

STUDENT CONDUCT CODE

(Updated August 2021)

Introduction

Students and student organizations at Union College are expected to promote the educational aims of the College through individual personal integrity and responsibility, both on and off campus. It is vital to maintain a strong system of accountability and to address issues of discipline and resulting behaviors. Through initiatives including counseling programs, strong discipline programs, and close control of social events, our goal is to strive to ensure that our students' and student organizations' behavior remain consistent with community standards.

By valuing a diversity of opinions and lifestyles, members of the College community are bound together both by respect for the individual and collective rights of others and by recognition of the primary aims of learning and development of the disciplined mind that brings us together. Judicial action will be taken against students and student organizations whose conduct adversely affects the College community or the pursuit of the College's objectives.

Individuals who join together to share common interests; whether in a club, a Greek house, or a theme house; collectively share a common responsibility. They must ensure that fellow individual members or groups of members uphold the values of their organization. A group cannot ignore or escape its responsibility for the actions of its members. Moreover, it must be understood that while special interest groups are viewed as worthwhile components of the educational experience, Union College will recognize such groups only so long as the actions of their members are consistent with the College's purposes, expectations, and policies.

The Union College Conduct System is designed to hold students and student organizations accountable for their behavior and that of their guests, to promote the protection of the College community and property, and to protect the rights of the members of that community to function in an environment conducive to academic pursuits. It is designed to challenge the inappropriate behavior of individuals in a supportive and educational manner that will encourage them to understand the impact of their behavior on individuals and the community.

The purpose of this document is to set forth Union College's Student Conduct procedures. Capitalized terms have the meanings set forth below in the section entitled "Definitions."

Definitions

Accused

The Accused is the student who is responding to the Complaint and charges.

Administrative Review

This term refers to a judicial process described in this document.

Advisor

An Accused/Complainant may bring any person he / she wants to the hearing as a consultant (a/k/a "Advisor"). This person must be a full time employee of the College (faculty, administration, or staff) or student who is not an attorney or parent/legal guardian. The Advisor provides the Accused or Complainant advice during the hearing. The Advisor is not allowed to argue for, advocate for, or present the case for the student or to address the Board.

Board Hearing

A hearing is a structured meeting designed to elicit the relevant information while providing the Accused with the opportunity to challenge the statement of the Complainant

Chair

The Chair is the chairperson of the Hearing Board who is a voting member of the Board.

Code of Student Conduct

The document(s) in which the rules governing behavioral expectations of students are listed, including information regarding violations, complaints, etc.

College Policies, Rules and/or Regulations

This term refers to the written regulations of the College including, but not limited to: Rules of Public Order; the Student Conduct Code; Policy Prohibiting Discrimination, Harassment, and Retaliation (including acts of intolerance and hate crimes); Title IX Policy, Gender-based Misconduct Policy, Policy Prohibiting Bias Acts; Alcohol and Drug Policy; Hazing Policy; Smoking Policy; Terms Abroad Conduct Code and Guidelines.

College Premises

This term includes all campus land, buildings, and facilities, as well as off-campus property in the possession of, owned, or controlled by the College.

Complainant

The person(s) responsible for filing the initial complaint. Can be the victim of misconduct, the witness to a violation of the Code, or Union College itself.

Conduct Code

The Conduct Code is a document that sets forth the rules and regulations relating to conduct of students, including information regarding the type of violation that will subject a student to discipline and the procedures (the judicial process and its procedures).

Day

This term refers to calendar days and includes weekends and holidays.

Deliberation

Deliberation occurs when the Board looks at all the information, applies the College's standard of proof to that information, and makes a determination about the Accused's behavior with respect to the alleged violation. (See Deliberation for a more substantial understanding of this topic.)

Director of Community Standards

The Director of Community Standards is the College official in charge of administering the Conduct Code. The Director of Community Standards, with the assistance of College Counsel, trains all the members of each Board, assures adherence to procedure, and answers questions about the process and information.

Evidence

Evidence is any information brought to a hearing, whether furnished by witnesses or derived from documents or from any other source. It should be noted that the term "information" is preferred to "evidence."

Guest

Guests are defined as individuals, invited or not invited, who are not currently enrolled Union College students.

Hearing Board

There are three Hearing Boards with the authority to hear Conduct Code cases: Judicial Hearing Board, Student Conduct Committee and the Organizational Misconduct Board. The Vice President for Student Affairs is authorized to refer matters to any one of the three Boards.

Hearing Coordinator

The Director of Community Standards *or designee* who coordinates the case.

Information

Information is any knowledge, facts, or data brought to the hearing; whether furnished by witnesses, derived from documents, or from any other source.

Judicial Body

This term refers to any person or persons appointed to determine whether a Student has engaged in a conduct code violation and to recommend imposition of sanctions.

Judicial Hearing Board

The Judicial Hearing Board hears cases of alleged violations of the Code of Conduct, excluding cases involving hazing and alleged violation of the Title IX or Gender-Based Misconduct Policy.

Member of the College Community

A current, matriculated student or student on leave or a full-time employee of the College.

Office

The Vice President for Student Affairs Office is the central location for matters involving the Code of Student Conduct.

Organizational Misconduct Board

The Organizational Misconduct Board hears cases of alleged violations of the Conduct Code involving any group, team, or organization recognized by the College, except for potential violations of the Hazing Policy.

Responsible Student

When the Accused is found in violation of the Conduct Code.

Sanction

A sanction is a required action based on the outcome of either an Administrative Review or determined by the Director of Community Standards after taking into account non-binding conduct conference recommendations of one of the Boards.

Standard of Proof

The standard of proof in Conduct Code hearings is “preponderance of the evidence,” which simply means that, based upon the information, it is “more likely than not” that a violation occurred.

Student

This term refers to any individual who is enrolled in the College on either a full-time or part-time basis. The status begins when they first engage in official College activities, such as Orientation or athletic participation, and ends when withdrawal from the College occurs or their enrollment is terminated. An individual on a leave from the College is not considered an active student for the duration of their leave. Individuals attending the College conditionally prior to their enrollment are also considered students for purposes of the Conduct Code, although modifications may be made to account for developmental maturity and their limited time on campus. It also includes any individual who is auditing a course at the College or who withdraws for any reason, including circumstances involving a potential violation of the Student Code. Individuals who are both students and employees will be treated as Students for the purpose of this policy only if their primary relationship to the institution is that of student. Allegations against individuals who are regular employees will be handled under the appropriate College personnel policies.

Student Organization

This term refers to any number of persons who have complied with the formal requirements for College recognition or registration as a student organization.

Student Conduct Committee

The Student Conduct Committee consists of students whose selection has been approved by the Student Forum. The Director of Community Standards, or designee, will assist the Student Conduct Committee. The Committee hears cases of alleged violations of the Code of Conduct.

Witness

A witness provides information to the appropriate conduct process and must be a member of the College community. However, an exception may be made by the Director of Community Standards to allow a non-member of the College community to be permitted to testify upon written petition from the Accused or Complainant to the Director of Community Standards, to be received at least 48 hours in advance of the Hearing. A character witness is a witness without direct knowledge of the incident in question who the Complainant, and/or Accused may desire to present to the Hearing only for the purpose of providing testimony relative to good character. Only one character witness can testify on behalf of any party.

Visitor

Visitors are defined as currently enrolled Union College students who are not assigned to the room, suite, apartment, theme house, Minerva, residence hall, or Fraternity/Sorority house that they are visiting.

Regulations Relating to Conduct

Violations of the Student Conduct Code by a student or student organization, or their guest, subject the student or student organization to disciplinary action. Such violations may include, but are not limited to

the Table of Violations and Point Range and Table of Points and Sanctions contained in the Points System and the following:

Aiding and Abetting

Helping or encouraging another person to engage in violations of College policy or being in the presence of policy violations.

Abuse of Technology

Theft, misuse, or other abuse of technology facilities, technological systems, and resources belonging to the College or any individual. (See Policy on Acceptable Use of Information Technology Resources.)

Bullying, Threatening, and/or Abusive Behavior

Engaging in, or threatening to engage in, behavior(s) that, by virtue of their intensity, repetitiveness, or otherwise, endanger or compromise the health, safety or well-being of oneself, another person, or the general College community, or that disrupt the effective continuation of the academic/educational process for individual students or for the general College community.

This includes, but is not limited to, threatening, tormenting, mocking, intimidating, maliciously or inappropriately ridiculing another's work or comments beyond the scope of scholarly inquiry, and exploiting known psychological or physical vulnerabilities or impairment, including, but not limited to:

- Abusive behavior toward a College employee or agent acting in performance of their duties.
- Physical violence, actual or threatened, against any individual or group of persons. Includes pushing, shoving, kicking, poking, and/or tripping another person; assaulting or threatening a physical assault; damaging a person's work area or personal property; and/or damaging or destroying a person's work product.
- Verbal/Written: Includes ridiculing, insulting, instigating, spreading rumors about, or maligning a person either verbally or in writing; addressing abusive, threatening, derogatory, or offensive remarks to a person; and/or attempting to exploit an individual's known intellectual or physical vulnerabilities.
- Nonverbal: Includes directing threatening gestures toward a person or invading personal space after being asked to move, leave the space, or step away.
- "Cyber": Defined as bullying an individual using any electronic form including, but not limited to the Internet, interactive and digital technologies, social media, or mobile phones.
- Unjustified abuse, neglect, or violence toward an animal.

The following policies also address conduct that may involve bullying, threatening and/or abusive behavior:

- I. Title IX Policy and/or Gender-Based Misconduct Policy;
- II. Policy Prohibiting Discrimination, Harassment, and Retaliations;
- III. Hazing Policy; and

- IV. Policy Prohibiting Bias Acts and/or any other behavior that threatens or endangers oneself or the well-being or safety of others, or results in personal injury to others, including bullying.

Guests

The host student or student organization assumes responsibility for the guest's conduct. In addition to the disciplinary action to which the host student or student organization may be subject for violation of the College's Conduct Code, the host student or student organization may be subject to disciplinary sanctions arising from the conduct of their guests. In cases where the information is known, the home institution and/or the guardian of the guest will be notified.

Bias Incidents and Hate Crimes

A Bias Incident is conduct that adversely and unfairly targets an individual or group because of prejudice against that individual's or group's actual or perceived identity. Some Bias Incidents may rise to the level of a Hate Crime. (See the Policy Prohibiting Bias Acts.)

Personal Privacy Interference

Interference with the right to personal privacy of any member of the community.

Disorderly Conduct

Behavior that intentionally causes or recklessly creates a risk of disruption to the College community or local community. These include such acts as violent, tumultuous, or threatening behavior; unreasonably loud or belligerent behavior; obstruction of vehicular or pedestrian traffic; or any behavior that infringes on the rights, safety, and/or dignity of others.

Property Theft and/or Damage

Attempted or actual theft of, unauthorized use of, and/or damage to property of the College, property of a member of the College community, or other personal or public property whether on or off College premises.

Vandalism

The intentional, reckless damage to or destruction of College property or the personal property of another.

Compliance

Failure to comply with the proper requests of College officials, members of the Campus Safety Department, or emergency personnel performing their duties, and/or failure to identify oneself to these persons when requested to do so. In some cases, "officials" may be students employed to act on behalf of the College.

Dishonesty

Acts of dishonesty include, but are not limited to:

- Furnishing false information to any College official, faculty member, or office.
- Forgery, alteration, or misuse of any College document, key, or instrument of identification.

Weapons and Dangerous Materials

Possession or use of any type of firearm, explosive, fireworks, live ammunition, or any other potentially dangerous weapon or dangerous chemicals on College premises; or use of any item, even if legally possessed, in a manner that harms, threatens, or causes fear in others.

Violation of Law

Violation of any local, state, or federal laws and ordinances.

Violation of College Policy

Violation of any policy, rule, or regulation published in hardcopy or available electronically on the College website, including, but not limited to, violation of the policies listed under Bullying, Threatening, and/or Abusive Behavior (above), the International Programs-Student and Parent Participant's Agreement and Conduct Policies imposed by the responsible International Programs Director, and the Greek Recognition Policy.

Abuse of the Student Conduct System or Academic Honor Code

Abuse of the Student Conduct System or Academic Honor Code includes, but is not limited to, any behavior that attempts to influence, inhibit, or interfere with the Student Conduct System or Academic Honor Code process such as:

- Falsification, distortion, or misrepresentation of information before a Student Conduct Board, Academic Honor Code Council, or administrator.
- Disruption or interference with the orderly conduct of a Student Conduct or Academic Honor Code proceeding.
- Attempting to discourage an individual from participating in, or using, the Student Conduct System or Academic Honor Code.
- Attempting to influence the impartiality of a member of a Student Conduct Board or Academic Honor Code Council prior to and/or during the course of the Student Conduct or Academic Honor Code proceeding.
- Harassment (verbal and/or physical) and/or intimidation of a member of a Student Conduct Board or Academic Honor Code Council prior to, during, and/or after a Student Conduct or Academic Honor Code proceeding.
- Influencing, or attempting to influence, another person to commit an abuse of the Student Conduct System or Academic Honor Code.
- Retaliation against any individual making a good faith report of a policy violation or for participating in, or cooperating with, the Student Conduct or Academic Honor Code Process.

- Inappropriate sharing of information used in a Conduct Code proceeding.

Hearing Boards

The Organizational Misconduct Board

Composed of nine (9) students and the Director of Community Standards, or designee, who will be present throughout the hearing and deliberation process of the Organizational Misconduct Board but is not permitted to vote. The students are selected from a pool of students who represent student clubs and organizations, Fraternity & Sorority Life, Athletics, Minervas and Theme houses and whose selection process has been approved by the Student Forum. The chairperson, vice chairperson and recording secretary will be elected annually by the members of the Organizational Misconduct Board. If the chairperson is unable to preside at a hearing, the vice-chairperson will serve in their stead.

The Judicial Hearing Board

Composed of two (2) members from a pool of faculty, staff, and the chair, who is a Student Affairs Administrator and will have a vote. The faculty and staff members will be approved by the Vice President of Student Affairs. The Judicial Hearing Board will adjudicate cases involving major violations as referred by the Vice President of Student Affairs.

The Student Conduct Committee

Composed of nine (9) students and the Director of Community Standards, or designee, who will be present throughout the hearing and the deliberations of the Student Conduct Committee, but who will not have a vote. The nine (9) student members of the Committee are selected by a process approved by the Student Forum. The chairperson, vice chairperson and recording secretary will be elected annually by the members of the Student Conduct Committee. If the chairperson is unable to preside at a hearing, the vice-chairperson will serve in their stead.

General Information About the Boards and Procedures

- All board members will serve as volunteers who are trained in FERPA, confidentiality, procedures, applicable policies and rules of the College and the philosophy of the Conduct Code at Union College.
- The Judicial Hearing Board, Student Conduct Committee, and the Organizational Misconduct Board, have been given the responsibility by the College Administration to adjudicate Conduct Code violations. Hearings before these Boards do not conform to criminal or civil procedure and/or proof requirement. The intent of the procedure is to provide the Accused with a fair hearing, to give them the opportunity to respond to any charges, and to give the Accused the opportunity to ask questions of the Complainant or witnesses in order to clarify statements presented during the hearing. Within this framework, the Judicial Hearing Board, the Student Conduct Committee, and the Organizational Misconduct Board may conduct the hearing and make necessary adaptations to fit particular circumstances.