



# STUDENT HANDBOOK

## 2022-2023 STUDENT HANDBOOK

+ STUDENT HANDBOOK INTRODUCTION

+ VISION FOR THE COLBY COMMUNITY

+ STUDENT SERVICES and RESOURCES

+ Academic Support

+ Personal Support

+ Student Life

+ Security and Transport

+ Additional Resources

+ RESIDENCE LIFE POLICY

+ Housing Options

+ Support for Students in the Residence Halls

+ Residence Hall Rights and Responsibilities



+ Residence Hall Expectations

+ Residence Hall Charges and Restitution

+ ACADEMIC INTEGRITY

+ Philosophy and Policy

+ Academic Integrity Process

+ Further Academic Integrity Considerations for Students

+ RESTORATIVE PRACTICE AND CONFLICT RESOLUTION

+ Restorative Practice

+ Conflict Resolution

+ TITLE IX POLICY

+ STUDENT CODE OF CONDUCT

+ Definitions

+ Application of Code / Jurisdiction

+ Respondent Rights

+ General Information

— COMMUNITY VALUES VIOLATIONS

Violations are behaviors which conflict with the expectations of the community as expressed through this Code. They are activities or actions which directly impact the College and/or members of the College community.

The following list of behaviors is intended to provide students with information about the types of behavior that might result in the initiation of a Resolution Process and result in



- **Academic Dishonesty** – Including but not limited to cheating, fabrication, plagiarism, etc. See Handbook section on Academic Integrity for further information
- **Abetting** – Assisting others in the violation of the Code
- **Alcohol**
  - Possessing, furnishing, serving, consuming or use of hard alcohol on Colby property, in any Colby facility (including residence halls), at any Colby sponsored event or program. The only exceptions are that students 21 and older may purchase hard alcohol in the Blue Light Pub and at licensed catered events.
  - Possessing, consuming, or furnishing beer and wine on Colby property, in any Colby facility (including residence halls), at any Colby sponsored event or program, by students under 21 years of age
  - Intoxication due to the use of alcohol
  - Students over 21 years of age furnishing beer and wine, or a place to consume beer and wine, to students under 21 years of age
  - Irresponsible use of alcohol that leads to disruptive, abusive, or destructive behavior
  - Encouraging students under the age of 21 to use alcohol
  - Contributing to the intoxication of other students resulting in hospitalization for intoxication, alcohol related injuries, sexual misconduct, or other serious violations
  - Facilitating, planning or taking part in irresponsible activities that involve drinking, such as unregistered parties, drinking games, themed parties. Drinking games include activities such as, but not limited to, beer pong, flip, and king's cup. Themed parties include, but are not limited to, handcuff parties.
  - Keg possession outside of registered parties and/or not in compliance with all requirements for such events
  - Carrying open containers of beer and wine outdoors on Colby property or events, except at registered parties or sanctioned events
  - Consuming beer and wine in common areas of residence halls (outside of assigned rooms) unless at a registered party
  - Possessing, furnishing, serving, consuming alcohol on campus from the termination of summer programs through the first day of classes, regardless of age
  - Arrest for an OUI during the academic year, or while working at Colby during the summer months, regardless of the location of the arrest
- **Causing Distress** – Includes, but is not limited to, threatening, intimidation; bullying behavior; causing severe mental discomfort (as determined by a reasonable person); causing fear of physical or mental harm; expressing the intent to commit an act of violence against another person or group of people to that person or group. The behavior may be through any means, including social media.
- **Conviction of a Crime** – Conviction in a court of law of violating local, state, or federal



that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College's educational or employment programs and/or activities. Conduct, which may include expression that rises to the level of harassment, must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a

hostile environment exists, Colby will consider the totality of the circumstances, including but not necessarily limited to:

- The frequency, nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the targeted party's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the targeted party's educational performance and/or participation in College programs or activities;
- Whether the conduct unreasonably interfered with targeted party's educational opportunities (including study abroad), College-controlled living environment, or work opportunities;
- Whether the conduct was humiliating; and
- Whether the conduct implicates concerns related to academic freedom or protected free expression.
- **Damage/Misuse of Property**
  - Intentional or unintentional defacement, damage, destruction, of College or private property
  - Unauthorized use of College or private property
  - Inappropriate use of College property
- **Damage/Misuse of Technology** – Misuse or unauthorized use of College technology or violation of College Information Technology policies
- **Disorderly Conduct** – Causing, inciting or participating in any behavior, either on-campus, off-campus, or in online/virtual environments, that unreasonably disturbs the educational, employment, community, or residential experience of other students, faculty, and/or staff, or which interrupts the orderly operation of the College or community. Examples include: creating excessive noise; creating an unnecessary burden on College or first responder resources; significant disruption of a classroom. (*Note: This policy is not applicable to protected protest action*).
- **Drugs**
  - Possessing, using, manufacturing, furnishing, or selling scheduled drugs, including, but not limited to, cocaine, LSD, heroin, amphetamines, barbiturates, and steroids,



extracts not approved by the FDA

- Possessing prescription drugs not legally prescribed for the student. Students in possession of drugs legally prescribed to them are responsible for the safekeeping of all prescription drugs. Any theft or loss of prescribed medications should be reported to Security immediately.
- Furnishing or selling prescription medications
- Possessing drug paraphernalia, including but not limited to bong, one-hitters, water pipes, vape pens, grinders
- Intoxication due to the use of drugs
- Irresponsible use of drugs that leads to disruptive, abusive, or destructive behavior
- Encouraging other students to use drugs
- Contributing to the intoxication of other students resulting in hospitalization for intoxication, or drug related injuries, sexual misconduct, or other violations
- Arrest for an OUI during the academic year, or while working at Colby during the summer months, regardless of the location of the arrest
- **Failure to Comply**
  - Not completing a sanction assigned through resolution of a College disciplinary process
  - Significant interference with College employee's enforcement of any college policy, including not identifying yourself to a College employee, not displaying or surrendering your ColbyCard when requested by a faculty member, administrator, security officer or Residence Life staff, including student employees
  - Not complying with, or interfering with, a directive from a College employee with authority to issue such a directive, including student employees
- **Fake Identification** – Possession and/or use of false I.D.s on or off campus. False I.D.s will be confiscated and students will be subject to discipline and possible law enforcement action.
- **Falsification of Information**
  - Providing false information or refusing to provide information to a College employee or in a College proceeding;
  - Tampering with, destroying, or falsifying records or documents
- **Indecent Behavior** – Including but not limited to sexual activity, nudity, urination or defecation in the presence of others; lewd behavior. Indecent Behavior in public is considered a more serious violation.
- **Firearms and Weapons** – Possession or use of weapons not in compliance with the Firearms and Weapons Policy in the General Policies section of the Handbook
- **Fire Safety Violation** – Interference with or misuse of fire, safety, or alarm equipment; tampering with, disabling, or causing malfunction of fire and safety equipment or alarm



- **Fraternity Activity** – Rushing, pledging, perpetuating, and/or initiating activities determined to be fraternity activities. Please refer to the Fraternity Activity section in the General Policies of the Handbook and the Hazing policy (below) for further information.
- **Free Expression Impingement** – Any infringement of the rights of others to freely express themselves, includes interfering with a speaker, or defacing or removing

properly posted or distributed notices or materials. Please refer to the Free Expression policy in the General Policies section of the Handbook for further information.

- **Gender-based quid-pro-quo harassment** – Includes harassment based on a person’s actual or perceived gender, sex, sexual orientation, gender identity or expression, or gender stereotypes. This may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment, academic standing, or participation in any Colby programs and/or activities, or is used as the basis for Colby decisions affecting the individual.
- **Hazing** – Hazing is prohibited even if a student who is the subject of hazing consents or is a willing participant. Colby’s definition of hazing includes any action taken or situation created, whether on or off campus, to produce mental or physical discomfort, embarrassment, harassment or ridicule of a student or students. Hazing is also illegal under Maine law. The law defines hazing as “any action or situation which recklessly endangers the mental or physical health of a student enrolled at an institution in this State” committed by any student, administrator, faculty member or organization affiliated with the institution.

Examples of hazing activities by individuals, groups or organizations in connection with recruiting, initiating and/or membership activities may include but are not limited to the following:

- Any physical act of violence expected or, or inflicted upon another person;
- Causing excessive fatigue or sleep deprivation;
- Any physical activity expected of, or inflicted upon, another person by a student or students;
- Pressure or coercion, whether explicit or implicit, to consume any legal or illegal substance;
- Making available illegal substances to students;
- Pressure or coercion, whether explicit or implicit, to join or participate in an activity or group involving students and/or alumni that has not been sanctioned by the College and/or that has been banned;

services (expecting a new member to do tasks for an experienced member),

- Costuming or alteration of appearance;
- Line-ups or berating behavior;
- Coerced lewd activity;
- Interference with academic activities;
- Requiring students to keep prohibited activities a secret

Each student organization affiliated with the College is required to adopt a hazing policy as part of its bylaws/governing documents. This requirement is overseen by the Director of Campus Life and Director of Athletics. Violations of this policy by students can result in sanctions up to and including expulsion. Violations by a College employee can result in disciplinary action up to and including termination. Violations by an organization affiliated with the College will result in disbandment. Violations may also be referred to law enforcement and result in civil and/or criminal penalties

- **Health and Safety Violation** – Including but not limited to creating a dangerous or unsanitary environment; endangering the health or safety of others; reckless behavior (including endangering yourself); false reporting of dangerous conditions; restricting traffic flow; possession of hazardous chemicals; restricting the flow of individual(s), and violation of College health or safety policies.
- **Identity-Based Harassment** – Includes harassment based on a person’s actual or perceived race, color, religious belief, political belief, sex, marital status, sexual orientation, gender identity or expression, national or ethnic origin, caste, disability, veteran status, or age. This may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, when the result is the creation of a hostile environment. (Refer to “Creating a Hostile Environment” violation above for further information).
- **Illegal Activity** – Including any activity deemed criminal or illegal under federal, state or local laws, statutes, ordinances, regulations and codes which are not covered by the Code.
- **Noncompliance** – Not complying with College Policies not covered in the Code or the policies of other College offices, programs, etc., including Residence Life, Athletics, student activity/organization regulations, etc.
- **Parking/Vehicle Noncompliance** – Noncompliance with College motor vehicle and parking policies and regulations.
- **Physical Assault / Attempted Physical Assault** – Using physical force or attempting to use physical force against another person or group of people. Examples of physical force include, but are not limited to, spitting, pushing, shoving, hitting, kicking, or other physical contact that causes harm, pain, or discomfort. Using physical force as a response to



officers, residence life employees, faculty/staff, are considered more serious.

- **Responsibility for Guest** – Allowing or enabling any violation of College policy by student’s guest(s) on-campus or at an event applicable under this Code.
- **Retaliation** – Any adverse action taken against a person either for making a good faith report of a Community Values Violation, or participating in any investigation or proceeding under this policy (even if the report is later not proven). Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected by this policy, either by a respondent or any person connected with the respondent. Retaliation may be present even where there is a finding of “not responsible” on the allegations. Retaliation does not include any good faith actions pursued in response to any report.
- **Sexual Misconduct** – The college strictly prohibits sexual harassment, sexual misconduct, intimate partner/dating violence, and stalking.
  - **Non-Title IX Sexual Misconduct** – Any conduct that would otherwise qualify as a Title IX violation, but which is not within the jurisdiction of Title IX, such as a sexual assault or other types of sexual harassment (as identified in the Title IX policy) occurring outside of the United States or in the United States, but in a non-College education program or activity or on non-College owned, managed or controlled property. See *Title IX Sexual Harassment Policy section of the Handbook* or [click here](#) for Title IX policy where definitions of behaviors can be located.
  - **Complicity, Retaliation and Title IX Retaliation** – Complicity is any action taken by a person with the purpose of aiding, facilitating, promoting or encouraging the commission of any act prohibited by this policy, and retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding. This includes any act of retaliation (intimidation, threats, coercion or discrimination) against a person for that person’s exercise of rights or privileges under Title IX, including because the person has testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing under Title IX.
  - **Sexual Exploitation** – Sexual Exploitation occurs when a person takes sexual advantage of another person as noted below without the consent of the person (see Title IX Policy for the definition of consent). Examples of behavior that could constitute sexual exploitation include but are not limited to the following:
    - Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of or with the result of compromising that person’s ability to give consent to sexual activity;
    - Allowing third parties to observe private sexual activity from a hidden location (e.g. closet or window) or through electronic means (e.g. Skype or live-streaming of images);





- genitalia, groin, breasts or buttocks) without consent;
- Recording or capturing through any means images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts (including genitalia, anus, groin, breasts or buttocks), or nudity without that person's consent;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts (including genitalia, anus, groin, breasts or buttocks),

or nudity, if the individual distributing the images or audio knows or should have known that the person(s) depicted in the images or audio did not provide consent to such disclosure;

- Disseminating to another person/s or posting of images or recordings of one's own private sexual activity and/or intimate parts (including genitalia, groin, breasts or buttocks) without the recipient's consent;
- Disseminating or posting of images or recordings of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Prostituting another person;
- Knowingly exposing another person to a sexually transmitted infection or virus without the other's knowledge;
- Exposing one's genitals or inducing a person to expose their genitals without consent;
- Viewing another person's sexual activity, intimate body parts, or nudity in a place where that person would have a reasonable expectation of privacy without that person's consent; and/or
- Viewing the other person's or persons' sexual activity, intimate body parts, or nudity in such a place where a reasonable person would know or should have known that the person(s) being viewed would object.

*Note:* Colby's prohibition of Sexual Exploitation is not intended to prohibit the use of legal sexually explicit materials that are reasonably related to Colby's academic mission. Specifically, this section is not intended to proscribe or inhibit the use of sexually explicit materials, in or out of the classroom, when in the judgment of a reasonable Colby faculty member they arise appropriately to promote genuine discourse, free inquiry, and learning.

- **Intentional Non-Consensual Contact** is contact, intended by a person without the other person's consent, with the intimate body parts (genitalia, breasts, anus, groin, buttocks) of the other person that does not meet the definition of behaviors prohibited under the definition of "Sexual Assault" under the College's Title IX Policy. Examples include making someone else touch your intimate body parts; or you



theft of any money, property or item of value, using, appropriating, or possessing any property not belonging to the student without permission of its owner or the right of sale.

- **Tobacco, Smoking and Electronic Nicotine Delivery Systems** – The use of tobacco and smoking of any kind (including “vaping”) of any substance and use of electronic nicotine delivery systems. This prohibition applies to 1) all College property and grounds, wherever it is located; 2) all College buildings, including residence halls, academic buildings and athletic facilities; 3) all College-owned, leased or rented vehicles; and 4) all College-sponsored events and activities.
- **Trespassing / Unauthorized Entry or Occupation**
  - Attempting to enter, entering or remaining in College or private spaces by an unauthorized person; College spaces include closed residence halls, or any secured office, space, building, or vehicle. Private spaces include student rooms, faculty and administrative offices, and other employee workplaces.
  - Failure to vacate a private space upon the request of the occupant(s), by Security, or by another College employee;
  - Being in or on Johnson Pond without authorization
  - allowing entry by unauthorized persons into parties or other events, private or public
  - Unauthorized entry into facilities, roofs or other off-limits areas
- **Unauthorized Recording of a Conversation** – Includes but is not limited to the intercepting, recording, photographing or taking video which captures a faculty or staff member in a classroom, office, over the telephone or by other digital, electronic or other means without the consent of that faculty or staff member, unless it is part of an approved accommodation; not complying with the [College’s Recording Policy](#). Audio and visual recording on campus, at Colby events, or among Colby community members is governed by the College’s Recording Policy. This policy addresses prohibited and permissible recording, outlines the principles underlying the policy, and provides guidance in responding to inquiries or claims involving the policy.
- **Vandalism** – Deliberate, significant destruction of or damage to public or private property

Students are strongly encouraged to come forward to accept responsibility for their actions and to report violations of the Code. When students accept responsibility for their actions, this will be considered a mitigating factor in determining appropriate sanctions. Reports can be made to the Campus Security Department or the Office of Community Values, Conflict Resolution, and Restorative Practice.

## + Alleged Code Violation Resolution Processes



+ Cases involving Complainants

+ Conduct Board Process

+ Organization Conduct Process

+ Appeals

+ Interim Measures

+ Sanctions

+ GENERAL COLLEGE POLICIES

+ General Policies

+ Communications Policies

+ ALCOHOL AND DRUG STATEMENT

+ Responsible Use

+ Sanctioning Guidelines

+ Medical Amnesty Policy

+ Health Risks Associated with Alcohol and Drug Misuse

+ Legal Implications

+ APPENDICES

+ COLBY COLLEGE MEDICAL LEAVE OF ABSENCE POLICY

+ FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

+ DIGITAL MILLENNIUM COPYRIGHT ACT (DMCA) - STUDENT COMPLIANCE



## 2021-2022 Handbook

Colby College  
Office of the Dean of the College  
5300 Mayflower Hill  
Waterville, ME 04901-8853  
P: 207-859-4000



© Copyright – 2022, Colby College