in a room overnight who is not a designated resident of that space) may stay for up to three nights per month.

### 13. Room Entry, Search and Seizure

Kenyon College believes that each student has the right to privacy within their room; however, if the need for access arises, students are expected to be in open communication and cooperate with College officials.

Specifically, students' right to privacy should be observed at all times except when the following criteria are met:

- To eliminate disruptive noise (e.g. alarm clocks, etc.) if the resident(s) are not present;
- College staff have the right to enter student rooms to complete break closings and monthly Health and Safety Inspections, conducted by Housing and Residential Life staff members to ensure continued student health and safety, maintain room cleanliness, and/or check and monitor maintenance concerns;
- College staff, as well as maintenance contractors have the right to enter student rooms to fulfill maintenance requests, to address maintenance concerns and/or provide room improvements; when service is not requested by a room resident, college officials will provide notice;
- Emergency situations when imminent danger to life, safety, health, or property is suspected;
- There is reasonable suspicion that state, federal, and/on local laws are being violated (firearms, illegal drugs, drug paraphernalia, etc.); and/or
- There is reasonable suspicion that the Student Code of Conduct is being violated (hazing, etc.);

In recognition of the right of all parties involved, except in extreme emergency situations, College officials must have permission from the director of housing and residential life or the vice president for student affairs or designee before entering a student living area without the permission of a resident. The staff members must observe the following procedures whenever it is necessary to enter a student living unit that is maintained by the College:

1. Staff members and maintenance contractors shall not enter a room without first knocking and identifying themselves. Except in extreme emergency situations, two housing and residential life, campus safety and/or student affairs staff members will be present when entering student rooms. One maintenance staff member and/or contractor may be present.
2. It is preferable, but not necessary, that one or all residents are present whenever staff members enter student units, even if they do not provide permission to do so.
3. Staff members will not disturb the personal belongings of a student without that student's consent, except for emergency maintenance or safety conditions that require immediate attention.
4. Searches will not be conducted in personal closed storage areas (e.g., desk or dresser drawers and room closets) without the prior permission of the student or without the expressed written permission of the dean of students, associate/assistant dean of students, or designee, whose documentation will indicate why a search is being conducted and what items are specifically being sought. An exception to this procedure can be made in the case of a violation of health and safety standards or extreme emergency situations.
5. Items left out in plain view that appear to establish a criminal act and/or a violation of College policy will be confiscated and documented. A referral will be made to the appropriate College officials, the College conduct review system or an appropriate law-enforcement agency.
6. When College officials have removed items from a living unit in the absence of the residents, they will document the items that were removed and will leave instructions for the residents to contact Campus Safety or the appropriate student affairs staff member(s) upon their return.
7. College staff members will not admit third parties, other than authorize contractors, into a student room without a resident's permission.
8. The College will cooperate with law-enforcement officials who, having obtained legally-issued warrants, seek entry to students' living units for the purpose of executing such warrants.

*\*Any items obtained under conditions that violate these regulations shall be inadmissible in student conduct hearings.*

#### 14. Community Living and Conduct

- a. **Approved Appliances.** Students may keep the following appliances in their rooms: microwave ovens of 900 watts or less; refrigerators not larger than 4.9 cubic feet in size; stereo equipment, computer equipment, coffeemakers; curling irons; hair dryers; fans; surge protectors; and non-halogen lamps.
- b. **Cooking/Kitchens.** The College provides cooking facilities for student use. Students are allowed to use a microwave oven and coffeemaker in their rooms, but all other cooking should be done in the kitchens. Appliances with open coils (including, but not limited to, hot plates, toasters and toaster ovens) are not permitted in College living units, except the Acland Apartments, Morgan Apartments, North Campus Apartments, New Apartments, Pink House, Delt Lodge and designated community kitchen spaces. Food and trash resulting from cooking must be disposed of properly. All kitchen lockers and common area refrigerators will be cleaned out at the end of each semester. The gas and propane that is used for grills is also prohibited and must be stored by Campus Safety when not in use.
- c. **Gambling.** Gambling is prohibited in any residence hall, student room, public area or academic building on campus.

- d. **Hallways.** Residence hall hallways are public spaces and are also critical in the event of an emergency requiring the evacuation of the building. Thus, it is important to keep hallways clear of clutter. In order to ensure easy egress from residence hall rooms, students are not permitted to keep sports equipment, shoes, boots or any other personal items in the hallways. Any damages in a hallway will result in charges allocated to the individual(s) responsible. If the individual(s) responsible for the damage cannot be identified, charges will be divided amongst the entire room and/or group of students responsible for that space.
- e. **Lounges.** Lounges in residence halls are designated as common-use spaces; as such, they are open to all students. Any person or group wishing to hold a meeting or gathering in a lounge must submit a room reservation request through EMS to reserve the space. Lounges are not to be used for sleepovers or other longer-term closed gatherings without the permission of the Office of Housing and Residential Life. If the individual(s) responsible for the damage cannot be identified, charges will be divided amongst the entire room and/or group of students responsible for that space.
- f. **Noise.** In an academic setting, the need for quiet study takes precedence over recreational activities that cause noise. Noise is disruptive whenever it disturbs others. Quiet hours for all campus residences are: Sunday-Thursday, midnight-8 a.m. and Saturday-Sunday, 2-8 a.m. During final-exam periods, quiet hours prevail 24 hours a day. All other times are considered courtesy hours, when students are asked to co-operate with a request from other community members.
- g. **Pets.** To preserve student health and safety, pets are prohibited in all College residences, with the sole exception of fish in bowls or in tanks that do not exceed 10 gallons. Any student or living unit found with a pet will be charged up to \$500 for cleaning all affected living spaces and any damage caused by the pet. See Kenyon's [Emotional Support Animal \(ESA\) Policy](#) for additional information regarding service and emotional support and service animals, which are not considered pets.
- h. **Post Office Box.** The Office of Housing and Residential Life assigns post office boxes in cooperation with the Gambier Post Office. Each student is assigned a box-mate; the box-mates share the post office box during their time at Kenyon. Students are issued keys to their assigned post-office boxes at first-year check-in. The Office of Housing and Residential Life reserves the right to reassign any box if a student withdraws for any reason other than an off-campus study program. Students must have their keys to get mail.
- i. **Prohibited Items in College Residences.** Flammable liquids (e.g., bottles of propane gas, gas for grills, lighter fluid, dangerous chemicals, etc.), candles, incense or other open-flame devices, regardless of wick or condition of wick and purpose, are not allowed in College living units. Allowing excessive dirt or garbage to accumulate is prohibited. Draperies or tapestries are not allowed on ceilings, covering any lights, or on more than approximately 50 percent of walls. Appliances that are not UL-approved are prohibited, especially those that have high surface temperatures or that may create a fire or shock hazard, such as sun lamps, halogen lamps, air conditioning units of all types and space heaters. Tents and hoverboards are prohibited. Cleaning game or fish on campus is prohibited. (See also CC. Weapons, below.)
- j. **Satellite Dishes and Cable Television.** In order to keep and use a satellite dish legally in a campus residence, students must observe the following guidelines:
  - They must request permission from the Office of Housing and Residential Life.

- The dish must be completely inside the room so that the window can fully close. Neither the dish nor any of its parts may be outside the window frame.
  - The dish must be free-standing and not attached in any way to any furniture, to any part of the room or to any part of the building, interior or exterior.
  - The dish and its signal are to be used only in the room where the dish is located. Students may not run wires or cables to other rooms or elsewhere on campus. Repair of damage caused by unauthorized use will be assessed to students assigned to the rooms involved in the violation.
  - The assigned residents of the living space are responsible for ensuring that the satellite dish system does not result in any violation of College rules and regulations.
  - If the satellite dish system is associated with illegal behavior, damage, vandalism, a violation of any Kenyon policy, or other areas of concern, College officials may require that it be removed.
  - The College provides cable television service to all main lounge areas; it is not available in student rooms. Residents of Farr Hall, the Acland Street Apartments, the North Campus Apartments, the New Apartments and the Taft Cottages may contract directly with the cable company for service.
- k. **Solicitation.** Student residences are not open to any person selling or buying.
- l. **Storage.** The College does not provide storage space for suitcases, boxes and the like. The College is not responsible for any lost or stolen items. Kenyon property is not permitted to be stored in storage rooms or programming houses.
- m. **Room Capacity.** The maximum number of people that can function safely and comfortably in a room is determined by dividing the square footage of the room by 20 (rounding down). Students must not exceed any room's capacity.

## R. College Issued Identification Cards

Kenyon photo IDs are taken at the Campus Safety Office. The first ID is free, and replacement IDs cost \$20. This fee will be charged to the student account.

### College issued photo identification cards (K-Card) Terms and Conditions

1. No annual fee and no minimum balance are required. The full amount deposited will be available on the K-Card account. Initial deposits must be \$25 or more; subsequent deposits must be more than \$5 if by check or cash, \$25 if by credit card.
2. Deposits to the K-Card account are processed as soon as possible. At the beginning of a semester, deposits made through the Accounting Office are available to the student the week before classes begin. Deposits made during a semester will be available within two business days.
3. The student's K-Card must be presented at the time of purchase and will be the only means to access the K-Card account.
4. The K-Card can be used only for purchases. Charges for returned items purchased on a K-Card account will be credited back to that account. The receipt must be presented to return any item for credit to the account. No cash refunds will be made.
5. The K-Card system will not allow charges unless there is an available balance. In the event that a purchase exceeds the available balance and creates a negative balance on the K-Card account, that negative balance will be charged to the student billing account.

6. The K-Card account remains open until the end of enrollment. Unused balances from one academic year will carry forward to the following year. A request to cash out the account must be made in writing by the student and submitted to the Accounting Office. No other cash refunds will be permitted throughout the academic year.
7. This account is nontransferable. Additional ID may be required to ensure the student's identity. The student shall be required to sign a receipt for goods and services
8. In compliance with the Family Educational Rights and Privacy Act (FERPA), no individual, other than the student, may have access to information on the account.
9. Lost or stolen cards should be reported, in person, to the Campus Safety Office as soon as possible. A fee will be charged for replacement of lost, stolen or damaged cards.
10. Students will be limited to a total of \$100, per academic year, in transfers from their K-Card account to their student account to pay for student fees.

### S. Motor Vehicles

The College does not encourage undergraduates to have automobiles on campus, and first-year students are especially advised not to have them. The College has a specified number of parking spaces and cannot exceed that number. Should students have grievances, they may file a complaint at Campus Safety, which will be heard by the Appeals Board (two students and one faculty member). The Appeals Board meets every two weeks, and all decisions are final. However, if students choose to bring a car to campus, the College emphatically disclaims all responsibility for accidents or damages to vehicles which may occur. Each student owning or operating a motor vehicle at Kenyon who fails to register it with the Office of Campus Safety within 24 hours after arrival in Gambier will be subject to a fine. Students can use only the parking decal assigned to them. Students are expected to adhere to all guidelines provided in the "Regulations for Student Operation of Motor Vehicles," which may be obtained at the Campus Safety Office. Fines incurred must be paid within 30 days of issuance or be subject to registration hold or other disciplinary action.

### T. Organizations Not Affiliated with the College

1. When Kenyon is in session, organizations not affiliated with the College may not conduct their affairs on campus unless sponsored by a registered Kenyon group or organization.
2. Nonaffiliated organizations that are College-sponsored are permitted on campus, provided that their College sponsors follow the appropriate scheduling and request procedures for the use of the College facilities.
3. Nonaffiliated organizations that have received permission to be on campus are expected to conduct themselves responsibly and in accordance with the College's conduct regulations. The College sponsor will be held responsible for the visitor's actions. These organizations may transact business only in the areas designated by the College.
4. Nonaffiliated organizations that wish to use College facilities, but do not have a College sponsor, must make arrangements with the vice president for student affairs or designee.

### U. Unauthorized Access

Students are strictly prohibited from going onto: the roofs of residences or any other College buildings, ceilings, vents, trash chutes, fire escape ladders, etc. No items are permitted to be on roofs or in other prohibited areas such as ceilings, vents, trash chutes, fire escape ladders, etc. Students who allow others

unauthorized access to prohibited areas may also be held accountable. The College assumes no financial or legal responsibility for injury due to this prohibited act.

## V. Senior Week

Senior Week functions are for members of the senior class only. Students graduating in December are eligible to attend one Senior Week, but must seek approval from the appropriate advisor.

## W. Sexual and Gender-Based Discrimination

More information about Kenyon's Title IX/Violence Against Women Act (VAWA) Policy is available at [kenyon.edu/title-ix](http://kenyon.edu/title-ix).

The College is committed to fostering a climate free from sexual and gender-based discrimination, harassment and violence, intimate partner violence and stalking through clear and effective policies, a coordinated education and prevention program, and prompt and equitable procedures for resolution of reports of conduct prohibited under this policy. The College encourages all members of its community to participate in the process of creating a safe, welcoming and respectful environment on campus.

Sexual and gender-based discrimination, harassment and violence, intimate partner violence and stalking, in any form, are serious violations of College and community standards and values, and will not be tolerated at Kenyon. The College is committed to taking all appropriate steps to eliminate prohibited conduct, prevent its recurrence and address its effects. Individuals found responsible under this policy may face disciplinary sanctions up to and including dismissal from the College and/or termination of employment.

The College will not tolerate retaliation against an individual who makes a report or participates in any proceedings under this policy. Kenyon College policy prohibits any form of retaliation, and community members engaging in retaliation will be subject to disciplinary action, whether such acts are implicit or explicit, or committed directly or indirectly.

This policy provides the Kenyon community with (1) resources and recourse for individuals who experience prohibited conduct,\* (2) guidance to a complainant, a respondent or other affected community members, (3) Kenyon's expectations for healthy respectful interpersonal interaction and communication, and (4) a procedural outline for addressing behaviors that are counter to Kenyon's mission and prohibited by this policy.

All College proceedings under this policy are conducted in compliance with the requirements of Title IX, the Clery Act, as amended by the Violence Against Women Act, the Family Educational Rights and Privacy Act (FERPA), and state and federal law. No information shall be released from such proceedings except as required or permitted by law and College policy.

*\*When used in this policy, complainant refers to the individual(s) who experiences Prohibited Conduct, regardless of whether that individual makes a report or seeks formal disciplinary action. A respondent refers to the individual(s) who has been accused of Prohibited Conduct.*

## X. Smoking

The College recognizes that smoking is hazardous to both the smoker and the nonsmoker. Smoking is not permitted in any College building, including all residence halls, apartments, houses, and academic and administrative buildings. Smokers are asked to respect smoking guidelines and smoke only in designated areas. This rule applies to all campus buildings and all outdoor athletic competitions (with the understanding that, at athletic events, parking areas are designated smoking areas). Smoking in the area immediately adjacent to locations of ingress or egress to a public place or place of employment is against Ohio law, and anyone smoking outside of a nonresidential building is expected to uphold this aspect of the law. Hookahs, even those used to smoke tobacco, are not permitted on College property. As of Jan. 1, 2013, smoking by students is restricted to predominantly residential areas, apart from designated smoking areas elsewhere on campus. Smokers within residential areas will maintain a distance of 15 feet from all entrances, exits and windows of residence halls and public buildings. Students found responsible for violating restrictions will be administered sanctions by the College's Student Conduct Review System. Students found responsible for smoking indoors may lose one housing lottery point in the next lottery entered.

## Y. Social Events

Social Events are defined as gatherings with alcohol hosted in public spaces. Social Events of this type, in public spaces, must be registered with the Office of Student Engagement. It is the goal of Kenyon to provide an environment in which safe social events may be hosted by individuals and campus organizations. It is expected that those who agree to host social events also agree to ensure the safety of those in attendance.

Social events may occur between 4 p.m.-2 a.m. on Fridays and 1 p.m.-2 a.m. on Saturdays. Outdoor social events must end no later than 10 p.m. Social events may not exceed four hours. Noise from events will be kept to a minimum in consideration of others in surrounding areas. No music will be played outdoors after 10 p.m. without prior approval from the Office of Student Engagement. Social events may only occur during the regular academic year. Permission for social events during other periods of time need to be approved by the Office of Student Engagement.

### Responsibilities of Social Event Hosts

Social event hosts shall monitor and comply with established safety expectations and rely on Campus Safety Officers for guidance and support when a safety risk exists. Campus Safety Officers are permitted unrestricted access to any social event. It is the goal of the College to support a campus culture in which responsible use of alcohol is promoted and that students are being mindful of potential safety risks.

Social events with alcohol sponsored by any student(s) or student organization located in public College space must be registered through the social events registration form, found through the [Office of Student Engagement website](#). Social event registration forms must be submitted no later than noon on the Tuesday immediately preceding the event. Registered events should be held only on public College property and other pre-approved designated spaces affiliated with the College. Exceptions may be made for student(s) or student organizations planning events at locations not affiliated with the College with approval from the Office of Student Engagement. A minimum of 4 weeks planning time with the Office of Student Engagement is typically required.

Social event hosts accept responsibility for the actions of themselves and their guests. Hosts agree to host their event in compliance with federal, state, and local laws in addition to College policies. Social events with alcohol must be hosted by students who are of legal drinking age (21 or over). Hosts are responsible

for being knowledgeable of, and complying with, occupancy limits for their social event space. Hosts and students assisting the hosts in the form of bartenders, door workers, and floaters, must complete social host training prior to submission of the social event registration form. At any one time, the two hosts must be accompanied by four bartenders (21 or over), two floaters per each space used, and two door workers per each entrance/exit of the event space.

Social event hosts are responsible for all damage to the social event space as well as areas around the space.

### Guest/Attendee Identification

Attendance at Social Events is limited to guests who are 18 years of age or older. Attendees at social events are required to present a College issued ID card. Non-Kenyon student guests must be accompanied by their Kenyon student host and must present legal proof of age with a state issued ID card. The hands of all attendees will be marked to designate attendees who are 21 or over, and also for attendees who are under the age of 21. Bartenders are responsible for checking the age of the attendees each time a guest is served.

### Food and Beverage Expectations

Social event hosts are responsible for providing beverages and food. Non-alcoholic beverages and food must be readily available for the entire duration of the event. All beverages at social events must be in clear cups. Campus safety officers have full discretion to determine whether there is enough food and non-alcoholic beverages for attendees.

A maximum allotment of alcohol is permitted for social events on weekends; a 10 keg equivalency for each permissible weekend day with a maximum five keg equivalency for any single social event (140 servings per keg). BYOB events are not permitted at Kenyon College. Only beer and wine may be served. Occupancy limits for the space may not be exceeded.

Water/beer pong tables are permitted at indoor social events with 75 or fewer attendees or outdoor social events with 20 or fewer attendees. Clear cups must be used for the table game. Up to two tables can be registered. Participants may not have more than one beer at a time; if beer is used in the cups, then no “side beer” can be consumed. No college property may be used for water/beer pong tables. Presence of water/beer pong tables must be designated ahead of time on the social events registration form as the presence of the tables may modify space occupancy limits.

### Social Events Registration Request Process

Social events may either be open invitation to the campus community or closed for a specific population. Social event hosts must complete the social events registration request form, found on the [Office of Student Engagement website](#). After review, the social event hosts will receive notification if the social event registration request has been approved, denied, or requires further information. A list of approved events will be shared weekly with appropriate campus offices in Student Affairs, maintenance, etc.

### Summer Sendoff

Summer Sendoff is a campus event managed by the Division of Student Affairs. During Summer Sendoff, students may not register additional social events. Specific plans for Summer Sendoff will be determined annually, in coordination with Social Board members, by the Office of Student Engagement.

## Z. Student Engagement

Student engagement enhances the academic experience by fostering the development of critical thinkers, ethical leaders and engaged citizens at Kenyon and beyond through programs, services and educational opportunities.

These organizations contribute positively to the campus, adhere to expectations for the entire Kenyon community, and abide by all college policies governing both individual students and student organizations. Groups of students not chartered by the College may not affiliate themselves with Kenyon, the Office of Student Engagement, or other official college organizations. This policy sets forth the rules governing the conduct of student organizations, including Greek organizations. Matters pertaining to student organizations are handled by the Office of Student Engagement and/or the respective governing council. Reference the Student Organization Handbook for additional policies and procedures related to student organizations and other Office of Student Engagement functions.

### Corporate Responsibility

Individuals who join together as a student organization to share common interests and purposes also collectively share a responsibility to themselves, their organization, and the College. The organization must ensure that members acting individually or as a group reflects the College's regulations in addition to all other outlined expectations from the Office of Student Engagement. Organization leaders bear a special responsibility for ensuring that members understand and act in accordance with these policies and procedures. All student organizations accept responsibility for the actions of their members and alumni related to the organization.

As a guiding principle, organizations will be held responsible for the acts of their members and alumni when those acts are the result of or are in any way related to the organization. Isolated violations of individuals should not be chargeable to the group, but evidence of group misconduct exists when:

- Members and/or alumni of the organization are acting together in violation of a College regulation.
- A violation of a College regulation arises out of an organization-sponsored, financed or endorsed event.
- An organization's leader(s) has knowledge of the potential for a violation of College regulations before it occurs and fails to take corrective action.
- A violation of College regulation occurs on the premises owned, leased, assigned or operated by the organization.
- A pattern of individual violations of College regulations is found to have existed without proper and appropriate organization control, remedy or sanction.
- The organization, member or alumni of the organization, provides the impetus for a violation of College regulations.

Cases involving student organizations are not considered confidential under the Family Educational Rights and Privacy Act (FERPA). Therefore, the College does not protect the confidentiality of the disciplinary records regarding conduct of student organizations.

### Student Activity Fee

Each student is subject to a student activity fee of \$150 per semester. This fee is allocated by the business and finance committee (BFC) of Student Council for any student organizations recognized by Student Council and Campus Senate. The amount of this fee is established by recommendation of the student body to the Kenyon College Board of Trustees. The BFC allocates the majority of funds to approved

groups at the end of each semester for the following semester. The BFC also has supplemental budget meetings every other week throughout the semester for additional funding requests.

Funding may only be used for the purposes for which it was requested, and a repurposing of the funding must be approved by the BFC chair(s). It is the responsibility of student organizations to notify the BFC of any changes relating to an event, including, but not limited to, co-sponsorship, cost and use of funds or coordination with other campus groups before the event takes place. All information provided in budget requests and communications with the BFC chair(s) is expected to be truthful and complete. The BFC will not fund any events involving the consumption of alcohol or directly relating to any academic assignment, assessment or exercise for which an evaluation will be given to a student(s). A complete listing of BFC bylaws is available on the Student Engagement website. Failure to comply with any bylaws will result in a review of the funding for an event and may result in sanctions including, but not limited to, withholding of funds, request for reimbursement, a semester suspension from eligibility for funds, and referral to Student Conduct.

### Involvement by Non-Kenyon Students, Faculty or Staff

Under limited circumstances, the Office of Student Engagement, in consultation with a given student organization, may determine that outside involvement by members of the extended Knox County community will serve to enhance Kenyon's mission and the mission of the student organization. Student organizations desiring such involvement by outside individuals must seek written approval by the director of student engagement and comply with any conditions specified, including, but not limited to, the signing of release forms and acknowledgment of Kenyon's student organization policies and procedures.

Under no circumstances may an outside individual be an officer, voting member, or have any other membership status or authority within the organization, as Kenyon student organizations are to be run and governed by Kenyon students only. The student organization will be held responsible for all conduct occurring at its meetings or events, whether by members or outside individuals.

Outside individuals are expected to adhere to all College policies and procedures. The Office of Student Engagement may remove any outside individual for behavior that does not align with the mission of the College or the organization.

### Copyright and Public Performance Rights

All student and student organization events are required to obtain public performance rights when exhibiting copyrighted materials, such as films, scripts, music and technology-based works such as computer programs and electronic databases. A public performance is one that occurs "in a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered." (Federal Copyright Law, Title 17, Chapter 1, Section 10). A public performance also occurs when the performance is transmitted by means of any device or process (for example, via broadcast, telephone or other means) to the public.

In order to perform a copyrighted work publicly, the organization must obtain performance rights from the copyright owner or representative. Public performance rights are the legal rights to publicly show a film or video (media). Unauthorized public performances refer to any showing of a movie or performance of a play/musical without first obtaining the required permission from the copyright owner. This legal requirement applies regardless of whether an admission fee is charged, whether the institution or organization is commercial or nonprofit, or whether a federal or state agency is involved.

The acts of translating or adapting a work protected by copyright also require authorization from the rights owner. Translation means the expression of a work in a language other than that of the original

version. Adaptation is generally understood as the modification of a work to create another work or the modification of a work for different conditions of exploitation.

Exhibiting copyrighted materials without appropriate performance rights may result in suspension of funding, referral to Student Conduct, and/or legal penalties.

## Greek Life

Greek life at Kenyon has been an important part of the Kenyon experience since 1852. Greek organizations give students the opportunity to develop friendships across campus, build a support and resource network during and beyond their college experience, and make a significant impact on the local and global community. Members of Greek organizations are involved as student leaders throughout the curricular and co-curricular experience and represent the values on which their organizations were founded. Greek organizations exist in a mutually beneficial relationship with Kenyon College by invitation of the College. Kenyon College recognizes the social opportunities provided by Greek-letter organizations and encourages activities that foster sound social development. Fraternities, sororities, and societies embrace and uphold the expectations for responsible student conduct, following the stated guidelines and policies which govern all Kenyon College students. Greek organizations and members are also expected to abide by all policies and guidelines of their inter/national organizations.

Joining a Greek organization brings about a lifelong membership with benefits beyond your undergraduate experience. Alumni networks and opportunities allow continued support throughout the development of members' careers.

Students may not join a Greek organization if they 1) have lower than a 2.000 cumulative grade point average, 2) are currently on conditional enrollment, or 3) have been advised to withdraw from the College in the past semester.

Alcoholic beverages are prohibited at any recruitment or new member education event. Each fraternity, sorority and society, its individual members and all unaffiliated students participating in recruitment and new member education activities are responsible for abiding by the College's alcoholic beverage regulations and Ohio state law. Greek Council and Office of Student Engagement will address any violations of the recruitment policies and/or procedures and refer for further judicial review/sanctioning as appropriate.

## New Organization Recognition

Any founding of a new organization requires the approval of the Greek Council, the Campus Senate and the president of the College. Those organizations with inter/national affiliation who wish to exist at Kenyon should work with the Office of Student Engagement to verify that the policies governing inter/national expansion/extension and the expectations outlined herein are met when applying to Greek Council for recognition.

## Requirements

To be recognized, an organization must have adopted aims or actions which do not violate the civil rights of members of the College or Kenyon regulations; have an advisor who is a member of the Kenyon administration, faculty or staff; have a minimum membership of 10 members, of which all must be current Kenyon students; and have a purpose and goal consistent with the values of the Greek community.

### Process and Procedures

After having met with Office of Student Engagement staff, a formal petition must be submitted to the administrative advisor of Greek Council. A representative must come to the Greek Council general session to present the petition. After a brief question-and-answer period, the Council will vote to approve or deny the organization. A two-thirds majority of the member chapters is required in order to grant the new chapter a year-long probationary period.

At the conclusion of the new chapter's year-long probationary period, the Council will vote to approve or deny membership to the Council. A two-thirds majority of all member chapters is required for acceptance to grant the new chapter recognition. Should two-thirds of the member chapters fail to ratify the new chapter, a two-thirds vote of the general session may extend the probationary period for another year. This may be done for a maximum of three years. Once the new chapter has been approved by the council, it must then receive final approval from the Campus Senate and the president of the College for the recognition to be verified.

### Recruitment

Each semester, Greek organizations interested in recruiting new members will coordinate a recruitment process, in which any current Kenyon student is invited and encouraged to meet fraternity, sorority and society members and participate in fraternity, sorority and society activities. Upperclass students may participate in recruitment during the fall and spring semesters. First-year students are subject to deferred recruitment and, therefore, no first-year student may participate in recruitment activities during the fall semester or join a Greek organization before the official period of new member education has begun in the spring semester. Although there is bound to be interaction between Greeks and first-year students during the fall semester, no organization or initiated member shall engage in any form of active membership recruitment prior to the formal recruitment period. A membership recruitment function is defined as any event including primarily activities for first-year students or other potential members.

Greek organizations participating in fall and/or spring recruitment are subject to the following policies:

- A schedule of recruitment activities must be submitted by each Greek organization to the Greek Council vice president for external affairs and Office of Student Engagement by the deadlines specified in the Greek Council constitution. Should circumstances arise in which an organization is unable to keep exactly to its approved schedule, the appropriate Greek Council officer and the Office of Student Engagement must be informed at least 24 hours prior to the scheduled start time for approval of any change.
- Member chapters must specify their dues to potential new members, new members, and actives.
- In the spring semester, no open social events may be held by member chapters until the conclusion of the formal recruitment period.

### New Member Education Policies and Procedures

All applicable federal, state, and local laws will be enforced related in regard to hazing. A schedule of new member education activities must be submitted by each Greek organization to the appropriate Greek Council officer and the Office of Student Engagement by the deadlines specified in the Greek Council constitution. Should circumstances arise in which an organization is unable to keep exactly to its approved schedule, the appropriate Greek Council officer and the Office of Student Engagement must be informed at least 24 hours prior to the scheduled start time for approval of any change.

When a new member accepts a bid to an organization, one will be asked to complete and sign a new membership verification form to confirm bid acceptance and also release FERPA protected information to the organization. A new member will not be recognized by the College until the membership form is

completed and submitted to Office of Student Engagement. New members will not be permitted to begin their new member education process until the membership form is submitted. An individual may not be a new member of more than one fraternity or sorority. Individuals may become new members of a society in addition to a fraternity or sorority.

The new member education period officially starts at 5 p.m. on the Friday immediately following the deadline for which bids are due. Specific start times will be provided to all Greek organizations and must be adhered to by all members of the organization. No new member education activities (formal or informal) may occur prior to this day and time. All new members must be initiated by the third Friday before the last day of class each semester. No new member program may be longer than eight weeks (not including spring break).

New Member Education Programs. Activities may be scheduled for any day of the week. All new member education activities must be approved by the Office of Student Engagement and must end by midnight, Sunday through Thursday, and by 2 a.m. on Friday and Saturday. Activities must be limited to the immediate campus and recognized Greek organization locations. For any other requests, special permission must be given in advance by the Office of Student Engagement. Activities must allow for a minimum of six continuous sleep hours per night. New member education activities cannot begin earlier than 6 a.m. on Sunday through Thursday and 8 a.m. on Friday and Saturday. All efforts must be made to avoid disturbing or unnecessarily inconveniencing members of the community by a new member education activity.

#### AA. Student Enterprises

A student intending to transact business on campus must apply to the Office of Student Engagement and the Student Council treasurer(s). If residential living areas will be involved or affected, the director of housing and residential life must provide approval as well. No door-to-door solicitation is permitted. Business may be transacted only in approved areas.

#### BB. Theft

Theft is stealing another's property or being in possession of another's property without permission from the owner, whether that property involves the bicycle of another student or dishware from the dining hall. Each student is expected to respect the property of fellow community members and the College. If stolen property is found in a shared, common living space, all residents may be held accountable.

#### CC. Weapons

The following items are strictly prohibited anywhere on campus: fireworks, firecrackers, and other incendiary devices; guns, BB guns, air rifles, ammunition, knives, swords, axes, martial arts equipment, paint guns and other dangerous instruments. (Bows and arrows may be permitted for target shooting, but must be registered and held in the locked storage area in the Campus Safety Office when not in use.)

Items that have other purposes (e.g., baseball bats, laser pointers), but which are used as weapons, will be documented as weapons.

## Procedures for Withdrawing from the College

### Withdrawal from the College

Students who plan to leave Kenyon for the remainder of a semester, or for a semester or more (except students studying under the auspices of the Center for Global Engagement), or permanently, must declare their intentions to the vice president for student affairs or designee by completing a declaration of withdrawal form.

Grades and credit. Grades and credit for students withdrawing from the College depend on the time of the withdrawal. The policy is as follows:

- Before the end of week 12: W (no credit or grade) in all courses.
- After week 12: W in all year courses;\* F in all semester courses, unless the courses have been completed (in which case grade and credit are recorded), or unless the deans find the withdrawal is justified (e.g., because of illness), in which case WI is recorded.
- Between the beginning of the second semester and the end of week 12: W in all year courses\* and all second-semester courses.
- After week 12 of the second semester: F in all courses\* unless the deans find the withdrawal is justified.

*\*Students who complete the first semester of year courses may request credit for that work. Half credit is granted if approved by both the instructor and the student's advisor. The grade assigned is usually, but not necessarily, the tentative grade. Instructors may require a final exam. In the absence of such a request for half credit, W is recorded as above.*

### Personal Leaves

Students in good standing may request a personal leave of absence (withdrawal) from a dean and, if granted, take time off from the College. Such time away, often as a period of reassessment and self-evaluation, can prove to be educationally beneficial. A leave may be granted for not less than one semester and not more than one year. Students who take personal leaves of absence are readmitted with the approval of the Dean of Students Office and are expected to complete the degree without further interruption.

Students in good standing may request a personal leave of absence (withdrawal) from a dean at any time. If a student is granted a personal leave of absence after the semester begins, but before the end of 10 class days, the transcript will list the date of withdrawal as the day before the term began. If a personal leave is allowed after the end of the 10th class day but before the end of week twelve of the term, the transcript will list the date of withdrawal and the courses in progress, each with a "W." If a personal leave is granted after week 12 of the term, the transcript will show grades received, unless the student petitions for WIs (withdrawal due to illness).

### Medical Leaves

Students with medical and/or psychological conditions that warrant withdrawal from the College may request leaves of absence from a dean at any time and, if granted, withdraw from the College. Verification of the condition, along with a recommendation for the leave, must be provided from an appropriate health care professional.

If a student withdraws for medical and/or psychological reasons, the transcript will indicate the date of withdrawal and WIs for each course.

Readmission is contingent upon the medical condition being sufficiently resolved or managed successfully so as to enable the student to resume successful progress toward the degree. While on leave, students are expected to seek necessary or appropriate medical attention and to document the steps taken and progress made. This information will be requested and made part of the readmission process along with assessments from appropriate medical and/or psychological professionals. Additional information may be sought and might include a personal interview and input from family members, employers or others who interacted with the student while on leave. In cases where there has been significant psychiatric or psychotherapeutic involvement, the student may be required to meet with a member of the College's psychological counseling staff in advance of readmission and/or as a condition of continued enrollment. Final decisions about readmission are made by the Dean of Students Office.

### Mandatory Withdrawal

The College may require the withdrawal of a student who has any illness or condition or who exhibits any behavior that might endanger or be damaging to the health or welfare of the student or any other member of the College community, or whose illness, behavior or condition is such that it cannot be managed effectively while the student is enrolled. A student who leaves the College under such circumstances may be required to spend at least one academic year away before readmission is considered. Any student who is on conditional enrollment or any other sanction through the Committee on Academic Standards (CAS) at the time of withdrawal must also have her or his readmission reviewed by CAS prior to return.

### Applicability

Kenyon endeavors to provide a safe and orderly environment in which all students are able to pursue their academic and social development. The College reserves the right to require a mandatory withdrawal of any student whose behavior or lack of participation or contribution is incompatible with the College's standards of academic performance, social adjustment or safety. Students for whom this policy applies include:

1. Students who are deemed to be a danger to themselves or -others. "Danger to self or to others" is here defined as any danger of suicide, self-mutilation, accident or assault substantially above the norm for college students that necessitates extraordinary measures to monitor, supervise, treat, protect or restrain the student to ensure his or her safety and/or the safety of those around him or her.
2. Students whose behavior is severely disruptive. "Disruptive" is here defined to include but is not limited to behavior that causes significant property damage or directly and substantially impedes the rightful activity of others. It also includes behavior that causes emotional, psychological or physical distress to fellow students and/or employees substantially above that normally experienced in daily life. Such disruption may be in the form of a single behavior incident or somewhat less severe but persistent disruption over a more extended period.
3. Students who refuse or are unable to comply with recommended or required assessment and/or treatment, or whose behavior or physical condition is likely to deteriorate to the point of permanent disability, disfigurement, impairment, dysfunction or death without such assessment

and/or treatment. Where standard assessment is impossible, indirect behavioral observations will constitute the basis for such judgment.

4. Students accused of violating Kenyon policies, procedures and regulations and who either lack the psychological capacity to respond to judicial charges or could not understand the wrongfulness of the behavior at the time of the offense.

### Process for Mandatory Withdrawal

Implementation of this policy shall be as timely and expeditious as possible, while careful to avoid undue haste. It should be noted that in some situations — particularly those in which a mandatory withdrawal is involved — it is in neither the student's nor the College's interest to delay emergency action.

The dean of student or designee may impose a mandatory withdrawal according to applicable criteria noted above.

The dean or designee shall be responsible for advising the student of the mandatory withdrawal and the processes for an informal hearing to resolve the student's status. When feasible, the student shall be afforded the opportunity to review with the dean or designee the rationale for the leave/withdrawal. The student may have support persons present, including parents and medical or mental health professionals familiar with the student's case. In no event may the student be accompanied by legal counsel at such informal hearing or related meeting to review the rationale for the leave/withdrawal.

If a mandatory withdrawal is imposed, an informal hearing to determine the student's status will be scheduled by the dean or designee. The time of this hearing shall be set to permit ample time for information gathering related to the student's illness, condition or behavior. This may necessitate and include an indefinite period of leave/withdrawal pending such information gathering.

### Informal Hearing

Students subject to a mandatory withdrawal shall be accorded an informal hearing before the vice president for student affairs or her/his designee.

The dean or designee shall convene the meeting. Individuals deemed necessary to present a case for leave/withdrawal or to respond to questions by the student may be included.

The student may be accompanied by an advisor or support person, such as a family member, faculty or staff member, or a health and/or mental health professional.

The informal hearing shall be non-adversarial and conversational. The dean or designee will lead the meeting and may exclude any person who disrupts the meeting. The hearing may be conducted in the absence of the student if the student has been given sufficient notice.

The decision of the dean or designee shall be rendered within a reasonable period of time. If leave/withdrawal is indicated, the written decision shall include the rationale and the process by which the student may request reinstatement. The decision will be final and not subject to appeal.

### Return from a Mandatory Withdrawal

A student subject to a mandatory withdrawal must request an informal hearing when the student desires to return to the College. Information will be provided at that time regarding the requirements for reenrollment.

### Financial Arrangements

Students who withdraw during the academic year are subject to tuition charges as stated in the Explanation of Fees and Charges section of the Kenyon website. The general fee, other fees and book charges are not refundable. Rebates for board may be granted on a weekly prorated basis.

## The Student Conduct Process

Procedures for handling infractions of regulations established by the administration.

The purpose of the Kenyon College conduct process is to review alleged violations of Kenyon policies, procedures and regulations by individual students, groups of students or student groups. The various components of the College conduct system are designed to respond to such violations, to determine the facts based on a standard of the preponderance of the evidence, to ascertain responsibility or non-responsibility regarding the alleged charges, and to determine appropriate sanctions.

The vice president for student affairs or designee has the authority and responsibility for the administration of the Kenyon conduct process. The members of the Division of Student Affairs and the Student Conduct Review Board seek to provide a conduct process and disciplinary function that educates students about their rights, responsibilities and accountability as members of the Kenyon community. The College's conduct process encourages students and/or the groups to which they belong to recognize their obligations to themselves, to their peers, to Kenyon and to society as a whole. Therefore, a goal of the conduct process is to build an understanding on the part of the students of the positive and negative outcomes of one's behavior and the manner in which that behavior can and often does affect others. Through established procedures, the College conduct process seeks to ensure the protection of student rights in questions of alleged violations of Kenyon policies, procedures and regulations.

It should be noted that the College reserves the prerogative to require students to leave the campus prior to the formal consideration of alleged violation of policies whenever their activities are viewed as threatening or potentially injurious to the well-being or property of members of the Kenyon community or to the property or orderly functioning of the College. An individual or group may be required to curtail or modify behavior and/or activities prior to the formal consideration of alleged violation of policies whenever these behaviors and/or activities are viewed as threatening or potentially injurious to the well-being or property of members of the Kenyon community or to the property or orderly functioning of the College. An individual who chooses to voluntarily withdraw may still be subject to the conduct process if and when the student is readmitted.

Kenyon's president or designee (normally, the vice president for student affairs) may invoke immediate interim suspension following an incident of serious misconduct on the part of individuals or groups when the offender poses a threat to self, others, property or the orderly functioning of the College or when a felonious act has been committed. In compliance with federal and Ohio law, Kenyon reserves the right to notify authorities and the local community of any dangerous or threatening situations and to take action without the consent of the victim.

The College reserves the right to determine whether particular violations of local, state or federal laws also constitute a violation of Kenyon rules and standards. Therefore, students who are arrested and charged by law-enforcement authorities may be notified that College disciplinary action also is pending. The 14th Amendment to the U.S. Constitution does not refer to or place restrictions upon private action, and therefore private institutions of higher education, including Kenyon, are not bound by the prohibitions in the 14th Amendment. The College is in a contractual relationship, not a constitutional relationship, with its students, unless it is in some way acting on behalf of the state, and its procedures are designed to protect the best interests of all its students and the Kenyon community as a whole.

In cases where students have allegedly violated both campus regulations and statutory laws, the College may be faced with a situation where it must take action in its code of conduct prior to action by the courts. This does not constitute double jeopardy for the student, since the campus and the community are two separate jurisdictions. Therefore, the proceedings are independent of each other and one need not necessarily await the outcome of the other. The institution is maintaining its integrity by lawfully determining that the student is unfit to continue in the academic community. Kenyon reserves the right to take action against a student in cases where the College feels that the presence of the student on campus may endanger or disrupt the Kenyon community. (See also the Campus Government Constitution, Article IV, available at [kenyon.edu/campus-government-constitution](http://kenyon.edu/campus-government-constitution).)

The College may delay granting a diploma otherwise earned until the completion of the student conduct process including completion of any sanctions imposed.

### Infractions

Infractions of nonacademic rules and regulations will be reported to the vice president for student affairs, who, with other members of the Student Affairs staff and the Student Conduct Review Board, has jurisdiction in such cases. Initially, a staff member will be assigned to make a preliminary inquiry into the nature and circumstances of each alleged violation. The accused student(s) and/or group will be contacted by the Student Affairs staff member to schedule a meeting to discuss the report or complaint of alleged behavior and to review the conduct review procedures and the student's rights in that process.

In cases when the staff member deems the student(s) and/or group not responsible, or feels that the infraction(s) merit(s) nothing more than a warning, the staff member may adjudicate the case within a reasonable time, not to exceed 30 days while the College is in session. If the infraction appears to call for a more serious sanction, such as disciplinary probation, suspension or dismissal, the student affairs staff member shall consult with the accused student(s) and, at the discretion of the staff member, with the chair of the Student Conduct Review Board. The accused person, persons or group are normally given the opportunity to elect either an administrative hearing or a hearing by the Student Conduct Review Board for judgment, and if appropriate, assignment of a sanction. Note that the staff member assigned to a case always has the prerogative to refer the case to the Student Conduct Review Board because of serious alleged violations for which a hearing by the community, as represented by the Student Conduct Review Board, might be more appropriate. Such a referral by the staff member may also occur when the case is of such a nature that the staff member cannot formulate a judgment on the basis of the information available. The choice for a student or group may be limited to an administrative hearing if the alleged violation occurs at a time when the Student Conduct Review Board cannot be convened.

### Rights of the Complainant and Rights of the Respondent in an Administrative Hearing Process

When students or group participate in an Administrative Hearing, certain procedural rights are afforded:

#### Rights of the Complainant

- The right to decide whether to file a complaint and proceed with a formal hearing.
- The right to review all relevant written documents prior to the hearing.
- The right to present evidence and witnesses. Witnesses must testify to factual evidence only and may not be called to testify to the character of an involved party.

- The right to question all evidence, as well as witnesses and the respondent(s).
- The right to have an advisor, who is a member of the administration, faculty or student body, who is not party to the case, to assist in the preparation of the case and be present at the hearing. The role of the advisor is to ask clarifying questions and to advise the student, not to present the case. It is the student's obligation to present his/her/their own case.

### Rights of the Respondent

- The right to an unbiased hearing and one based on evidence presented at the hearing.
- The right to remain silent; silence is not construed as culpability.
- The right to receive written notification of the complaint(s) brought against him/her at least one business day prior to an administrative hearing.
- The right to review all relevant written documents prior to the hearing.
- The right to a hearing conducted without unreasonable delay following the notification of complaint(s), not to exceed 30 business days while the College is in session.
- The right to present evidence and witnesses. Witnesses must testify to factual evidence only and may not be called to testify to the character of an involved party.
- The right to question all evidence and information, as well as witnesses and the complainant.
- The right not to self-incriminate.
- The right to have an advisor, who is a member of the administration, faculty or student body who is not party to the case to assist in the preparation of the case and be present at the hearing. The role of the advisor is to ask clarifying questions and to advise the student, not to present the case. Students are obligated to present their own cases.
- The right to written notification of a decision in a case in a timely manner, not to exceed five business days.
- The right to appeal the decision of administrative hearing officer to the dean of students. In situations where the dean of students is unable to consider the appeal, the vice president for student affairs shall fulfill this role. The appeal must be based on one or more of the following criteria:
  - procedural error(s) made during the original proceeding;
  - new information unavailable at the original proceeding;
  - the severity of the sanction; and/or
  - decision(s) made absent a preponderance of evidence.

It should be noted that in an appeal, the preponderance of evidence shifts to the respondent, and that an appeal is not a rehearing of the case. The letter of appeal must be filed with the dean of students or designee within three business days of written notification to the respondent of the outcome of the administrative hearing. The dean of students or designee will normally make a decision regarding the written appeal within 15 business days of receipt of the written appeal. In the presence of unusual circumstances, only the president of the College may grant additional time to the dean of students or designee for consideration of the appeal. Normally an appeal will be considered unless it is obvious that none of the criteria listed for an appeal is present. In considering an appeal, the dean of students or designee may deny the appeal and maintain the decision of the administrative hearing officer, grant the appeal and modify the sanction or penalty, or refer the case back to the administrative hearing officer for

further deliberation. The decision of the dean of students or designee regarding the case shall be final and not subject to further appeal.

## Sanctions

While sanctions may be of a punitive nature, they are intended to be educational as well. Notice of sanctions may be sent to the student's parents or guardian, faculty advisor or coach, and the infraction is entered on the student's record in the Dean of Students Office. One year following graduation, all disciplinary records are purged except those involving incidents that resulted in suspension or dismissal from the College. For students who withdraw from the College, all records are retained for five years. Actions that may be taken, individually or in combination, by the staff member or the Student Conduct Review Board are:

- **Statement of Concern.** May be issued to students who are found in the presence of a policy violation, but who are not held formally accountable for that violation.
- **Warning.** A warning is notification that a student has committed certain violations and that continuance of such conduct will result in more severe disciplinary action.
- **Educational Sanctions.** These include but are not limited to alcohol education, mandatory counseling assessment and adherence to professional counseling recommendations, research paper or project, hall or building program with a residential life staff member, group education program, etc.
- **Behavioral Contract.** The purpose is to allow a student to successfully manage himself or herself while remaining an active member of the Kenyon community. The contract may be entered into only by the student affairs staff. Failure to complete the agreed-upon provisions of the contract would result in suspension from the College, unless the student voluntarily withdraws. Whether suspended or withdrawn, the student must follow the re-admittance process outlined in the Kenyon College Catalog.
- **Administrative Hold on Student Accounts.** Enforced most often when students have failed to comply with assigned tasks from a conduct hearing. This action precludes students from registering for classes and obtaining such documents as transcripts and diplomas. Once the outstanding sanction has been satisfactorily completed, the hold will be lifted.
- **Disciplinary Service.** Service hours expected to be completed in a given area as a way to give back to the campus or local community.
- **Fine/Restitution.** A fine or restitution is a monetary penalty for violations such as vandalism or damage to College property or the property of others. All fines must be paid by personal or cashier's check; they will not be applied to a student's account.
- **College Restriction.** Restriction from certain buildings, events, activities, etc.
- **College Housing Restriction.** Residence re-assignment, removal from College housing, loss of lottery points, or restrictions on type of housing where a student may live.
- **Disciplinary Probation.** This sanction means that for a specified period of time (ordinarily no less than the equivalent of one semester) a student is not in good standing with the College.
- **Administrative Withdrawal.** Withdrawal from a specific course, major or academic department may be invoked in cases where a student or group of students violates expectations of the academic arena (classroom incivility, disruption, harassment of faculty or other students in the classroom).

- **Deferred Suspension.** This involves students who have been held responsible for behavior that warrants suspension but where mitigating circumstances and additional sanctions may allow a student to remain in the community while these sanctions are being completed. Failure to complete any of the additional expectations by the stated deadlines will lead to the immediate implementation of suspension without further hearing. In addition, if a student is found responsible for any further College policy violations, at minimum, the student will automatically be recommended for suspension for at least one full semester.
- **Suspension.** The denial of the opportunity to continue in the College for a specified period of time (ordinarily no less than one semester), or indefinitely until the student's intervening record can support an application for readmission. While suspended, a student is not allowed to be on campus or to attend any official College event. The intent is for the student to have time away from the College to consider the implications of his or her behavior and to return to campus with a better understanding of his or her responsibility within the community. In the event that additional sanctions are imposed in conjunction with the suspension, these sanctions will most likely be expected to be completed prior to an application for readmission to be considered.
- **Dismissal.** The denial of the opportunity to continue as a student at the College. A student who has been dismissed is not eligible to apply for readmission. A student who is dismissed is not allowed to be on campus or to be at any official College event at any time.

The sanction or sanctions determined at the time of a hearing (administrative or Student Conduct Review Board) are effective immediately following the appeal period unless indicated otherwise by the dean of students or her/his designee.

Policies governing the recording of suspensions and dismissals on the student's permanent record can be found in the College's academic rules and regulations published in the Kenyon College Catalog.

For organizations and groups, disciplinary action may include, but is not limited to, restriction of social events; loss of housing privileges; probation; suspension; dismissal; and/or removal of recognition of the group.

If a sanction is violated, the individual and/or group shall be subject to further disciplinary actions.

In any case of discipline, whether it is adjudicated by a staff member or by the Student Conduct Review Board, that judgment shall be final, subject only to appeal by the respondent to the dean of students or designee. Such an appeal must be filed within three business days of the official notification. A form for this purpose is available at the Office of the Dean of Students. After hearing the appeal, the dean of students may sustain the decision being appealed, impose an independent judgment of the case, or refer the case back to the Student Conduct Review Board officer for further deliberation.

In the case of a Student Conduct Review Board hearing, an audio recording of the hearing will be made by the administrative liaison to the Student Conduct Review Board. The recording is the property of Kenyon College, and it is available only to the dean of students for the purpose of making determinations stemming from an appeal of the results of a Student Conduct Review Board hearing. Other parties may not have access to, or copies of, the recording. The recording is destroyed when: (1) the time period for filing an appeal expires without an appeal being properly filed, or (2) a decision is made by the dean of students in the event of an appeal.

## The Student Conduct Review System

*This section is from Article IV of the Campus Constitution, passed Dec. 7, 2010.*

The Student Conduct Review Board is designed to address alleged infractions of the College's nonacademic regulations. It was created to ensure the protection of student rights. The Student Conduct Review Board operates through a clearly articulated process designed to determine the facts. When appropriate, it will respond to violation of College policy in a manner that is intended to be for the purpose of educating about accountability and upholding the standards of the community. (For information about the procedures for the Academic Infractions Board, which is separate from this process, please consult the Kenyon College Catalog.)

The limitations of the College's student conduct review system should be recognized. Therefore, when an individual believes a crime has been committed, the College recommends that charges be filed in the criminal justice system, as well as with the College. Members of the Student Affairs staff and the director of campus safety can assist students in making contact with the appropriate state and federal criminal justice agencies and provide support throughout the process. Students should be aware that some College staff members may be bound by law to report certain offenses to criminal justice authorities. Within the College's conduct system, the following shall be the case:

- Any member of the campus community may file a complaint against any student for alleged misconduct by contacting the Campus Safety Office, the chair of the Student Conduct Review Board or a member of the student affairs staff. Complaints must be filed in writing within 30 days following notification to the College administration of the alleged incident.
- Pursuant to the Family Educational Rights and Privacy Act of 1974, all College conduct proceedings are confidential; therefore, hearings are closed to anyone not directly involved in a case. It is expected that the results of a conduct hearing will respect the privacy rights of those involved.
- Cases shall be decided upon a standard of preponderance of evidence.
- Respondents will be considered not responsible until determined otherwise, and it shall be the responsibility of the complainant to establish the facts supporting his or her claim.
- Attorneys may not represent respondents or complainants at a Student Conduct Review Board hearing.
- The College's jurisdiction regarding discipline includes conduct that occurs on College property or at a registered College event or that adversely affects the College community and/or the pursuit of its objectives. College disciplinary proceedings may be instituted against a student charged with violation of a federal, state or local law that is also a violation of the student code, even though civil litigation in court or criminal arrest and prosecution are pending. Proceedings may be carried out prior to, simultaneous with, or following civil or criminal proceedings.

### 1. Terms Used in the Student Conduct Review System

The following terms, when used in the administrative hearing procedures and Student Conduct Review Board procedures, are defined as follows:

1. **Administration:** deans, directors and coordinators within the Division of Student Affairs.

2. **Administrative hearing officer:** a person authorized by the vice president for student affairs or her/his designee to determine whether a student or group has violated the student code of conduct and to impose sanctions when a violation has occurred.
3. **Administrative liaison:** the Student Affairs Office professional who manages the integrity and fairness of the student conduct process before and during a Student Conduct Review Board hearing.
4. **Allegation:** a claimed or suspected infraction or violation of the code of conduct.
5. **Appeal:** the right of a student/organization to question the outcome of the Student Conduct Review Board or administrative hearing to the vice president for student affairs or her/his designee.
6. **Business day:** a weekday when the College is open and conducting regular business, i.e., the College calendar should be consulted to determine when the College is open and conducting regular business versus closed.
7. **College community member:** a current Kenyon faculty member, administrator, staff member or student.
8. **College:** Kenyon College.
9. **Complainant:** a person who submits a complaint alleging that a student violated the student code of conduct.
10. **Complaint:** a written statement alleging that a student or organization has violated the student code of conduct.
11. **Faculty:** any person currently employed by Kenyon to conduct classroom or teaching activities or who is otherwise considered by Kenyon to be a member of its faculty.
12. **Interim suspension:** a temporary suspension, pending the outcome of a hearing, implemented by the vice president for student affairs or her/his designee when he or she deems one or more individuals to be threatening or injurious to the well-being or property of members of the College community, or to its operation.
13. **Investigation:** the process during which information related to a reported incident is gathered.
14. **Not responsible:** an outcome of a Student Conduct Review Board or administrative hearing in which no violation of the student code of conduct is found to have occurred.
15. **Observer/recorder:** Member of Student Council, appointed by Student Council, to keep a written record of the Student Conduct Review Board hearing and in particular to call to the attention of the board chair any observed errors or irregularities, or needed clarifications.
16. **Policies:** written regulations of the student code of conduct.
17. **Preponderance of evidence:** during the hearing, “preponderance of the evidence” is the threshold whereby all the information is determined by the board members to support, more likely than not, the allegations. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence. Thus, one clearly knowledgeable witness may provide a preponderance of evidence over a dozen witnesses with hazy testimony.
18. **Referring administrator:** the Student Affairs staff member assigned to serve as the voice of the College/complainant in the absence of a student complainant.
19. **Regulations:** rules authorized by Campus Senate to set community standards for student conduct.
20. **Respondent:** any student or group against whom a complaint regarding violating the code of conduct has been lodged.

21. **Responsible:** an outcome of a Student Conduct Review Board or administrative hearing in which a violation of the student code of conduct is found to have occurred.
22. **Retaliation:** an attempted or actual return action, usually harmful, against a person because of an action or accusation made against you.
23. **Sanction:** the official College response to violations of the student code of conduct. Although sanctions may be of a punitive nature, they are intended to be for the purpose of educating respondents about accountability and upholding community standards of behavior.
24. **Self-incrimination:** the act of disclosing information that could result in new allegations of code of conduct violations.
25. **Student body:** all persons enrolled at Kenyon.
26. **Director, Office of Student Rights and Responsibilities:** the person designated by the vice president for student affairs or her/his designee to facilitate the administration of the student conduct process.
27. **Student Conduct Process:** the process Kenyon uses to address alleged infractions of the student code of conduct.
28. **Student Conduct Review Board:** persons authorized by the vice president for student affairs or her/his designee, Student Council, the president of the College and the chair of the faculty to determine whether a student or group has violated the code of conduct.
29. **Student:** a person enrolled at Kenyon.
30. **Violation:** behavior contrary to the standards outlined in the code of conduct.
31. **Warning:** Notification that a student's conduct has violated the code of conduct and that continuance of such conduct will result in disciplinary action.
32. **Witness:** a person who provides information on behalf of the complainant or respondent in an administrative or Student Conduct Review Board hearing.

## 2. Membership of the Student Conduct Review Board

- Each spring, Student Council will elect three students to each serve a two-year term and three alternates to each serve a one-year term. In addition, Student Council will appoint three of its members to serve one-year terms as observer/recorder on a rotating basis.
- Each spring the chair of the faculty shall coordinate the election of two faculty members to each serve a two-year term.
- Every second spring, the president of the College shall designate one member of the faculty, ideally a tenured professor who has served at least one year as a voting member on the Student Conduct Review Board, to serve one two-year term as the chair of the Student Conduct Review Board; the chair will vote only in the case of a tie. Faculty members who have served previously on the Student Conduct Review Board or current or past members of the College's Academic Infractions Board may be called to serve when a sufficient number of voting faculty members are not available to meet the qualification of quorum.
- A quorum shall consist of four voting members: two students and two faculty.
- The director of the Office of Student Rights and Responsibilities or designee shall serve as the administrative liaison to the Student Conduct Review Board. The administrative liaison will attend all hearings and will advise the board with respect to board procedures and precedent. If the director of the Office of Student Rights and Responsibilities is unable to serve as the

administrative liaison, he/she will designate a colleague from within the Division of Student Affairs who is familiar with the conduct process to serve in this capacity.

- The administrative liaison will designate a member of the student affairs staff to serve as the referring administrator who will assist the chair, if appropriate, in preparing cases for the board.
- The administrative liaison will serve as a resource for the respondent, complainant and Student Conduct Review Board regarding matters of procedure throughout the process.
- The Student Conduct Review Board shall, at the beginning of each year, participate in a mandatory orientation program, coordinated by the director of the Office of Student Rights and Responsibilities and the chair, to receive and review information about the purposes and charges of the board as defined by the student and faculty handbooks, including responsibilities, policies, procedures, guidelines and obligations for the board, as well as a review of prior cases heard by the board to provide for continuity and consistency. In addition to the members of the board, student affairs staff members who share responsibility for adjudication, all student alternates, members of the observer/recorder pool and members of the Greek Conduct Review Board shall participate in the program.

### 3. Initial Procedures for the Resolution of Conduct Matters

- Initial jurisdiction for nonacademic infractions shall reside with the student affairs hearing officers, who shall make preliminary inquiry into the nature and circumstances of the complaint(s). In cases when the hearing officer does not believe the complaint could be demonstrated with a preponderance of evidence, or feels that the complaint(s) merit(s) nothing more than a warning, the hearing officer may dismiss the case or issue a warning within a reasonable time, not to exceed 30 days, while the College is in session. In cases in which the hearing officer deems the complaint(s) to be more serious, he or she may refer the case to the Student Conduct Review Board. If the hearing officer does not refer the case to the Student Conduct Review Board, the student may choose to have an administrative hearing or a hearing by the Student Conduct Review Board. This referral would occur when a hearing by the community, as represented by the board, might be more appropriate because of the seriousness of the allegations made in the complaint. The Student Conduct Review Board must hear all cases referred to it.
- An administrative hearing will be held if the alleged violation occurs at a time when the Student Conduct Review Board cannot be convened.
- In cases when the hearing officer is partial or has a conflict of interest, he or she will refer the case to another hearing officer or to the Student Conduct Review Board for resolution.
- The College reserves the right to impose an interim suspension whenever individual(s) or campus group activity(ies) is/are viewed as threatening or injurious to the well-being or property of members of the College community, or to its operation.
- The referring administrator shall act as complainant on behalf of the College in cases where a student complainant is absent.

### 4. Powers and Duties of the Student Conduct Review Board

- The Student Conduct Review Board shall hear those cases of alleged violation of the nonacademic rules of the College by individuals or groups as described above. The Student Conduct Review Board shall make the determination of non-responsibility or responsibility, and

if appropriate, a sanction, and it shall forward a letter outlining its findings to the student(s) or group with a copy to the referring administrator and to the administrative liaison.

- The Student Conduct Review Board does not have the power to set aside established student rights or College regulations, or the procedures established by the Senate for the implementation of the College conduct process. However, it may institute, as it deems necessary, rules for its own internal organization, one copy of which must be filed with the referring administrator and administrative liaison.
- If a board member has any potential conflict of interest in a case, he or she is expected to disqualify himself or herself from that particular hearing. The respondent and/or complainant may request that the administrative liaison disqualify a board member from a hearing. Examples for requesting the disqualification include, but are not limited to: current or former attendance in a board member's class; current or former roommate/teammate, etc.
- All hearings shall be closed to the public. Those attending hearings will be limited to: Student Conduct Review Board members, complainant(s), respondent(s) and any advisor he/she/they elect to bring, the administrative liaison, a Student Council observer and witness(es) for the case. Any persons with an interest in the case but not participating in the hearing may not be present in the building in which the hearing is taking place. The witnesses shall remain together in a separate room.
- The Student Conduct Review Board shall issue to the community through campus media each semester a summary of violations and sanctions (without names) to increase understanding of, and respect for, the rules of the College and the rights and responsibilities of the individuals or groups.
- There shall be, as a general guideline, serious efforts to establish and maintain clear lines of communication between the Student Conduct Review Board and other interested College bodies.

## 5. Rights of the Complainant and Rights of the Respondent in the Conduct Process

When students or groups appear before the Student Conduct Review Board, they are afforded certain procedural rights by the Conduct system.

### Rights of the Complainant

1. The right to decide whether to file a complaint and proceed with a formal hearing.
2. The right to review all relevant written documents prior to the hearing.
3. The right to present evidence and witnesses. The names of witnesses must be given to the chair within two business days of the hearing. The number of witnesses called may be determined by the chair to limit unnecessary repetition during a hearing. Witnesses must testify to factual evidence only and may not be called to testify to the character of an involved party.
4. The right to question all evidence, as well as witnesses and the respondent(s).
5. The right to have an advisor, who is a member of the administration, faculty or student body, who is not party to the case, assist in the preparation of the case and be present at the hearing. The role of the advisor is to ask clarifying questions and to advise the student, not to present the case. It is the student's obligation to present his/her/their own case. The complainant is responsible for notifying the chair of the advisor's name at least two business days in advance of the hearing.

## Rights of the Respondent

1. The right to an unbiased hearing and one based on evidence presented at the hearing.
2. The right to remain silent; silence is not construed as culpability.
3. The right to receive written notification of the complaint(s) brought against him/her at least three business days prior to the Student Conduct Review Board hearing.
4. The right to review all relevant written documents prior to the hearing.
5. The right to a hearing conducted without unreasonable delay following the notification of complaint(s); not to exceed 30 business days while the College is in session.
6. The right to present evidence and witnesses on his/her/their behalf in advance of the hearing. The names of witnesses must be given to the chair at least two business days in advance of the hearing. The number of witnesses called may be determined by the chair to limit unnecessary repetition during the hearing. Witnesses must testify to factual evidence only and may not be called to testify to the character of an involved party.
7. The right to question all evidence and information, as well as witnesses and the complainant.
8. The right not to self-incriminate.
9. The right to have an advisor, who is a member of the administration, faculty or student body who is not party to the case, to assist in the preparation of the case and be present at the hearing. The role of the advisor is to ask clarifying questions and to advise the student, not to present the case. Students are obligated to present their own cases. The respondent is responsible for notifying the chair of the advisor's name at least two business days in advance of the hearing.
10. The right to written notification of a decision in a case in a timely manner, not to exceed five business days.
11. The right to appeal the decision of the Student Conduct Review Board or administrative hearing officer to the vice president for student affairs or her/his designee. In situations where the vice president for student affairs or her/his designee is unable to consider the appeal, the provost shall fulfill this role. The appeal must be based on one or more of the following criteria:
  - procedural error(s) made during the original proceeding;
  - new information unavailable at the original proceeding;
  - the severity of the sanction; and/or
  - decision(s) made absent a preponderance of evidence.

It should be noted that in an appeal, the preponderance of evidence shifts to the appellant, the appeal is heard "on the record," i.e., on the basis of written information only, and that an appeal is not a rehearing of the case. The letter of appeal must be filed with the dean of students or her/his designee within three business days of written notification to the respondent of the outcome of the Student Conduct Review Board or administrative hearing. The dean of students or her/his designee will normally make a decision regarding the written appeal within 21 business days of receipt of the written appeal. In the presence of unusual circumstances, only the president of the College may grant additional time to the dean of students or her/his designee for consideration of the appeal. In considering an appeal, dean of students or her/his designee may deny the appeal and maintain the decision of the Student Conduct Review Board or administrative hearing officer, grant the appeal and modify the sanction or penalty, or refer the case back to the Student Conduct Review Board or administrative hearing officer for further deliberation. The decision of the dean of students regarding the case shall be final and not subject to further appeal.

## 6. Student Conduct Review Board Procedures

### Prior to Hearing — Student Complainant(s)

1. The administrative liaison reports the complaint(s) in writing to the chair of the Student Conduct Review Board, which includes the initial written complaint(s), and the policies allegedly violated by the respondent. The administrative liaison will attempt to gather all available information pertaining to the case and will inform the respondent of his/her/their rights as outlined in section 5. During the information gathering period, respondents shall have the opportunity to share with the administrative liaison any additional information they would like to make available to the Student Conduct Review Board.
2. The chair, in consultation with the referring administrator, sends a letter to the respondent, with a copy to the complainant and the administrative liaison, stating the final complaint, the date, time, and place of the hearing, and directing the students to the “Rights of the Respondent.” This letter either will be hand-delivered to the respondent(s) or will be available for pickup at the Office of Campus Safety at least three business days prior to the hearing. If at all possible, the hearing should be held within 15 business days of the date of the original referral from the student affairs staff member.
3. The administrative liaison informs the respondent(s), board members, the observer/recorder, complainant, and referring staff member of the date, time and place of the hearing and provides all with a copy of the available written information at least three business days prior to the hearing. Any witnesses are also informed about the hearing date, time and place three business days prior to the hearing date, but they do NOT receive the written evidence.
4. The respondent is not required to attend the hearing, but it will occur as scheduled, and the right to question written information, witnesses and the complainants is forfeited.
5. Students who harass, intimidate or attempt to influence the testimony of any parties in the conduct process, or the members of the Student Conduct Review Board, will be subject to disciplinary action.

### Prior to Hearing — College Complainant

1. The administrative liaison reports the complaint(s) in writing to the chair of the Student Conduct Review Board, which includes the initial written complaint(s) and the policies allegedly violated by the respondents. The administrative liaison will attempt to gather all available information pertaining to the case and will inform respondents of their rights as outlined in section 5. During the information-gathering period, the respondents shall have the opportunity to share with the administrative liaison any additional information they would like to make available to the Student Conduct Review Board.
2. The chair, in consultation with the referring administrator, sends a letter to the respondent(s), with a copy to the complainant(s) and the administrative liaison, stating the final complaint(s), stating the date, time, and place of the hearing, and directing the student(s) to the “Rights of the Respondent(s).” This letter will be either hand-delivered to the respondent(s) or will be available for pickup at the Office of Campus Safety at least three business days prior to the hearing. If at all possible, the hearing should be held within 15 business days of the date of the original referral from the student affairs staff member.
3. The administrative liaison informs the respondent(s), board members, the observer/recorder, complainant and the referring staff member of the date, time and place of the hearing and

provides all with a copy of the available written information at least three business days prior to the hearing. Any witnesses are also informed about the hearing date, time and place three business days prior to the hearing date, but they do NOT receive the written evidence.

4. The respondent student(s) is/are not required to attend the hearing, but it will occur as scheduled. If respondents do not attend, the right to question written information, witnesses and the complainant is forfeited.
5. Students who harass, intimidate, or attempt to influence the testimony of any parties in the conduct process, or the members of the Student Conduct Review Board, will be subject to disciplinary action.

### During the Hearing

1. The Board members shall gather a minimum of one hour prior to the scheduled start of the hearing to discuss procedure.
2. The observer shall act as recorder for the hearing and shall ensure the hearing is conducted as outlined in the code of conduct. The observer shall record the hearing in handwriting. The observer shall not use a computer or any other device with internal storage of input. The chair of the board shall operate an audio recording device and shall submit the recording to the administrative liaison after completion of the hearing.
3. All persons present are introduced and their roles are explained, particularly those of the witness(es) and observer. The chair explains the purpose of the hearing and describes the order of events of the hearing.
4. The chair shall remind the respondent, complainant and any witnesses that complete candor and honesty are required in all hearings. Perjury and intentional evasiveness are themselves grounds for disciplinary action. The chair also reminds all persons of confidentiality requirements. The chair will remind all present that the hearing is not a legal proceeding. Witnesses are dismissed to the waiting area.
5. The chair reads the list of alleged specific infraction(s).
6. The respondent student(s) or group(s) is/are invited to respond to the allegation(s) and to the information presented in the hearing packet. The response may be:
  - a. agreement with the allegation(s);
  - b. disagreement with the allegation(s); and/or
  - c. a statement (explanation, elaboration or rebuttal).
7. The respondent(s) and the board may question the complainant(s). The board and the complainant(s) may question the respondent(s). The observer may ask clarifying questions.
8. The board hears witnesses called by the complainant(s) and by the respondent(s), one at a time. The precise order of witnesses will be determined by the chair in consultation with the referring administrator and the respondent(s). Insofar as possible, the order of witnesses will be determined prior to the hearing; in any case, if circumstances require it, the order may be altered by the chair as he or she deems necessary and appropriate in the course of the hearing. The board, the complainant(s) and the respondent(s) may question the witnesses. The observer may ask only clarifying questions.
9. The respondent(s) and the complainant(s) have the right to testify orally, in writing, or both.

10. When the chair is confident that all relevant evidence and/or testimony has been heard, the chair invites concluding questions and/or statements. The chair determines who provides a closing statement first: the complainant(s) or the respondent(s).
11. All non-members of the board, including the student observer, are dismissed.
12. The board considers the evidence and testimony from the hearing and makes, by a majority vote, a determination of either responsibility or non-responsibility for each allegation. The chair votes only in the case of a tie. If the board's finding is "responsible" for any of the allegations, the past disciplinary history of the respondent(s), provided by the referring administrator, is read prior to determining the board's decision regarding appropriate sanction(s). The board also decides whether broader communication of the case is needed and if so, the form and content of the communication.
13. The respondent(s) and the observer are recalled and informed of the outcome and, if applicable, the sanction(s). The respondent(s) is/are informed of the right to appeal the outcome and of the appeal procedures and is/are directed to depart from the hearing room immediately and to have no further discussion with any individuals involved regarding this matter.
14. All contents of the hearing packet, documents presented at the hearing and notes taken during the hearing are collected and kept by the administrative liaison. In the case of an appeal, either party may access a copy of his/her/their packet and/or notes taken during the hearing at the office of the administrative liaison. Upon submitting the appeal, all accessed documents must be returned to the administrative liaison.
15. The chair transmits to the respondent(s) a written report of the board's findings, with a copy to the referring administrator and to the administrative liaison.
16. If the board becomes aware of other allegations during the hearing, these will be addressed by the referring administrator following the hearing.

### Records and Reports

1. The administrative liaison retains the audio recording and the observer's written account of each hearing. The recording and the written account are the property of the College and will be used only by the person hearing the appeal. Once the designated time period for the appeal process has been reached (see Rights of the Respondent) the administrative liaison destroys the audio recording and the observer's notes.
2. The administrative liaison retains a record, excluding names, of each infraction and action recommended.
3. Within the first month of each semester, the administrative liaison gives to campus media a summary, not including names, of Student Conduct Review Board actions taken the preceding semester.
4. The administrative liaison retains these records, to be shared with subsequent chairs for purposes of continuity and consistency. The administrative liaison makes these records available to the vice president for student affairs or her/his designee and the president of the College at their request.

See "Procedures for Handling Alleged Academic Infractions" in the Kenyon College Catalog.

## Non-Discrimination Statement

Kenyon College does not discriminate in its educational programs and activities on the basis of race, color, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, physical and/or mental disability, age, religion, medical condition, veteran status, marital status, genetic information or any other characteristic protected by institutional policy or state, local or federal law. The requirement of non-discrimination in educational programs and activities extends to employment and admission.

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