

# CALVIN

## College



# STUDENT CONDUCT CODE

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*The 2010/2011 School Year*

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## **CALVIN COLLEGE STUDENT CONDUCT CODE**

(The Official and most current version of the Student Conduct Code is found online at [http://www.calvin.edu/admin/student\\_life/forms\\_policies.htm](http://www.calvin.edu/admin/student_life/forms_policies.htm))

### **PREAMBLE**

#### **Vision Statement**

Calvin College is a comprehensive liberal arts college in the Reformed tradition of historic Christianity. Through our learning, we seek to be agents of renewal in the academy, church, and society. We pledge fidelity to Jesus Christ, offering our hearts and lives to do God's work in God's world.

#### **Building Community**

Building community is an integral component of Calvin's educational mission. Perhaps this vision is best characterized by an image of students, faculty, and staff helping one another day by day to "cultivate aspirations, nurture commitments, and practice what we profess" (Expanded Statement of Mission, Calvin College, p. 52). Seen in this light, being a member of Calvin College is not ultimately about personal gratification, "doing one's own thing," or peaceful co-existence, although Calvin is certainly a place where its constituents can enjoy considerable freedoms, excel, and build lasting friendships. At its best, however, Calvin seeks to weld its participants together around the beliefs that all are made in God's image and that members of Christ's church need one another, such that their educational endeavors, interpersonal relationships, and personal actions might reflect the Lord's provisions more closely.

Building community is not easy. Christian belief also testifies that a person's disregard for God's provisions for life lead to brokenness, alienation, and wrongdoing. As a result, Calvin is not a perfect place; people act, speak, and think in ways that are in conflict with biblical standards. The good news of the gospel is that Jesus' life, death, resurrection, and ascension provides relief from brokenness, alienation, and wrongdoing; followers of Christ are emancipated, enlightened, and empowered to experience life in ways that are mutually fulfilling and meaningful. Consequently, Calvin can be a place where the blessings of community can be pursued and experienced, albeit partially, by some more than others, and sometimes more than other times.

Building community doesn't occur automatically; it requires commitment and perseverance.

Moreover, building community suggests intentionally striving to enact self-control, integrity, and justice as appropriate expressions of Christian belief. Self-control involves acknowledging God's presence in all of our actions; integrity concerns being above reproach in dealings with others; and justice indicates a desire to pursue righteousness, compassion, and shalom in private and public settings. Taken together, these three characteristics of the Christian life are important building blocks of the kind and quality of community that Calvin envisions.

Building community also involves avoiding various behaviors. Calvin proscribes or "outlaws" certain conduct because it impedes the kind of community that it hopes to build. More specifically, if a student becomes intoxicated, he is not self-controlled; if a student cheats on a test, she has compromised integrity; or, if a student harasses a colleague, he has acted unjustly. In each case, the building of community was diminished. What follows, then, are signposts as to how students might pursue the goal of building community.

#### **Theoretical Basis For The Code Of Conduct**

The theoretical basis for this discipline code can be derived from the law of God as summarized in Matthew 22:37-40, the Christian law of love. Christians must learn to love God above all and their neighbors as themselves. Yet such love is often feeble, fragmentary, and deficient. Recognizing sinful resistance to God's love this Christian academic community, resting in the grace of God and moved by

His Spirit, join to build in one another a will to obey this law of love. This code expresses how, in part, this community will act to correct the deficiencies in their love for God, for themselves, and for one another.

The Christian law of love cannot be stated in narrow, legalistic terms, for it can never be fulfilled simply by the observance of a set of rules and regulations. Consequently, this code does not seek to develop a detailed and exhaustive summary of what a student may or may not do. On the other hand, it is sound Biblical principle that everything must be done in good order; hence, this code does contain, in addition to positive Christian principles of behavior, a list of proscribed conduct and a well-defined procedure for the implementation of the code.

## **Article I: DEFINITIONS**

1. The term "College" means Calvin College.
2. The term "student" includes all persons taking courses at the College, both full-time and part-time, pursuing undergraduate, graduate, or professional studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the College are considered "students."
3. The term "faculty member" means any person hired by the College to conduct classroom or other curricular activities.
4. The term "College official" includes any person employed or retained by the College, performing assigned administrative or professional responsibilities.
5. The term "member of the College community" includes any person who is a student, faculty member, College official or any other person employed by the College. A person's status in a particular situation shall be determined by the Vice President for Student Life.
6. The term "College premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).
7. The term "judicial hearing body" means any person or persons authorized by the Vice President for Student Life to determine whether a student has violated the Student Code and to recommend imposition of sanctions. Normally, resident directors, student deans, faculty members, and the Student Discipline Committee are the authorized judicial hearing bodies.
8. The term "Judicial Advisor" means a College official authorized by the Vice President for Student Life to impose sanctions upon students found to have violated the Student Code. The Vice President for Student Life may authorize a Judicial Advisor to serve simultaneously as a judicial hearing body. In the case of the Student Discipline Committee, the Judicial Advisor is a student dean.
9. The term "Appellate Board" means any person or persons authorized by the Vice President for Student Life to consider an appeal from a judicial hearing body's determination that a student has violated the Student Code or from the sanctions imposed by a Judicial Advisor.
10. The term "shall" is used in the imperative sense.
11. The term "may" is used in the permissive sense.
12. The term "policy" is defined as the written regulations of the College as found in, but not limited to, the Student Code, Residence Life and Knollcrest East Living Booklets, College Catalog, and Student Handbook.
13. The term "cheating" includes, but is not limited to:
  - a. use or provision of any unauthorized assistance in taking quizzes, tests, or examinations;
  - b. dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
  - c. the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or a college official; or
  - d. providing or selling answers or papers to other students.

- e. the multiple use of a paper or project prepared and submitted to another course for credit and resubmitted again for credit for a subsequent course without prior consultation or permission of the professor.
14. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling or distribution of term papers or other academic materials. (See Article V.D.)

## **Article II: JUDICIAL AUTHORITY, STRUCTURE AND RESPONSIBILITY, SCOPE**

### **A. Locus of Authority**

1. There are two areas in which authority is exercised with reference to the code of Christian conduct for students at Calvin College. One area is that of maintaining - that is, administering - these standards of conduct; the second is the area of elaborating and interpreting the code of conduct adopted for Calvin College.
2. The authority for maintaining the standards of behavior of students - as it is for faculty and administration - is vested in the Office of the President of the College by the Board of Trustees. The President is accountable to the Board in the exercise of this authority. In performing this responsibility the President may - and does - delegate and distribute the function of the administration of the standards of conduct to the Vice President for Student Life. The Vice President for Student Life may, in turn, delegate a part of her or his responsibility to a judicial hearing body and to Judicial Advisors. The Vice President and staff are assisted through faculty committees on which students are adequately represented.
3. No distribution or delegation of authority shall imply a loss of such authority by the delegating officer. Nothing in the subsequent sections of the code shall be understood as depriving either the President or the Vice President for Student Life of their authority, and the right of institutional review may be exercised by either officer.

### **B. Structure and Responsibility**

1. The Student Discipline Committee is mandated to function as the principal agent of the Faculty Senate in all matters concerning the personal conduct of students and shall make recommendations to the Faculty Senate and the Student Senate regarding changes in standards of conduct, sanctions, and structures. According to its mandate, it serves both the student and the College as a judicial hearing body to hear cases of alleged student misconduct. (For further amplification, see Appendix A: Student Discipline Committee)
2. The Appellate Board shall serve the students and the college as the board of appeals stemming from the decisions of guilt or sanction made by judicial hearing bodies. (For further amplification, see Appendix B: Appellate Board)
3. The Student Life deans are designated as Senior Judicial Advisors and are assigned the more serious discipline cases in their roles as judicial hearing bodies. Members of the Student Life division holding the position of resident director are authorized to function as judicial hearing bodies and Judicial Advisors under the supervision of a Senior Judicial Advisor. Typically they are assigned less serious cases involving an accused student living in their residence halls.
4. In cases of academic dishonesty, the faculty member bringing the charges is authorized by this Code to function as both judicial hearing body and Judicial Advisor.
5. The Vice President for Student Life, in consultation with Senior Judicial Advisors, shall develop protocols for the administration of the judicial program and procedural rules for the conduct of hearings which are consistent with provisions of the Student Code.
6. Decisions made by the judicial hearing body and/or Judicial Advisor shall be final, subject to appeal as specified in the code.

### **C. Scope of Authority**

Nothing in the institutional relationship may expressly or implicitly give the institution or residence life staff authority to consent to a search of a student's room by outside police or other government officials without a warrant. The Vice President for Student Life or a student dean may authorize a search of a particular room in a college residence to determine compliance with federal, state, and local criminal law and with college regulations if there is probable cause to believe that a violation has occurred or is taking place in that room. Students may be asked to submit to breathalyzer or hair test when reasonable suspicion exists. "Probable cause" exists where the facts and circumstances within the knowledge of the institution and of which it has reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution to believe that an offense has been or is being committed.

### **Article III: STUDENT RESPONSIBILITIES**

Calvin students are responsible for living in accord with the principles and provisions of this code. They are obliged to respect the procedures of this code, which have been established for the just and fair administration of discipline and for the promotion of a Christian lifestyle. Students are expected to cooperate with college officials in matters related to the implementation of the Student Conduct Code. Students who choose to withhold information from college officials when being interviewed during investigations are impeding the work of the college. The college will respect a student's decision to choose silence so as not to risk possible criminal exposure through self-incrimination. However, such lack of cooperation may result in disciplinary action if the college officials determine that it has significantly impaired the welfare or integrity of the college community.

### **Article IV: PROSCRIBED CONDUCT**

#### **A. Jurisdiction of the College Student Conduct Code**

**Generally, Calvin College jurisdiction and discipline will be applied to student conduct that occurs:**

- **on college premises or**
- **during the course of off-campus activities related to Calvin College or**
- **which violates Biblical standards, federal, state or local laws on or off campus, or**
- **which adversely affects the Calvin College community and/or the pursuit by the college of its educational mission.**

Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actually enrollment (even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Vice President of Student Life shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

#### **B. Conduct - Rules and Regulations**

This code has already recognized that Christians seek to live their lives out of the positive law of love in obedience to God's commandments. It has further recognized, however, that, as members of a Christian community, our love is often feeble, fragmentary, and deficient. It is in recognition of this fact that this code seeks to assist the community by this listing (not presumed to be exhaustive) of proscribed conduct.

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article V:

1. Acts of dishonesty, including but not limited to the following:
  - a. Cheating, plagiarism, or other forms of academic dishonesty.
  - b. Furnishing false information to any College official, faculty member or office.
  - c. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
  - d. Tampering with the election of leaders of any College recognized student organization.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public-service functions on or off campus, or other authorized non-College activities, when the act occurs on College premises.
3. Physical abuse, verbal abuse, threats, stalking, intimidation, harassment, coercion or other conduct which threatens or endangers the health or safety of any person. (For further amplification, see Appendix C: Policy Statement on Sexual, Racial, and Other Harassment)
4. Physical assault and sexual assault, the latter including all criminal sexual conduct as defined by the laws of the State of Michigan. (For further amplification, see Appendix D: Sexual Assault Policy)
5. Attempted or actual theft of, or damage to, property of the College or property of a member of the College community or other personal or public property.
6. Hazing, defined by Michigan law as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence by another student in the presence of hazing are not neutral acts; they are also violations of this rule.
7. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
8. Unauthorized possession, duplication or use of keys or other access devices to any College premises or unauthorized entry to or use of College premises.
9. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College website.
10. Violation of federal, state or local law. Students charged with a misdemeanor or felony are required to notify the Dean of Students for Judicial Affairs within five (5) days of being charged.
11. Unlawful use, possession, purchase, distribution, sale or manufacture of a controlled substance (including marijuana), designer drug, or drug paraphernalia. Hookahs are not allowed on campus.
12. Use, possession or distribution of alcoholic beverages except as expressly permitted by the law and College regulations. Students of legal age are expected to use alcohol in moderation. Intoxication is not permitted. Students present in a room where alcohol is present and/or being consumed by an underage student will be in violation of this section. (For further amplification, see Appendix E: Standards for Use of Alcoholic Beverages)
13. No weapons of any kind are allowed on campus, except as authorized by the Board of Trustees. Weapons includes, but is not limited to firearms, ammunition, explosives, switchblades, paint-ball guns, "Air-soft" guns, BB guns, potato launchers, slingshots and similar devices. Exceptions for Campus Safety supervisors are governed by the college's Use of Force Policy.
14. Participation in a campus demonstration which disrupts the normal operations of the College and infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.

15. Profane or obscene expressions including, but not limited to speech, which violate accepted standards of decency and Christian conduct.
16. Sexual misconduct including, but not limited to, sexual relations outside marriage, involvement with pornography, internet cybersex or other internet sexual misconduct.
17. Theft or other abuse of computer time including, but not limited to:
  - a. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
  - b. Unauthorized transfer of a file.
  - c. Unauthorized use of another individual's identification and password.
  - d. Use of computing facilities to interfere with the work of another student, faculty member or College Official.
  - e. Use of computing facilities to send obscene or abusive messages.
  - f. Use of computing facilities to interfere with normal operation of the College computing system.
  - g. Use of computing facilities and resources in violation of copyright laws.  
(For further amplification, see Appendix F: Responsible Use of Technology at Calvin College)
18. Gambling is prohibited where it distracts from the academic environment and Christian community, threatens financial security and/or undermines spiritual and mental health.
19. Abuse of the judicial system, including but not limited to:
  - a. Failure to obey the notice of a judicial hearing body or College official to appear for a meeting or a hearing.
  - b. Falsification, distortion, or misrepresentation of information before a judicial hearing body.
  - c. Disruption or interference with the orderly conduct of a judicial proceeding.
  - d. Initiation of a judicial proceeding knowingly without cause.
  - e. Attempt to discourage an individual's proper participation in, or use of, the judicial system.
  - f. Attempt to influence the impartiality of a member of a judicial hearing body prior to, or during the course of, the judicial proceeding.
  - g. Harassment (verbal or physical) or intimidation of a member of a judicial hearing body prior to, during, or after a judicial proceeding.
  - h. Failure to comply with the sanction(s) imposed under the Student Code.
  - i. Attempt to influence another person to commit an abuse of the judicial system.
20. Students are required to engage in responsible social conduct that reflects credit upon the College community and to model good citizenship in any community.

**C. Violation of Law and College Discipline.**

1. When a student is charged with violation of a law which is also a violation of this Student Conduct Code, the College may institute disciplinary proceedings if both violations result from the same factual situation and without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
2. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a judicial hearing body under the Student Code, however, the College may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the College community. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual

students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

3. If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of this Code, disciplinary action may be taken and sanctions imposed for misconduct which demonstrates flagrant disregard for the College community or Biblical standards. In such cases, no sanction may be imposed unless the student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt (e.g., "no contest" or "*nolo contendere*").
4. Calvin College maintains a cooperating relationship with law enforcement agencies. The college will not be a sanctuary against civil or criminal prosecution of one of its students, but neither will it be party to a violation of any legal rights of due process which a student has as a citizen. The investigating activity of the college is limited to the campus, except to disprove or substantiate specific complaints against students and then not without informing the students concerned. Evidence of criminal activity by students may be turned over to the police or public prosecutor, but privileged or confidential information will not be according to the provisions of the Family Educational Rights and Privacy Act of 1974 (see College catalog). In the absence of parents the college will assist students with their legal rights, but it will provide neither bail nor legal counsel.

## **Article V: JUDICIAL POLICIES**

**(See Appendix G for Chart of General Disciplinary Process)**

### **A. Complaints and Charges**

1. Any member of the College community may bring a complaint against any student for misconduct. Complaints shall be directed to a Senior Judicial Advisor. Complaints should be submitted as soon as possible after the event takes place, preferably within seven days of the event.
2. The Senior Judicial Advisor may conduct an investigation to determine if the complaint has merit or if it can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Senior Judicial Advisor. Such disposition shall be final and there shall be no subsequent proceedings. If the complaint cannot be disposed of by mutual consent, the Judicial Advisor may later serve in the same matter as the judicial hearing body or a member thereof.
3. All charges stemming from complaints or other evidence of code violation shall be presented to the accused student in written form by a Judicial Advisor. A time shall be set for a hearing, not more than fifteen calendar days after the student has been notified, unless medical or mental health treatment makes the student unavailable for the hearing. Then it shall be within five class days of discharge from a hospital or facility of care. The student may request the charges seven days before the hearing in order to prepare a defense. A student may elect an informal hearing with the Judicial Advisor at the time charges are presented. Maximum time limits for scheduling of hearings may be extended at the discretion of a Senior Judicial Advisor.

### **B. Hearings**

1. Students have the right to request a hearing with the judicial hearing body of their choosing: an informal hearing with a student dean, resident director, or faculty member, or a formal hearing with the Student Discipline Committee as the judicial hearing body. A student dean, resident director, or faculty member has the right to decline serving as the judicial hearing body.
2. Hearings conducted by student deans, resident directors, and faculty members in their capacity as judicial hearing body shall be considered informal hearings. Students may request hearings with deans, resident directors, and faculty members for reasons of confidentiality and speed. Accused students who choose an informal hearing may be

- assisted by an advisor of their own choosing from the college community (faculty member, student, staff member).
3. Hearings conducted by the Student Discipline Committee as judicial hearing body are considered formal hearings and shall be conducted according to the following guidelines:
    - a. Hearings normally shall be conducted in private.
    - b. Admission of any person to the hearing must be pre-approved by the judicial hearing body or its Judicial Advisor.
    - c. In hearings involving more than one accused student, the chairperson of the judicial hearing body, in his or her discretion, may permit the hearings concerning each student to be conducted separately.
    - d. The complainant (member of the College community making complaint to a Senior Judicial Advisor which results in charges presented to the accused student) and the accused each have the right to be assisted by an advisor of their own choosing from the College community (faculty member, student, staff member). The complainant and the accused are responsible for presenting their own cases. Hence, their advisors may not represent them. Rather, the role of the advisor is to accompany the student, advise him or her during the hearing process, and offer a statement on behalf of the student if so requested.
    - e. The complainant, the accused, and the judicial hearing body shall have the privilege of presenting witnesses, subject to the right of cross examination by the judicial hearing body. Any questions of potential cross-examination by the complainant or accused should be directed to the chair of the judicial hearing body for consideration.
    - f. Accused students have the right to examine all material evidence prior to the time of their hearings. They also have the right to know whether there will be personal testimony against them, but they do not have the right to know the names of witnesses prior to the hearing. Students do have the right to be present during the presentation of evidence and the hearing of testimony, to question the testimony of witnesses and to argue the adequacy of the evidence.
    - g. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a judicial hearing body at the discretion of the chairperson.
    - h. All procedural questions are subject to the final decision of the chairperson of the judicial hearing body.
    - i. After the hearing and all parties are dismissed from the proceedings, the judicial hearing body shall determine by majority vote whether the student has violated each section of the Student Code, which the student is charged with violating.
    - j. The Student Conduct Board's determination shall be made on the basis of whether it is more likely than not that the Accused Student violated the Student Code.
    - k. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code proceedings.
    - l. Complainants will be notified of the decision of the judicial hearing body after the accused has been informed of the decision.
    - m. The Student Discipline Committee can hold session as a judicial hearing body with a quorum of two faculty members and three students. If this quorum cannot be obtained due to the lateness in the semester, then a senior judicial officer shall hear the case.
  4. There shall be a single written record of all hearings, whether formal or informal, which will normally consist of the statement of alleged misconduct, a summary of the evidence presented in the hearing, a summary of the statement of the accused, and an exact copy of the decision. The record shall be the property of the College and forwarded to the Vice President for Student Life whose office shall be the repository for all records. There shall be a single verbatim record, such as a tape recording, of all Student Conduct Board Hearings before a Student Conduct Board. Deliberations shall not be recorded. The record shall be the property of the College.

5. Except in the case of a student charged with failing to obey the summons of a judicial hearing body or College official, no student may be found to have violated the Student Code solely because the student failed to appear before a judicial hearing body. In all cases, the evidence in support of the charges shall be presented and considered.
6. Any person who is personally involved in a case, or who would be called upon to act as witness in a case, or has some other conflict of interest must abstain from functioning as the judicial hearing body, or as a member of the judicial hearing body. The exception would be a faculty member who brings charges of academic dishonesty and functions as the judicial hearing body.

**C. Rule of Evidence**

A judicial hearing body's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Conduct Code (preponderance of evidence, rather than beyond a reasonable doubt, as burden of proof).

**D. Academic Dishonesty (See Article I, 13, 14, and Article V. E. 2)**

The student-faculty relationship is based on trust and mutual respect, which can be seriously undermined, by the suspicion or reality of academic dishonesty. The procedure listed below (point 1) is the normal process for adjudicating cases of alleged academic dishonesty. In cases of admitted academic dishonesty, a faculty member may impose an academic sanction without a hearing. Faculty members must report all cases to the Dean of Students for Judicial Affairs.

1. In all cases of alleged academic dishonesty, faculty members must in writing or in person present the student with the charges and evidence of dishonesty.
2. Faculty should always check with the Dean of Judicial Affairs to determine whether other cases of academic dishonesty have been recorded. (Report in all cases.)
3. If the student does not contest the charge, the faculty member will operate as the hearing officer and deliver the sanction. If the student does not contest the sanction, the case will be closed and a report shall be filed with the Dean of Students for Judicial Affairs. In the event the student contests the sanction, the student may appeal the sanction according to the appeal procedure of Article VII of the Student Handbook. The faculty shall report the charges and sanction by the standard form on the website to the Dean of Students for Judicial Affairs within five class days of the sanction being given to the student.
4. If the student contests the charges of academic dishonesty, the faculty member shall within five class days refer the case to the Dean of Students for Judicial Affairs and report the alleged misconduct in writing and provide all the supporting evidence. The student will be contacted by the appropriate dean as decided by the Dean of Students for Judicial Affairs and proceed through the judicial process as found in Article V.B.
5. Implementation of any sanction shall be the responsibility of the faculty member bringing the charges and the judicial officer or body hearing the matter.
6. A written record of the academic dishonesty case including the sanction shall be submitted to the Dean of Students for Judicial Affairs within five class days of the decision.
7. If it is not possible to convene a quorum of two faculty members and three students, then a senior judicial officer or the Dean of Students for Judicial Affairs shall hear the case. This may occur, for example, if the violation occurs late in the semester or between terms.

**E. Sanctions**

The purpose of sanctions is to help students understand their behavior in the context of the college community and to deter such inappropriate behavior in the future. Judicial bodies are encouraged to decide sanctions that are commensurate with the misconduct and that include an educational element since education may be the most appropriate means to addressing code violations within an educational community. Some sanctions will need to be more punitive due to the seriousness of the offense.

1. The following sanctions may be imposed upon any student found to have violated the Student Code:
  - a. Admonition - An oral statement to the student that s/he is violating or has violated institutional rules.
  - b. Warning - A notice in writing to the student that the student is violating or has violated institutional regulations.

- c. Personal Probation - A written reprimand for violation of specified regulations. Personal probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period. Personal probation status may affect a student's ability to travel on an off-campus program or interim and an athlete's eligibility.
  - d. Loss of Privileges - Denial of specified privileges for a designated period of time.
  - e. Fines - Previously established and published fines may be imposed.
  - f. Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - g. Community Service - an assignment of appropriate community service that is both beneficial to the community and likely to assist the individual in understanding the harm caused by his or her misconduct.
  - h. Parent/Guardian Notification – notification of parents or guardians in all cases of alcohol or drug policy violations, abuse or injury to self, or in conjunction with disciplinary probation, suspension from campus housing, or college suspension.
  - i. Discretionary Sanctions - Participation in classes or assignments designed to address decision-making and consequences of behavioral choices within a Christian educational community; mandatory drug or alcohol assessments, or other related discretionary assignments (such assignments must have the prior approval of a Senior Judicial Advisor).
  - j. Disciplinary probation - a written reprimand for violation of specified regulations and likely notification of parents. It includes the probability that the student will be suspended from the College if the student is found to be violating any institutional regulation(s) during the disciplinary probation period. Students placed on disciplinary probation are excluded from participation in leadership roles in student organizations, membership on an intercollegiate athletic team, and/or participation in other privileged institutional activities (e.g., off-campus programs).
  - k. Suspension from Campus Housing – Separation of the student from on-campus housing (residence halls or apartments) for a definite period of time, after which the student is eligible to return. Conditions for return to on-campus housing may be specified.
  - l. College Suspension - Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Parents of students shall be notified of the suspension sanction by the Senior Judicial Officer. During suspension the student is not permitted to be on Calvin College property except by prior permission by a Student Life Dean.
  - m. College Expulsion - Permanent separation of the student from the College. During expulsion the student is not permitted to be on Calvin College property except by prior permission by a Student Life Dean.
2. The following additional sanctions may be imposed upon any student found to be guilty of academic dishonesty:
    - a. Reduced or failing grade for the piece of work involving academic dishonesty.
    - b. Repeating the assigned work involving academic dishonesty.
    - c. Specified loss of points towards final course grade.
    - d. Additional required assignment in lieu of dishonest work.
    - e. Failure in the course.
  3. More than one sanction (e.g., personal probation and community service) may be imposed for any single violation.
  4. Although the sanctions defined in this code may be applied for other than disciplinary reasons, this is a student code of conduct and, as such, it does not presume to define or describe all the situations under which a student may be dismissed from the College. Thus, students may be placed on probation or suspended for academic and psychological reasons as well as for disciplinary reasons.

5. In each case in which a judicial hearing body determines that a student has violated the Student Code, the sanction(s) shall be determined by the judicial hearing body and imposed by the Judicial Advisor. The judicial hearing body may consider prior violations of the Discipline Code, testimony about the student's character and academic performance, or relevant information in order to properly determine the sanction. Students shall be informed of such information so as to give them opportunity to speak to its accuracy. Any decision to impose the sanction of suspension or expulsion requires the approval of the Vice President for Student Life before the student is informed of that decision. Following the hearing, the judicial hearing body and the Judicial Advisor shall advise the accused, in writing, of its determination and of the sanction(s) imposed, if any.
6. Other than College expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's confidential record. Upon graduation, the student's confidential record may be expunged of disciplinary actions upon application to the Vice President for Student Life. Cases involving the imposition of sanctions other than College suspension or College expulsion shall be expunged from the student's confidential record five years after final disposition of the case.

#### **Article VI: PROVISIONAL SUSPENSION**

In certain circumstances, the Vice President for Student Life, or a designee, may impose a College suspension prior to the hearing before a judicial hearing body or pending an appeal of a disciplinary decision.

1. Provisional suspension may be imposed only:
  - a. To ensure the safety and well-being of members of the College community or preservation of College property;
  - b. To ensure the student's own physical or emotional safety and well-being; or
  - c. If the student poses a definite threat of disruption or interference with the normal operations of the College.
2. During the provisional suspension, students shall be denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Vice President for Student Life or the Senior Judicial Advisor may determine to be appropriate.

#### **Article VII: APPEALS**

1. Accused students or complainants may appeal both the decision and the sanction imposed by judicial hearing bodies (student deans, resident directors, and faculty members in informal hearings; the Student Discipline Committee in formal hearings). Students shall submit an appeal form obtained online ([http://www.calvin.edu/admin/student\\_life/forms\\_policies.htm](http://www.calvin.edu/admin/student_life/forms_policies.htm)) or at the office of the Vice President for Student Life. Any and all evidence to support the appeal shall be attached to the appeal form at the time of submission. Such appeals must be presented in writing within five (5) college business days of the sanction decision and shall be presented to the Vice President for Student Life, who serves as *ex officio* secretary of the Appellate Board. The student shall have an appointment with the Vice President for Student Life prior to the appeal being heard.
2. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the written record of the initial hearing, or verbatim record if one exists, supporting documents, and appropriate interviews with the appellant and judicial hearing body for one or more of the following purposes:
  - a. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Student Conduct

Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.

- b. To determine whether the decision reached regarding the accused student was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Student Code occurred.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
  - d. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing. (See form.)
3. If an appeal of a student's guilt is granted by the Appellate Board, the sanction will be lifted immediately.
  4. If an appeal of the severity of the sanction is granted, the Appellate Board will impose a modified sanction which will be implemented by the Vice President for Student Life.
  5. If an appeal of the student's guilt or the severity of the sanction is denied by the Appellate Board, it may not impose a more severe sanction(s) for the accused student.
  6. The President of the college (or his/her designate) shall be responsible for the final disposition of all cases.

#### **Article VIII: INSTITUTIONAL REVIEW**

The Vice President for Student Life, and through her or him, the President of the College, may exercise an institutional review of all decisions. Should it be her or his judgment that the provisions and procedures of this code have in their operation failed to secure the right of the students and the interests of the total community, the Vice President for Student Life may then intervene. Since this would be *de facto* revocation of the authority and responsibility previously delegated in this code, it may be done only in extraordinary situations of crisis and even then only after the judicial hearing bodies in this code have done their work.

#### **Article IX: GRIEVANCE, INTERPRETATION AND REVISION**

1. Complaints of students about the implementation of the provisions and procedures of the code or related policies shall be made to the Vice President for Student Life.
2. Any question of interpretation regarding the Student Code shall be referred to the Vice President for Student Life or his or her designee for final determination.
3. The Student Code shall be reviewed every three years under the direction of the Vice President for Student Life and the Senior Judicial Advisors.
4. Adoption and revision require approval by Student Senate, Faculty Senate, and the Board of Trustees.

Acknowledgments: This document is based on the Calvin College Student Conduct and Disciplinary Procedures, adopted in March, 1977, as well as a model code by Edward N. Stoner II and Kathy L. Cerminara, "Harnessing the Spirit of Insubordination: A Model Student Disciplinary Code," *Journal of College and University Law*, Volume 17, No. 2, pp. 89-121.

**APPENDIX A**  
**STUDENT DISCIPLINE COMMITTEE**  
**Mandate and Composition**

Mandate

The Student Discipline Committee shall function as the principal agent of the Faculty Senate in all matters concerning the personal conduct of students and shall recommend to the Faculty Senate and the Student Senate all changes in official procedures, structures, sanctions, and standards of conduct.

Rules

1. Recommend changes in general standards of student conduct which are consistent with the educational and religious purposes of the college.
2. Review all rules devised by administrative officers and committees which are designed to govern the conduct of students.
3. Serve both the student and the college as a primary hearing board of student misconduct proceedings in the option that a Student Life Dean does not hear the case, either by the student's or the Dean's choice.

Composition

Eight members: a Student Life Dean who shall serve as secretary and a non-voting member; three faculty members, not all of the same sex, one of whom shall be the committee chair; and four students, not all of the same sex, one of whom is a student senator and at least one of whom is from the residence halls. There shall also be at least one alternate from both the faculty and student constituencies.

June, 1995

**APPENDIX B**  
**APPELLATE BOARD**  
**Mandate and Composition**

Mandate

The Appellate Board shall function as the appeals body for student discipline cases.

1. The board meets each fall for organizational purposes and thereafter only as needed. It shall be convened by the Vice President for Student Life.
2. A quorum is constituted by two students and two faculty members.
3. A minimum of two-thirds votes is required to sustain an appeal.
4. The board does not have the right to increase the sanctions.
5. The board shall conduct appeals according to the Student Conduct Code.

Composition

Seven members: the Vice President for Student Life who shall serve as secretary and a non-voting member; three faculty members from the Faculty Senate who shall be appointed by the President in consultation with the Vice President for Student Life; and three students, identified leaders, one from the residence halls, one from the Knollcrest East apartments, and one (junior or senior) from Student Senate who are all appointed by the Student Senate's Appointments Committee in consultation with the Vice President of Student Life; by graduation of each year.

Approved by Faculty Senate: 1995

## Appellate Review Request Form

Name: \_\_\_\_\_ ID #: \_\_\_\_\_

On-Campus Address: \_\_\_\_\_ On-Campus Phone: \_\_\_\_\_

Permanent Address & Phone: \_\_\_\_\_  
\_\_\_\_\_

E-Mail Address: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Date of Decision: \_\_\_\_\_

*Accused students or complainants may appeal both the decision and the sanction imposed by judicial hearing bodies (student deans, resident directors, and faculty members in information hearings; the Student Discipline Committee in formal hearings). **Such appeals must be presented in writing within five (5) college business days of the decision and shall be presented to the Vice President for Student Life, who serves as ex officio secretary of the Appellate Board.***

*Except as required to explain the basis of new evidence, an appeal shall be limited to review of the written record of the initial hearing, or verbatim record if one exists, supporting documents, and appropriate interviews with the appellant and judicial hearing body for one or more of the following purposes.*

*Taken from the Student Conduct Code, Article VII: Appeals*

Please check the appropriate box that describes the rationale for why you are choosing to appeal. Please attach any statements or other information that supports your appeal.

- To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Student Conduct Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
- To determine whether the decision reached regarding the accused student was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Student Conduct Code occurred.
- To determine whether the sanction(s) imposed were appropriate for the violation of the Student Conduct Code which the student was found to have committed.
- To consider new evidence, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Today's Date

## **APPENDIX C**

### **POLICY STATEMENT ON DISCRIMINATION AND HARASSMENT**

#### **Introduction**

Part of the three-fold purpose of Calvin College is "to perform all our tasks as a caring and diverse community." The members of this community are part of a unity that transcends boundaries of personal characteristics. We are a communion of saints in which each member contributes to the service and support of the other members. Each person, faculty, staff and student who has chosen to join the Calvin community thereby declares he or she is willing to uphold the community's stated standards of conduct.

This policy statement on discrimination and harassment explicitly states our community's commitment to treat all its members with dignity and respect as image-bearers of the Creator. Discrimination, harassment, and retaliation which violate this policy will not be tolerated and will be subject to disciplinary action.

#### **Policy Statement**

Calvin College prohibits unlawful discrimination on the basis of race, color, national origin, age, religion, disability, gender, marital status, sexual orientation or other characteristics protected by federal, state or local statute or ordinance.

Calvin College affirms its commitment to maintaining a learning, working, and living environment which is fair, respectful, and free from harassment. Calvin College will apply this policy to all persons who are members of the faculty, staff, or student body. This policy expressly applies to forms of harassment which are prohibited by federal, state or local statute or ordinance. In addition, there are other forms of improper harassment, based on characteristics which are not protected by these statutes. It is the policy of Calvin College that, although such harassment may not be expressly prohibited by law, such harassment nevertheless has no place here and will be subject to disciplinary action. Illustrative examples include harassment based upon physical appearance or social or economic status.

No one at the college may retaliate in any way against a person who makes a report of discrimination or harassment.

#### **Prohibited Conduct**

It is a violation of this policy to engage in any of the following conduct:

1. Unlawful discrimination in providing employment or educational opportunities, benefits or privileges; the creation of unlawful discriminatory work or educational conditions, or the use of unlawful discriminatory evaluation standards in employment or education if the basis of that treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability, gender, marital status, sexual orientation or other characteristics protected by law or this policy.
2. Harassment is severe or repeated unwelcome sexual advances or verbal comments of a sexual nature or verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her legally protected characteristic, or other personal characteristic which is covered by this policy.

Harassment includes:

- a. Unwelcome conduct or language which creates an intimidating, hostile or offensive working environment, including epithets, slurs or negative stereotyping; threatening, intimidating, derogatory, or hostile acts; denigrating jokes; written or graphic material that degrades or shows hostility or aversion toward an individual or group. It also includes interfering with or blocking a person's legitimate movement or access in the classroom or workplace, the use of profanity to convey hostility toward others and pranks or horseplay intended to embarrass or humiliate others.

- b. Making submission to unwelcome sexual advances, submission to requests for sexual favors, or submission to other unwelcome verbal or physical conduct of a sexual nature a condition of any person's employment or association with the College. It also includes making submission to, or rejection of, such conduct the basis for decisions affecting a person's employment or academic status or opportunity, for examples, decisions regarding salary increases, promotions, transfers, evaluations, etc., and decisions regarding grades, recommendations, admissions, fellowships or other opportunities, etc.
- c. Retaliation against anyone for reporting discrimination or harassment or for participation in an investigation of a claim of harassment or discrimination.

### **Reporting, Investigation and Remedial Action**

The College encourages the reporting of all perceived incidents of discrimination, harassment or retaliation regardless of the offender's identity or position. If you believe you have been the victim of conduct prohibited by this policy or witnessed such conduct, you should discuss your concerns as follows:

- Students ordinarily will bring reports to the dean of students for judicial affairs. This would apply to student reports concerning faculty, staff, or fellow students.
- Staff ordinarily will report to the director of human resources.
- Faculty members ordinarily will report to an academic dean.

If the circumstances make it inappropriate to discuss the matter with the person designated above, the matter may be brought to any one of the other persons listed above.

While there is no specific reporting time, early reporting and intervention are the most effective method of resolving actual or perceived incidents of harassment.

In addition to reporting the behavior, persons who believe they are being subjected to such conduct may, either alone or with a colleague, advise the offender that his or her behavior is unwelcome and request that it be discontinued. Prompt notice often can resolve the problem. The College recognizes, however, that an individual may prefer to use only the reporting procedure described above.

Reported allegations of discrimination, harassment, or retaliation will be promptly and thoroughly investigated. Confidentiality will be maintained consistent with an adequate and thorough investigation and appropriate corrective action. At any time after a report is made, an informal resolution process may be suggested. However, participation in such a process is voluntary, and if the reporting person or the accused declines, the formal procedure will continue.

Complaints against faculty will be processed according to the procedures in the Handbook for Teaching Faculty ([Section 6.1](#)). Complaints against staff will be processed according to the procedures in the Staff Handbook. Complaints against students will be processed according to the procedures in the Student Handbook. Complaints against other persons, such as visitors or third party suppliers doing business within the Calvin community, will be processed in a manner suitable for the circumstances, as determined by the College.

Individuals found to have violated this policy will be subject to disciplinary action which may include sanctions up to and including termination of employment or enrollment.

## **False Complaints**

The College will seriously investigate all complaints. However, it also recognizes that false complaints are likely to cause significant damage to the person and reputation of an individual who is wrongfully accused. Individuals found to have knowingly made false complaints will be subject to disciplinary action which may include sanctions up to and including termination of employment or enrollment. A complaint which is erroneous, but was made in good faith, will not be subject to disciplinary action.

## **First Amendment Considerations**

Calvin College is a Christian institution situated within the Reformed tradition. As such, the College may, under the Free Exercise Clause of the First Amendment to the Constitution of the United States and various relevant statutes, lawfully discriminate on the basis of religious and confessional criteria in its hiring, personnel practices and admissions. One example is the College's use of religious faith, confessional commitments and church membership as conditions of employment for faculty and administrators with faculty status. Another example relates to sexual conduct. Though it is the College's policy to assure equal opportunity in its hiring, personnel practices and admissions without regard to marital status or sexual orientation, sexual relations outside of marriage are proscribed (see e.g., Handbook for Teaching Faculty - [Section 6.1.2](#)). Marriage is understood by the College and the Christian Reformed Church, with which it is affiliated, to be a covenantal union between a man and a woman.

The policies and procedures set forth in this document do not abrogate the College's rights under the First Amendment or relevant statutes, nor do they limit the ability of the College to take disciplinary action against members of the community who violate the College's legitimate requirements or standards of behavior.

## **APPENDIX D CALVIN COLLEGE SEXUAL ASSAULT POLICY**

### Introduction

Sexual assault is an attack on personal dignity, an impediment to educational goals, and a violation of both biblical precepts and criminal law. Calvin College affirms its commitment to maintaining a learning and living environment which is fair, respectful, and free of sexual assault.

### Sexual Assault is Prohibited

Calvin College does not tolerate any acts or threats of sexual assault or physical assault whether directed at males or females, someone known or unknown (including date or acquaintance rape), which involves use of force or coercion, without consent or when a person is incapable of consent. (Student Conduct Code, Article IV.B.4.) The College prohibits all sexual behavior that is an abuse of power, status, or influence over another. Untolerated conduct includes behavior defined by the Criminal Sexual Conduct Law (CSC) for the State of Michigan and other relevant laws of sexual abuse or indecency. Being under the influence of alcohol or drugs does not absolve the perpetrator of personal responsibility for his/her actions. (See Appendix E)

Any person in this College community in violation of this policy is subject to disciplinary action and sanctions of the College, notwithstanding any action that may or may not be taken by civil authorities.

### Definition of Sexual Assault

Sexual assault refers to any sexual act without the explicit consent of the recipient of the behavior. In some cases, this may involve force. Force may include, but is not limited to, the use of or display of a weapon, physical battering or immobilization of the other person. Consent shall be defined as the act of willingly and verbally agreeing to engage in specific sexual contact or conduct. Psychologically pressuring or coercing an individual or any attempt to take advantage of an individual under duress or when incapable of making a decision on his or her own is a direct violation of the policy. This includes situations in which an individual is under the influence of alcohol, drugs and/or prescribed medications.

### The College's Response

Calvin College hereby affirms its commitment to promote relevant educational efforts and programs, publicize clear procedures for victims, and respond to reports of sexual assault with appropriate procedures of discipline.

#### I. Educational Efforts and Programs

- A. Educational programs on rape prevention are offered for first year students and other on-campus residents each academic year. Material covered includes procedures to follow if a sexual offense occurs, the importance of preserving evidence, and to whom the offense may be reported. Periodically rape prevention programs are also presented to commuter students and to those attending off-campus interims and semester programs.
- B. A course of women's self-defense is offered for credit by the HPERDS Department. Also, all students must take PE 104 which includes a unit on rape and date rape.
- C. Brochures on rape and acquaintance rape are available in Health Services, and the Broene Counseling Center. Similar information is available on-line at calvin.edu.
- D. A comprehensive and detailed guide entitled "In Case of Sexual Assault: What You Need to Know" is available on-line at [http://www.calvin.edu/admin/broene/sapt/in\\_case\\_of\\_sexual\\_assault.htm](http://www.calvin.edu/admin/broene/sapt/in_case_of_sexual_assault.htm). This brochure addresses medical examination and collection of evidence, police contact and what prosecution involves, the process of bringing charges through the college disciplinary procedure, telling family and significant others, and seeking professional counseling. It also lists campus and community resources.
- E. Information regarding Calvin's Sexual Assault Prevention Team (SAPT) is posted on-line at <http://www.calvin.edu/admin/broene/sapt/>. Further information on the SAPT, personal safety, and response to rape are available on-line in the Student Handbook ([http://www.calvin.edu/admin/student\\_life/forms\\_policies.htm](http://www.calvin.edu/admin/student_life/forms_policies.htm)).
- F. Books, videos, and other educational materials are available in the Broene Counseling Center and in the Hekman Library.. These speak to a range of sexual offenses including stranger rape, acquaintance rape, and sexual harassment.

#### II. Rights and Options for Victims of Sexual Assault

- A. The victim of sexual assault is urged to utilize the Broene Counseling Center or an off-campus agency of his/her choice such as the YWCA Sexual Assault Program.
- B. Calvin College affirms the right of the victim of sexual assault to make a report to appropriate on-campus and/or off-campus authorities and conveys this to each victim.
- C. Calvin College encourages the victim of sexual assault to report the incident to the Dean of Judicial Affairs and to consider campus action if the perpetrator is another student or Calvin employee. In some situations such as date rape, the victim may fear being blamed or disciplined for the rape if, for example, he/she had been drinking. However, the Student Life Division is committed to sensitive and fair handling of such situations with healing, safety of others, and justice as primary concerns.

### III. Procedures for Campus Action

- A. The student considering formal charges of sexual assault against another student may seek counsel from their Resident Director, any Student Life Dean, or any of the counselors in the Broene Counseling Center regarding procedures and options. He or she may wish to consult the Student Conduct Code regarding disciplinary procedures. Complaints may be filed with the Dean of Students for Judicial Affairs.
- B. The complainant and the accused both have rights which include, among others, the following:
  1. The right of the complainant to request consideration of a change in living arrangements or other modifications to avoid forced contact with the accused.
  2. Both the complainant and the accused are entitled to be accompanied by a current member of the Calvin community (faculty member, staff, or student) who can provide support during the disciplinary proceedings.
  3. Both the accused and the complainant have the right to be informed in a timely manner of the disposition of the case.
- C. The college's burden of proof is based on the preponderance of evidence rather than beyond a reasonable doubt which is required for a conviction on criminal charges.
- D. Sanctions for sexual assault can extend over the entire range of sanctions, including expulsion or suspension from the college, depending on the severity of the offense. (Student Conduct Code, Art. V. E. Sanctions)

### **Criminal Sexual Conduct (CSC) Law for the State of Michigan**

The essence of Michigan law is summarized below:

Stated as - "Use of force or coercion to penetrate oral, vaginal, or anal body cavity of a person who has not consented or is incapable of consent."

#### **1. Force or Coercion -**

**Force** is the physical overpowering of another individual which results in a sexual experience.

**Coercion** is the manipulation of another individual which results in a sexual experience. For example:

- Talking someone into having sex
- Using alcohol as a tool to break down sexual reluctance
- Threatening to harm someone
- Not letting someone leave a room and/or locking a door so they can't leave

#### **2. Penetration -**

**Penetration** does not just refer to the penis being penetrated in the vagina. The law states that **any** body cavity, as listed above, that is penetrated by another body part (fingers, for example) or an object is illegal.

#### **3. Consent -**

**Consent** is a clear, freely given, **verbalized** "yes" to the sexual experience. The absence of "no" is not consent. Furthermore, a verbalized "yes" which has been coerced, as in the examples above, does not constitute a freely given "yes". In such cases, consent has not been given, and one who continues to have a sexual experience without this consent potentially could be charged with a Criminal Sexual Conduct charge.

### Three reasons a person cannot give consent

1. An individual cannot consent to a sexual experience if they are under the influence of alcohol and/or other drugs according to the law. A person is not considered to be of "sound mind and body" and therefore, cannot consent **legally** to a sexual experience.
2. An individual who is 15 years of age or under is considered a minor under this law and is not considered **legally** able to consent to a sexual experience. If an individual 16 yrs. or older engages in a sexual experience with someone 15 yrs or younger, that is **Statutory Rape** regardless of whether the minor agreed to the experience or not. A parent or legal guardian of the minor can press charges against the adult even if the minor consented to the experience.
3. An individual who is legally determined to be mentally-handicapped is not capable of consenting to a sexual experience according to the CSC law for Michigan.

### Four Degrees of CSC for the State of Michigan

1. **First Degree - Felony**  
Includes **penetration** and **aggravation**. Aggravation is any personal injury to the victim other than the penetration itself. This could include any physical injury occurring to the victim or any emotional trauma or mental anxiety the victim experiences as a result of the incident.
2. **Second Degree - Felony**  
Includes **sexual contact** and **aggravation**. Sexual contact is any touch of sexual nature which has not been consented to (touching, fondling, etc.). It includes touching someone's butt, a female's breasts, grabbing a guy's penis.
3. **Third Degree - Felony**  
**Penetration only.**
4. **Fourth Degree - Misdemeanor**  
**Sexual contact only.** This includes grabbing/touching a female's breasts, or grabbing a guy's penis. This is against the law whether or not penetration or aggravation occurred.

A complete detail of the Michigan law can be found at  
<http://www.courts.michigan.gov/mji/resources/sabb/sabb.htm>

## APPENDIX E

### CALVIN COLLEGE STANDARDS FOR USE OF ALCOHOLIC BEVERAGES

Listed below are the standards of the Calvin College community regarding the use of alcoholic beverages. The context for these community standards is that Calvin College expects all students to comply with the State of Michigan laws about alcoholic beverages. In the State of Michigan, persons under the age of 21 shall not purchase, consume, or possess alcoholic beverages. In addition, it is against Michigan law to sell or furnish alcoholic beverages to persons less than 21 years of age. The goal of the community is that students will make responsible choices about whether or not to use alcoholic beverages. A responsible choice will vary from individual to individual. Because most Calvin students are under the legal drinking age, their choice should be abstinence; for those of legal drinking age, it should be abstinence or moderation. A few must choose abstinence because of their high risk for alcoholism. The laws of the State of Michigan and the community standards ought to guide student decisions about alcoholic beverage use. Students who fail to respect these laws and standards risk the sanctions of this community.

- A. Possession and Consumption  
Calvin College prohibits the possession and consumption of alcoholic beverages on college premises and in authorized college activities off college premises. The college also expects students who are underage to comply with State of Michigan laws regarding the possession and consumption of alcoholic beverages.
- B. Alcohol Containers  
Calvin College prohibits the possession of empty alcoholic beverage containers anywhere on college premises including vehicles.

C. Intoxication

Calvin College expects students of legal drinking age who choose to drink alcoholic beverages to be moderate in their consumption. Any consumption of alcoholic beverages by any age student that results in impairment or intoxication is a violation of community standards.

D. Hosting Responsibilities

Calvin College expects students of legal drinking age, who choose to serve alcoholic beverages to student guests in off campus settings or who choose to host bring-your-own-beverage functions, to be responsible in their hospitality. It is a violation of both Michigan law and community standards to serve alcoholic beverages to underage guests or to require any guest to pay a cover charge for admission to the host's residence. It is a violation of community standards to allow student guests 21 years of age or older to drink alcoholic beverages excessively.

The severity of the sanction will reflect the seriousness of the incident and the student's history of previous violations. Sanctions will range from personal probation to disciplinary probation, usually coupled with community service hours, an alcohol-education class, special assignments, or monetary fines up to \$100. At the time of any disciplinary hearing for an alcohol violation, the Judicial Advisor will determine if an alcohol assessment is indicated and, if so, the student will be required to participate in the assessment if it is included in the disciplinary sanction. Repeated violations may result in suspension.

Revised: Student Discipline Committee, 1997

## **APPENDIX F**

### **Use of Technology Policies**

As a user of Calvin information technology resources it is your responsibility to be aware of Calvin's policies on using Calvin's information technologies and federal, state, and local laws that affect your use of technology. As a Christian College, what might be allowed under the law may not be allowed at Calvin. For information as to what Calvin expects of you, what your rights are and how to report policy violations please see <http://www.calvin.edu/it/itpolicies/responsibleuse.htm>.