

# Colby

## **Student Handbook 2023-2024**

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# STUDENT HANDBOOK INTRODUCTION

The Colby College Student Handbook (Handbook) frames our community values and expectations and provides a resource for creating an informed community accountable to ourselves and to one another. The Handbook includes information regarding resources and support services; policies and procedures that establish a healthy, supportive College community; and serves as a companion piece to the [Colby College Catalogue](#).

While the Student Handbook covers academic, administrative, health, and social resources and guidelines, the College Catalogue includes detailed information about academic programs, academic requirements and policies, course descriptions, off-campus study, and January Programs. Students should be familiar with **Colby's Mission and Educational Precepts**, located in the catalogue.

All students are expected to know and comply with the provisions in the Handbook and the Colby College Catalogue as you have a responsibility to the greater College community. The policies apply during your time at Colby College, whether on or off campus.

**Handbook Distribution and Alternative Format:** Students can locate the Handbook at <https://life.colby.edu/your-safety/community-values-conflict-resolution-and-restorative-practice/student-handbook/>. The online version includes links to important documents referenced in the Handbook. The online version is the official and most up-to-date version of the Handbook. Students who need an alternative format can contact the Dean of Students Office at 207-859-4250 or [dos@colby.edu](mailto:dos@colby.edu).

**Reader Notice:** This Handbook is not a contract. The College provides the information in the Handbook solely for the convenience of the reader and reserves the right to make changes to the Handbook, or to any policy or regulation, at any time without prior notice.

**Nondiscrimination Policy:** Colby is a private, coeducational liberal arts college that admits students and makes personnel decisions on the basis of the individual's qualifications to contribute to Colby's educational objectives and institutional needs. The principle of not discriminating on the basis of race, color, age, sex, sexual orientation, gender identity or expression, religion, caste, national or ethnic origin, marital status, genetic information, political beliefs, veteran or military status, parental or marital status, pregnancy, childbirth or related medical conditions, physical or mental disability unrelated to the job or course of study requirements is consistent with the mission of a liberal arts college and the law.

Colby prohibits retaliation against anyone who makes a good faith report of conduct in violation of Colby's discrimination or harassment policies, or against anyone who makes a good faith effort to disclose perceived wrongdoing. Further, Colby will not tolerate retaliation against any student who, in good faith, cooperates in the investigation of such conduct.

# VISION FOR THE COLBY COMMUNITY

The Colby Affirmation is the source of the vision shared by the community. The Affirmation was developed by a task force of students, faculty, staff and members of the Board of Trustees. By living this way, we prioritize the intellectual, physical, social, emotional and spiritual well-being of all our community members.

## ***The Colby Affirmation***

*Colby College is a community dedicated to learning and committed to the growth and well-being of all its members.*

*As a community devoted to intellectual growth, we value academic integrity. We agree to take ownership of our academic work, to submit only work that is our own, to fully acknowledge the research and ideas of others in our work, and to abide by the instructions and regulations governing academic work established by the faculty.*

*As a community built on respect for ourselves, each other, and our physical environment, we recognize the diversity of people who have gathered here and that genuine inclusivity requires active, honest, and compassionate engagement with one another. We agree to respect each other, to honor community expectations, and to comply with College policies.*

*As a member of this community, I pledge to hold myself and others accountable to these values.*

## **Our Community Values**

We believe the following 13 statements express what is desired by the Colby Community:

1. We have *integrity*. That is, we live in accordance with our values.
2. We ground our actions in *compassion, kindness, respect, and trust*.
3. We share equal *responsibility* for the well-being of every member.
4. We advance *diversity, equity, inclusion and social justice*.
5. We uplift *individual rights* and the *dignity* of all others.
6. We seek to *build relationships* and *restore* them when they are damaged.
7. We promote *healthy choices* in relation to self and others.
8. We support *personal growth and learning*.
9. We uphold *academic integrity*.
10. We *respect the spaces* in which we live, learn, and work.
11. We are responsible *stewards of the environment* and natural resources.
12. We seek to *make a positive impact* on our communities, at and beyond Colby.
13. We accept *responsibility* for our actions and words, and commit ourselves to the education, personal growth and/or relational repair which are a consequence.

## **What is Community?**

While a community includes **members**, it also includes a set of

- **Interactions** - moments of exchange between 2 or more people.
- **Relationships** - connections between people who have recurring interactions that are perceived to have personal meaning.

- **Social structures** - organized set of social institutions and patterns of institutionalized relationships (includes traditions, clubs etc.).

Members' actions are predominantly based on values, beliefs, meanings, and expectations that are *common* to the members.

Communities are not always harmonious, despite members having fundamental commonalities. Internal differences that can cause conflict and division always exist. Individuals also belong to multiple communities that may have different, even competing values. However, communities built on belonging, trust, and shared responsibility are able to navigate and resolve conflicts.

“The Colby Community” is both the real, dynamic and imperfect social structures, interactions and relationships we all experience daily, and something aspirational - the community that arises when we live the *Community Values*.

### **What are Values?**

A value is a concept of what is desirable. It influences why we act, and how we act.

### **What are Community Values?**

Community Values has two separate but interwoven meanings:

- At the level of the group, community values refer to shared beliefs about what is desirable. These beliefs create norms for the group - the expectations for how we act toward others because “this is the way we do things here”.
- At the individual level, community values are our personal priorities regarding our actions relative to the community, which are based on our feeling of connection to the group.

The degree to which each of us accepts the group values as our own depends largely on three things:

1. Sense of Belonging. This requires that we feel respected, that we have equal rights and opportunities to be fulfilled.
2. Social Trust. This arises when we believe others care about us, will help us when we need it, and are fair.
3. Sense of Responsibility. This is a personal characteristic that we develop in complex ways throughout life as a consequence of belonging to communities - it is our baseline feeling that we must honor the rules and expectations of any community of which we are a part and support the success of members and the community as a whole. When we enter new communities, our Sense of Responsibility grows (or shrinks) in relation to our Sense of Belonging and feelings of Social Trust.

So, when we are connected to the community by Belonging, Trust, and Responsibility, we more readily do things “the way they are done here”.

**The Colby Community exists when we live our values, as this encourages others to commit to our values, which in turn strengthens all of our resolve to live our values!**

# STUDENT SERVICES and RESOURCES

[colby.edu/life](http://colby.edu/life)

## Student Support

**The Colby Experience:** College is a time of great personal growth and development, and it can also be a time when students face challenges and uncertainty. The DOC staff provides support and guidance to students and assists students with any problems that may arise during the college years. Life at Colby is centered on the notion that learning extends beyond the classroom into all aspects of the college experience. As shaped by the College's mission and precepts, a Colby education is characterized by academic rigor, a strong community, a friendly campus atmosphere, global reach, and active engagement with a diversity of thought and human experiences.

**Dean of the College Mission Statement:** The Dean of the College division creates transformative and integrative learning that develops purposeful, compassionate, and global citizens. We support a holistic and reflective community that acts with integrity and courage to promote justice and equality at Colby and in the world.

**Dean of the College Division and Staff:** The Dean of the College Division oversees student life and learning outside of the classroom, and it comprises the Office of the Dean of Students, the Office of the Dean of Studies, the Office of Campus Life, Counseling Services, DavisConnects, the Office of Diversity, Equity, and Inclusion, the Office of Religious and Spiritual Life, the Office of Community Values, Conflict Resolution, and Restorative Practice, and support for accommodations and learning differences. Experienced staff members advise and support students' experiences related to their academic, social, cultural, and personal life at the College. Staff members help students to shape and maintain positive living and learning communities, opportunities for civic engagement and leadership development, and a rich array of co-curricular experiences.

**Student Grievances:** If a student has a grievance with a member of faculty or staff they may report the matter to their Class Dean. The Class Dean will either direct the matter directly to the relevant official, or assist the student to do so.

## Academic Support

Colby has a number of programs designed to help students maximize their academic success. Each student has a faculty advisor and a Class Dean to consult about issues that arise. Usually the first person to consult when a student has academic concerns is the professor for the course or the student's academic advisor. If a student is uncertain of expectations or is having difficulties in a particular course, it is a good idea to communicate with the professor as soon as possible.

**Academic Advisors:** All incoming students are assigned a first year Academic Advisor who helps students navigate their first year academic experience. Incoming first year students are

assigned to faculty advisors through the Office of the Dean of Studies. Advisors and advisees establish contact with one another in early summer to help guide course selection for the fall. Advisors meet with students during the orientation period and assist students during the period when courses may be added or dropped from the students' schedules. Academic Advisors provide guidance to students during course selection for JanPlan and spring and help students as they navigate their first year academic experience. During the second, third, or fourth semester, when students may elect a major, they will move under direct advisorship of a major department or program.

**Class Deans:** The Dean of Studies Office supports and enhances Colby's commitment to first-rate, individual advising of students. In addition to having an academic advisor from the teaching faculty, every Colby student is assigned a Class Dean to provide advice and support during their time at the College. The Class Deans are knowledgeable about issues and problems that arise for students and are a good source of information about College resources and policies. They offer general advising as well as referrals to other campus offices. The Class Deans help students and parents/guardians manage academic and non-academic situations as they arise, consulting extensively with faculty and staff across the College. Students may contact their Class Dean or the Dean of Studies Office at 207-859-4560 or [deanofstudies@colby.edu](mailto:deanofstudies@colby.edu).

**Faculty Office Hours:** All faculty on campus hold one-on-one and/or group office hours. Office hours are an excellent resource for students who are struggling in a class or looking to master advanced material beyond what is required for lectures. Professors often use office hours to help students prepare for exams or review difficult material that appear on problem sets. Students are encouraged to attend office hours regularly throughout the semester and should consider office hours the first step in pursuing academic support.

**Learning Consultants:** Colby offers learning consultants who can assist students with study habits and other targeted strategies. These expert coaches are available to any Colby student seeking additional academic support, coaching, or skills building. Contact the Dean of Studies Office at 207-859-4560 to request a meeting with a learning consultant.

**Student Success Fund:** Colby is committed to providing educational access and opportunity regardless of a student's financial background. The Dean of Studies office will work with students on a case-by-case basis to identify and connect them with available financial resources to help alleviate distressing situations that can interfere with academic success. Students are encouraged to contact the office to discuss their concerns and explore options: (207) 859-4560 or room 107, Eustis Hall. Student Success Funds funds are specific to basic academic and emergency needs; students who are seeking funding for education enrichment opportunities (e.g. housing or travel costs related to internships) should contact DavisConnects or Student Financial Services.

**Tutoring:** Colby provides academic support services that supplement the support provided by course instructors. Advanced students are hired as teaching assistants, tutors, or writing fellows. Consult the professor of the course or your Class Dean to review the challenges you are experiencing and to request assistance from a tutor.

**The Farnham Writers' Center:** Located in Miller Library, the Farnham Writers' Center works with students on all aspects of writing. They seek to further a culture of writing at Colby and in the community through peer tutoring and special writing events. As a writing resource for our

students, including multilingual writers, they provide information on good writing practices and guidance on grammar and documentation. Even students who have always been strong writers can find themselves feeling less confident when learning how to write in a new academic setting. The Writers' Center is a warm and friendly space where students can seek advice on every step of the writing process.

**Access and Disability Services:** Colby offers programs and resources that support a range of learning differences—to make sure every student can maximize their academic potential. As part of the ADA accommodations process, Colby provides a range of support for students with learning differences, including but not limited to additional time on exams, note taking support, and other adjustments in academic procedures, in accordance with recommendations of qualified diagnosticians. Students also work with Access and Disability Services to request accommodations related to housing, parking, and dining.

Typically, all students are expected to attempt to complete the foreign language requirement. However, students who experience inordinate difficulty in completing this requirement and who have documentation of a language-based learning difference that meets Colby guidelines may petition to modify the foreign language requirement with an approved program of alternative study, which will include three courses exploring aspects of a single linguistic or cultural group. Students with questions in this area can contact the Director of Student Access and Disability Services at 207-859-5166 or at [accommodations@colby.edu](mailto:accommodations@colby.edu) or by visiting room 103B, Eustis Hall.

## Personal Support

There are many places students can turn to on campus for advice and support when they are encountering difficulties, whether involving interpersonal relationships, fitting in socially, or worrying about the direction life is taking. The nearest resource is often the residence hall staff. These trained student staff members - the Community Advisors - can provide information about professional support resources. When students are facing more serious issues, it may be appropriate to seek out more specialized resources. These resources include deans, Counseling and Health Center staff, and Religious and Spiritual Life staff. When problems arise outside of business hours and on weekends, students can access emergency and support resources through our on-call systems. To access the professional on-call or Colby Emergency Response, call Security at 207-859-5911. To access after-hours Counseling Services, please call 207-859-4490 ext 0.

**Leaves of Absence/Withdrawal from the College:** For the full policy on leaves and withdrawals, refer to the Dean of Studies website or contact [dos@colby.edu](mailto:dos@colby.edu).

**Medical Leaves:** For the full policy on Medical Leave, refer to the Dean of Studies website of or contact [dos@colby.edu](mailto:dos@colby.edu).

**Colby Health Services:** Wellness is critical to engaging fully in the Colby experience. Colby Health Services is a fully integrated clinic providing comprehensive confidential health care. Through an established relationship with MaineGeneral and Maine Dartmouth Family Medicine Residency students have access to a broad network of physicians and specialists offering expanded services and integrated care. The medical providers at Colby Health Services are available for your acute, chronic, and preventive health needs. They offer a full

range of primary health care related services, including physical exams, gynecological services, travel health visits, acute visits for injuries and illnesses, referrals to specialists, ongoing care, as well as behavioral health evaluation and medical management.

**Colby Emergency Response (CER):** CER is a team of students trained and licensed as emergency medical technicians (EMTs) who respond to health emergencies on campus. This network supplements the care provided by the health center staff to ensure that all students subject to accident/illness on campus are assisted swiftly and skillfully.

**Colby Counseling Services:** The mission of Colby Counseling Services is to foster the wellbeing of all students within a respectful and confidential environment through providing a range of psychological counseling, consultation and outreach services. Our diverse team of psychologists, professional counselors and social workers collectively have over 40 years of experience working collaboratively with students. We work with students in individual counseling, group counseling, through teaching practices such as meditation, and in a variety of other capacities. Students also have access to our counselor-on-call for mental health emergencies when the office is closed.

The Counseling Services office is located in a comfortable and private setting on the second floor of Garrison-Foster and all of our services are free of charge. We also want you to know that we take your confidentiality very seriously and your privacy is protected in the same manner it would be if you were visiting a counselor as an adult in your home community. Appointments can be made by calling 207-859-4490, or by stopping in Room 205, Garrison-Foster Building, during regular business hours. You can find more information at [Counseling Services - Life at Colby](#).

In a mental health emergency, students can reach the on-call-counselor 24/7 by calling Counseling Services at 207-859-4490 and pressing "0". For off-campus help you can reach out to the Maine Crisis Line at 1-888-568-1112, or dial 988 for the Suicide and Crisis Lifeline. For suicide prevention details please visit our website at [Suicide Prevention - Life at Colby](#) or call Campus Security for assistance.

Off-campus mental health referrals:

Talkspace (Free to Colby students): [talkspace.com/ColbyCollege](https://www.talkspace.com/ColbyCollege)

Health Psych Maine: 207-872-5800

Psychology Specialists of Maine: 207-607-4022

Rebecca Lovitz, LCSW: 207-228-2741

Greg Bazakas, LCSW: 207-314-9868

MaineGeneral Mental Health and  
Substance Abuse (incl. meds): 877-777-9393

Finally, no matter how well you attend to your health, everybody experiences some level of emotional challenge in college...it's totally normal! So, if you notice that those challenges are interfering in the classroom, in relationships or in other areas of your life, don't hesitate to reach out.

## Student Life

**The Residence Experience:** As a residence campus, Colby College's residence halls are where students call home while achieving their academic pursuits. The residential setting is an

integral part of the college experience, and therefore, all students are expected to live in the College's residence halls. Residence halls across campus vary in size and can accommodate between 30 and 200 students. All first year students reside in a designated cluster of residence halls. Upper class students are housed in all other residence halls with the exception of the Harold and Bibby Alford Residence Complex (which houses only seniors), and the Bill and Joan Alford Main St. Commons (which houses only juniors and seniors). In all buildings, students can expect a safe, inclusive, and supportive living environment that integrates the academic, creative, and cultural dimensions of college life. Residence hall communities are led by student leaders specifically hired and trained to promote an engaging residential community that fosters connections, personal growth, civility, and student success.

Students have access to a variety of specialized housing options including but not limited to substance-free, and healthy living options. Room selection is generally assigned by room draw with first priority given to seniors. More detailed information about residential living at Colby can be found on the Life at Colby [website](#).

**Orientation:** Special attention is given to the task of welcoming and orienting new students into the Colby community. From the time of admission until they arrive on campus, new students are invited to make use of the admitted students' website to get answers to questions they may have. First-year students come to campus a week prior to the start of fall classes and participate in a comprehensive orientation program designed to introduce them to the academic program as well as all aspects of residential, co-curricular, and social life at Colby.

As part of orientation, first-year students are required to participate in COOT (Colby Outdoor Orientation Trips). Orientation Leaders, Upperclass COOT leaders and residential Community Advisors (CAs) serve as peer mentors for new students during orientation and throughout the year.

**Dining Services:** The College offers a board plan of 21 meals per week for all resident students. Meals are served in three separate on-campus dining halls—in Foss Hall, Dana Hall, and Roberts Hall, each with a different menu. Students living in the Alford Residence Complex, the Bill & Joan Alford Main Street Commons, and the Mary Low Co-op, or students living off campus who do not subscribe to the full meal plan, are entitled to an adjustment of the comprehensive fee (see Fees and Charges section of the catalogue).

**Cotter Union/Pulver Pavilion:** Cotter Union is located near the center of the campus and serves as the student center and a venue for more formal gatherings including lectures and performances. The Office of Campus Life, the Colby Bookstore, the student mailroom and Post Office, the Blue Light Pub, offices of the Student Government Association, the Pugh Center, and the Page Commons Room are in Cotter Union. Pulver Pavilion features a variety of informal spaces and a snack bar and grill called the Spa.

**Student Organizations and Leadership Development:** The Office of Campus Life is committed to creating opportunities for students to explore, practice, and develop their leadership capabilities. Leadership development occurs through experiences with student organizations and clubs as well as through retreats, trainings, and workshops. Colby has approximately 130 student-led clubs and organizations focused on culture, athletics, music, politics, publication, religion, service, or other themes. By-in-large, clubs and organizations are open to all students.

**The Pugh Center:** The Pugh Center serves the Colby community as an integral resource and catalyst for engagement and advocacy that supports the College's fundamental goal of academic excellence through cultivating an inclusive and equitable campus community. The Pugh Center supports students through the development of co-curricular initiatives, opportunities to apply theoretical frameworks explored in the classroom, and intellectual engagement with critical conversations across campus constituencies.

Our physical space, located within Cotter Union, is dedicated to all students interested in and devoted to engaging with experiences and issues related to race, ethnicity, culture, gender, sexual orientation, socio-economic and first-generation status, ability, religion, and spirituality. Beyond our physical space, we work intentionally to integrate our initiatives throughout the campus community.

**Student Governance:** Students play significant roles in shaping student life through the Student Government Association (SGA) and the Student Programming Board (SPB). The president and vice president of the SGA serve as student representatives to the Board of Trustees, and students serve on College committees including Academic Affairs, Administrative, Admissions and Financial Aid, Athletic Advisory, College Affairs, Cultural Events, Financial Priorities, Healthcare Advisory, Independent Study, Information Technology, Library, Multicultural Affairs, Security, Race and Racism, and the Environmental Advisory Group.

**Colby's Religious Holidays Policy:** Colby College is supportive of the religious practices of its students, faculty, and staff. The College is committed to ensuring that all students are able to observe their religious beliefs without academic penalty.

The College will enable any student to make up any course requirements scheduled during a religious holiday that is observed by that student. Students are expected to inform course instructors within two weeks of the beginning of the term of any religious observance that will conflict with coursework. The faculty member will then work with the student to find a reasonable accommodation that will allow the student to complete the academic work. In addition, no student will be required to participate in College events such as athletic commitments, lectures, or concerts on these holidays.

Students who have questions or concerns about requesting accommodations for their religious holidays should reach out to the Dean of Religious and Spiritual Life.

**ColbyNow:** ColbyNow provides a quick and easy way to keep up on College news and conversation. Students can sign-up through [my.colby.edu/ics/](http://my.colby.edu/ics/).

## Security and Transport

**Security:** The Security Department works to provide a safe and secure environment for the Colby community. The department, located in the Roberts Building, is open 24 hours a day, seven days a week. Trained, professional officers patrol campus on foot and in cruisers. Students can seek assistance from Security by visiting the Roberts Building; using one of the Blue emergency phones that are located throughout campus or call by dialing extension 5911 from any campus phone or 207-859-5911 from an off-campus or non-campus phone. The blue emergency phones and the emergency number are restricted to calls of a true emergency

nature, such as fire, medical emergency, or suspicious or criminal activity. An officer will be dispatched to the scene to evaluate the situation and take appropriate action.

**The College strongly encourages any individual who observes or who is the victim of any crime or conduct violation to report the matter immediately to Security.** The College's crime statistics are available on the Security Department [website](#).

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| Emergency phone number on campus                  | 5911         |
| Emergency phone number off campus                 | 207-859-5911 |
| Non-Emergency phone number                        | 207-859-5530 |
| Emergency phone number when not on Colby property | 911          |

For non-emergency or routine business, such as vehicle registration information, lock outs and lost items, call Extension 5530 from any campus phone or 207-859-5530, if calling from an off-campus or non-campus phone.

**Colby Safe** is the official safety app of Colby College. It is the only app that integrates with Colby College's safety and security systems. The Department of Security has worked to develop a unique app that provides students, faculty and staff with added safety on the Colby College campus. The app will send you important safety alerts and provide instant access to campus safety resources.

App features include: Emergency Contacts, Mobile Bluelight, Walk a Friend, Safety Toolbox, Notification History, Share Map with your Location, I'm OK!, Tip Reporting, Virtual WalkHome, Campus Map, Emergency Plans, Support Resources, Safety Notifications and more. The **Colby Safe** app is available in your app store.

Colby Security officers conduct vehicle and foot patrols on the Colby campus and are charged with enforcement of College policies. Although Security officers do not have police authority on the Colby campus, the Department maintains a positive working relationship with the Waterville Police Department and other law enforcement agencies throughout the state. Waterville Police routinely notify Colby Security of summonses issued and other concerns about the conduct or safety of Colby students off-campus. Colby Security officers have direct radio contact with emergency services, including police, fire, and ambulance, and these providers will be called to or allowed on campus as needed. When serious crimes occur on campus the Waterville Police Department may be notified and respond to conduct an investigation. A victim of any crime can request that the police are notified. Any violations of College policies, whether or not they require the assistance of the Waterville Police, are routinely referred to the Office of Community Values for follow-up and any necessary action. In order to assist the Waterville Police in the investigation of specific complaints of criminal activity, Colby permits the police to inspect and copy Colby Security Incident Reports upon receipt of a written request containing a description, by time and subject matter, of the information necessary to assist the police in conducting a criminal investigation.

**Transport (Shuttle and Jitney):** Colby provides shuttle services to faculty, staff and students from campus to Alford Commons throughout the academic year. The shuttle operates 18-20 hours a day, seven days a week. Three afternoons a week, a shuttle is provided to Walmart and other shopping locations. Full details can be found on the Shuttle tab of ColbyNow or the Security transportation page.

The Colby Jitney is a free shuttle service available to students. It takes students from Colby to Waterville locations that the Colby Shuttle does not provide service to for professional services, on a first-come, first serve basis. It generally operates from Monday - Friday 7:30-5:30 pm. Pick up is outside of Grossman Hall in the Roberts Hall parking lot. Call the Security Office at 207-859-5530 to schedule a ride. The Security Department provides ride and escort services upon request.

**Student Vehicles and Parking:** Students are responsible for complying with Security's Parking Regulations. Students who repeatedly violate parking regulations may be referred to the Office of Community Values for further action. For up to date parking information and procedures, students should review the [College's Parking Information webpage](#). All vehicles parking on Colby College property must have a parking decal or temporary permit issued by the Department of Security. Security is located in Room 128, Roberts Building and at 207-859-5530.

There is a \$100 fee per annual permit. There is a limit of one sticker per student. If you buy a new vehicle or have your sticker removed, be sure to contact Security for a new permit. NOTE: Stickers must be placed on the rear, left side (driver's side) of the rear bumper or window in a manner that the sticker is clearly visible from the rear.

To obtain a parking permit [click on this link](#), and follow the instructions. When you arrive at Colby you can obtain your parking permit sticker at the Security Office located at Room 128, Roberts Hall, 207-859-5530. Any vehicle parked on campus without a permit is subject to a ticket and/or being towed.

Bill & Joan Alford Main Street Commons: Each apartment is issued one parking space in the downtown lot (Appleton str). Each apartment is issued a Colby parking hanger that must be hung from the rearview mirror while the vehicle is in the lot. Campus Life manages these parking hangers. Vehicles that do not display a Colby parking hanger will be subject to a Colby parking ticket and/or towed at the owner's expense. If you are going to park your vehicle on campus, you must have a Commuter parking permit issued by Security. The Colby parking hanger only grants authority to park in the Appleton Street parking lot.

## Additional Resources

**Student Financial Services:** Student Financial Services is located on the first floor of the Garrison-Foster Building 207-859-4132; [sfs@colby.edu](mailto:sfs@colby.edu). This is the office to contact with questions about financial aid, College bills and fines, and student and parent loans. Information is also available at [colby.edu/sfs](http://colby.edu/sfs) and in the "Financing a Colby Education" brochure available in the SFS office. Colby offers financial aid to admitted students who demonstrate financial eligibility and are enrolled full-time. More than half of Colby students receive some form of financial assistance, including grants, campus employment or outside scholarships.

**Student Employment Opportunities:** All students may hold part-time campus jobs. A large number of Colby students, regardless of financial aid eligibility, work on campus each year. There are jobs available in virtually every academic and administrative department during the academic year and over the summer. Off-campus work study is not available. Employment assistance and resources are available in the student employment office, which is part of the

Office of Human Resources located in Roberts #119. Helpful information can be found on the Office of Human Resources [website](#).

Students generally may not work more than 12 hours per week, unless a specific exception is approved by Human Resources and the supervisor. Financial aid recipients may earn more than the amount of work in their aid package, but are encouraged to discuss their particular situation with a member of Student Financial Services prior to exceeding the aid package amount. Pay rates vary depending on the type of job and the level of knowledge and responsibility required. Students are required to keep accurate track of their time and enter it regularly in Workday for approval by their supervisor before it is submitted to the Payroll Office. Students are paid every other week. The College requires direct deposit for pay, which is set up in Workday prior to starting a job.

In addition to academic year employment, there are also a variety of research assistant and administrative jobs available during the summer. Housing is available for a fee during the term of employment. The Office of Human Resources coordinates summer employment and the Office of Special Programs coordinates summer housing. In general, seniors are not eligible to work in summer campus jobs after graduation (any exceptions must be approved by HR). Students should be aware that violations of College policy may impact their employment opportunities on campus. Students are “at will” employees, and the College reserves the right to terminate the employment of students for any reason, including disciplinary reasons.

**International Student Information:** International students at Colby are responsible for maintaining their F-1 visa status by avoiding violations through the duration of their studies at Colby and thereafter during any authorized period of Optional Practical Training. Students must contact the International Visa Specialist to receive advice before dropping classes, changing majors or engaging in any off-campus employment, including internships. International students should refer to the [International Student Resource Manual](#) for more details regarding maintaining F-1 status, employment, and other related topics.

**ColbyCard (Identification Card) and Other I.D.s:** The ColbyCard is the official Colby identification card. The ColbyCard features a digitized photo, proximity core for door access to authorized areas, and a magnetic stripe for meal plan access and convenience purchases. ColbyCards are issued when students arrive on campus. If a card is damaged, lost or stolen, it should be reported immediately to the ITS Support Center in Lovejoy 146; [colbycard@colby.edu](mailto:colbycard@colby.edu); 207-859-4222. The card will be deactivated and a replacement card issued (for a fee). If a card is lost outside of business hours, students should contact the Security Department 207-859-5911. Additional information about the ColbyCard can be found on the [ColbyCard website](#). (See also the General College Policies section for further information on requirements concerning the ColbyCard.)

**Student Email Accounts:** The College uses Colby email and student mailboxes regularly to communicate with students. Students are required to regularly check their email account, and to reply to any administrator or faculty requests promptly.

**Student Mail Services:** Students are required to regularly check their mail as some College business is done by mail. The Colby Student Post Office is located on the first floor of Cotter Union.

The Mail Service Center is located on the ground floor of the Colby Bookstore and provides full mail and package delivery/shipping services for USPS, FedEx, UPS and other carriers. During

peak periods, package deliveries may be designated for other locations on campus. Students will receive an email notification when a package has been received, specifying the location for pickup. We strongly encourage students to pick up packages as soon as possible. Operating hours are posted online.

**Student Records, Including Disciplinary Records:** The College maintains a wide variety of records on students and complies with the federal Family Educational Rights and Privacy Act (FERPA). Students (and in some instances their parents/guardians) have certain rights under FERPA, which are described in more detail in the appendix. Students should be aware that unless otherwise required by law, the College maintains records of formal disciplinary actions (including academic dishonesty) for a period of six years after graduation or date of last attendance, with the exception of TIX records, which are maintained for 7 years from the date of the resolution of the incident. Disciplinary actions by the College are not noted on student transcripts, but are contained in records maintained by the Dean of Students Office. Students should be aware that certain off-campus programs, graduate schools, employers and other institutions may require the disclosure of disciplinary actions. The College will only disclose disciplinary information upon specific, written consent signed by the student, except as specified in the Handbook. For purposes of this policy, a consent form that does not specifically address the release of disciplinary information does not constitute consent. Students with questions about their disciplinary records should contact the Office of Community Values at [conduct@colby.edu](mailto:conduct@colby.edu) or 207-859-4256.

**Health Records:** No student will be allowed to register, attend classes, or participate in any campus activities, including COOT (Colby Outdoor Orientation Trips), until health and immunization records have been received and approved by the College's Health Center.

Documentation of a physical examination within 12 months prior to first year enrollment is required. For students participating in varsity athletics, the NCAA requires that the physical examination be in the past six months. Proof of the following immunizations is also required: COVID-19, tetanus and diphtheria (primary series plus booster within 10 years), meningitis vaccine (one dose after the age of 16), and two doses of measles, mumps, and rubella vaccines given after the first birthday. Not required but recommended are the hepatitis B immunization series and a chickenpox vaccine if there is no history of this disease. Students are encouraged to discuss these recommended vaccines with their health care provider prior to coming to campus.

Arrangements can be made through the health center to receive these non-required vaccines. Maine state law requires that immunization records be complete, showing month, day, and year that immunizations were given, and that they include the signature and address of the health care provider; a valid copy of school immunization records or hospital/clinic records also may be acceptable. Details can be found in the immunization form mailed to all students or on the health center website. If proof of vaccinations cannot be obtained, vaccines should be administered again by the student's health care provider before the student travels to Colby. It is expected that health and immunization forms will be completed by July 15.

# RESIDENCE LIFE POLICY

As a residential college, Colby seeks to provide a living community that encourages a sense of belonging and mutual trust, and which supports personal growth and learning. The residential experience is an integral part of the academic program of the College; it is where intellectual stimulation continues through conversation with peers, and where students study, whether individually or in groups. Programs are also in place to enhance ties between students and faculty/staff.

The Residence Life Policy is not a contract, and the College reserves the right to make changes to the Residence Life Policy at any time. The College will furnish housing under the terms and conditions herein stated, and as described in information materials which may accompany this statement, or which may later be issued by the College and are by reference made a part of this policy. Those reference documents include the Colby College Catalogue and other sections of the Colby College Student Handbook.

## Housing Options

The residence halls offer a variety of locations, styles and housing options, including but not limited to the following types of communities:

- **Substance-free halls** provide a safe and comfortable living environment that supports all students in their decision in committing to a substance-free lifestyle. Students in this community agree to not store any such substances or to be in the community if under the influence of alcohol or illicit substances. Students who select substance-free living may do so for a variety of reasons, including health, personal values, family influence and/or impact by addiction and recovery in family or friends' lives and/or in one's own life.
- The **Co-op in Mary Low** is a limited-space option for students who wish to engage in a smaller community focused on dining habits, and food related health issues with their fellow like-minded residents. Within this community, students forgo the College's meal plan and ability to access the dining halls. Students individually prepare their own meals each day using access provided to the Mary Low kitchen.
- The **Healthy Colby** community offers students an environment that supports student wellness by providing programming and opportunities that are focused on the eight domains of health and wellness (Intellectual Inquiry, Physical Wellness & Wellbeing, Emotional Wellness & Wellbeing, Relationships and Community Citizenship). Students will be provided with opportunities to explore resources, programs, and options that encourage overall wellness on and off campus. Programming is provided by Community Advisors and Healthy Colby Residential Interns.
- **Civic Engagement** themed community in the Alford Main St. Commons is a living and learning community focused on building relationships and engaging with Waterville area nonprofit organizations and community members. Junior and Senior class year students interested in strengthening or developing one's civic identity and purpose are encouraged to apply. Applicants should demonstrate a commitment to active participation in community engagement, thoughtful dialogue, and civic reflection.

More information about housing options is available from the [Office of Campus Life](#).

## Support for Students in the Residence Halls

**Community Advisors:** The Community Advisors (CA) are exemplary students from diverse backgrounds who work in the residence halls to ensure a seamless transition for first years and encourage community building for all students throughout the year. Community Advisors plan events, conduct building rounds, serve as role models in educating and supporting students in complying with College policies, and assist in maintaining a safe and respectful residential environment.

**Faculty-in-Residence and Staff-in Residence Program:** The Faculty-in-Residence (FIR) Program is designed to support and enrich the living and learning environment within the residence halls and broader campus community. Through informal and formal interactions, the faculty in residence serve as visible and engaged members of the residence hall community to foster an inclusive environment in which students can develop and grow academically, intellectually and personally.

## Residence Hall Rights and Responsibilities

Alleged failure to comply with Residence Life Rights, Responsibilities, Policies and Expectations will be adjudicated as alleged Noncompliance violations of Code of Conduct.

Students living in a residence hall community have the right to:

- Live in a clean, sanitary and safe environment sufficiently quiet to allow for rest and study.
- Have access to one's room without the presence of "live-in" occupants who have not been assigned by the College.
- Be able to work, study and sleep in one's room without interference from the social activities of one's roommate(s) and/or friends.
- Exercise free expression, but not to harass, intimidate, bully or silence roommates or others.
- Be treated with respect and dignity.
- Not be exposed to violations of the residence hall Community Expectations or Student Code of Conduct by roommates and/or friends.
- Have resources for resolving problems of community living.

Students living in a residence hall community have the responsibility to:

- Know and follow the Student Code of Conduct and all other College policies.
- Treat everyone with dignity and respect.
- Be respectful of the social choices of others.
- Make reasonable efforts to live cooperatively with roommates.
- Directly address conflict through respectful communication.
- Seeking mutually agreeable resolutions to conflict. Restorative Practice approaches to conflict resolution are encouraged.
- Watch out for the safety of fellow students and lend assistance where needed.
- Not compromise community safety or security by, for example, propping doors open, leaving windows open, etc.
- Treat the physical environment with respect.
- Ensure that guests comply with all policies.

## Residence Hall Policies and Expectations

The Student Code of Conduct applies to the residence halls. Students living or visiting residence halls are expected to maintain a respectful, orderly and safe community. Students are required to meet the following expectations specific to residential living. Violations may result in sanctions including but not limited to fines, loss of housing, restricted housing, being placed at the bottom of the housing lottery. Restorative Practices may also be used to address conduct and residence hall concerns.

**Eligibility:** Occupancy of residences is limited to registered, full-time Colby College students and others affiliated with the College who may be assigned by the Dean of Students Office. Pregnant students may reside on campus during pregnancy. The student must maintain contact with the Colby Health Services to discuss prenatal care, arrangements for labor and delivery, and transportation to the hospital. Children of students are not permitted to reside in the residence halls, as student residence hall rooms and facilities do not provide a suitable environment for children.

**Payments:** The student will make payment of fees for housing and food services at the rate set by the College. All charges are placed on the semester bill and are subject to semester provisions for payments. Questions regarding payment or fees associated with housing and food services should contact Student Financial Services.

**Termination** The College reserves the right to terminate, without refund, the privilege of on-campus residence for any student found in violation of College regulations or acceptable standards of behavior. If the College determines that the continued presence of a student in a residence hall presents an unreasonable risk of harm or disruption to the student or others, the College may cancel a student's room assignment and remove the student from the residence hall without notice or an opportunity to be heard. In the event that a room assignment has been made based upon a leadership position (i.e., hall staff, elected positions), resignation from or loss of the position may result in reassignment of all room occupants.

**Off-Campus Housing:** Unless granted written permission by the College, all students are required to live in College-owned housing. If granted permission to live in off-campus housing, students are expected to comply with any conditions established by the College. Final approval to live off campus must be granted by the Dean of Students or designee. Students in need of off-campus housing as part of an accommodation must apply for such housing through the Director for Student Access and Disability Services. Colby-owned buildings that are not located on the main campus are not considered off-campus housing. All College policies apply to these residences as they would apply to typical residence halls on Mayflower Hill.

**Room Assignments:** Students are required to live in the room assigned to them by the Office of Campus Life; it is critically important that the College have accurate information about where students are living in case of an emergency. Residence hall staff and others will conduct periodic checks to ensure that students are living in assigned rooms.

Room and board assignments are made on the basis of a full academic year, subject to earlier termination, only in the event of the student's withdrawal, or dismissal from College or from the campus residences. Single semester room assignments are available in legitimate circumstances, such as when a student studies abroad.

Continuing residents will be given the opportunity to select their rooms in accordance with the selection procedure designed by the Office Campus Life and approved by the College Affairs Committee. New students will be assigned to residences by the Office of Campus Life. The College reserves the right to assign and to reassign rooms, or to affect any other steps necessary or advisable for reasons of health, safety, and conduct of its residence hall program. In the event a vacancy should occur, each room occupant agrees to accept any roommate that may be assigned by the College. A room assignment cannot be assigned by the student to any other person.

Students with a room assignment may not simultaneously hold an off-campus lease; students must occupy their on-campus room assignment as their full time living space during the academic semester unless they are approved for off-campus housing.

The College reserves the right to assign and reassign rooms, or to take any other steps necessary or advisable for reasons of health, safety, and operation of its residence hall program.

**Room Changes:** Students who wish to change rooms or residence halls may only do so with the prior approval of the Office of Campus Life after the second full week of class.

Unauthorized room or residence hall changes or failure to move out of a room at the designated time may result in:

- A charge of \$500;
- Following year housing lottery number will be moved to the bottom of the class year room draw;
- Not being eligible for suite/apartment/single style housing for the next academic year (either through initial selection or requesting room change) and will not be able to request a room change into that style housing; and
- Referral to the Office of Community Values for all students involved.

**Combining Rooms:** Students may not "combine" rooms. That is, groups of students from more than one living unit may not relocate all beds into one room and use the second room as social space. Students who combine all furnishings to create a bedroom/social room arrangement will be required to immediately return all furnishings to their original location.

**Room Occupancy:** Except as otherwise announced by the College, residence hall rooms may be occupied by returning students no more than 48 hours before the first full day of classes in the semester, unless an exception is approved in advance by the Dean of Students or designee. Except as stated in announcements from the College, new students may occupy their rooms on the first day of Orientation. At the end of each semester, rooms may be occupied up to 24 hours after a student's last scheduled exam, or in the case of graduating seniors, until the day of Commencement. Any exceptions to this time limit must be approved in advance by the Dean of Students or designee.

Only students registered for on-campus January programs or with special permission from the Dean of Students Office are permitted to live in a residence hall during the Jan Plan period.

ColbyCards will be inactivated for those students not entitled to occupy the residence hall during Jan Plan and those students who withdraw from a course after the first day of Jan Plan.

At the end of occupancy, students are expected to follow the Office of Campus Life check-out procedure and to leave their room in an acceptable, clean condition. If extra cleaning, repairs and/or removal of personal items by College employees is needed, the student will be assessed

service charges and/or fines. Keys must be returned and any missing keys will require a processed lock change resulting in assessed charges and/or fees. Any items left in a room after a student has vacated that room will be discarded.

**College Breaks:** The residence halls are closed during the winter and spring recesses, except for students who have received prior authorization from the Dean of Students office.

**Room Care and Damage:** The student is responsible for cleaning the student's own room, suite, or apartment; for regularly removing waste materials to designated waste disposal locations in and outside of the residence hall; and for maintaining sanitation and safety conditions acceptable to the College.

Furniture may not be removed from individual student rooms and communal (i.e. lounge) areas to which it has been allocated. Unauthorized painting or altering rooms will result in charges to restore the room to its original condition at the end of the year or at an earlier time as determined by Facilities Services and/or the Office of Campus Life.

Liability for damage or loss of College property located within individual residence hall rooms lies with the individual who caused the damage. If individual responsibility cannot be determined, liability for damage lies with all the resident(s) of the room, suite or apartment. When damage or loss of College property occurs in residence hall common areas (e.g., lounges, hallways, lobbies, bathrooms), the College makes every effort to identify the individuals responsible and bill them for the cost of repair.

Students are strongly encouraged to notify the Office of Campus Life, the Security Department, or the Office of Community Values if they know who is responsible for damaging College property. Students identified will be referred to the Office of Community Values for appropriate action.

**Food Preparation:** Flame-producing and open-heating cooking devices are not permitted in student rooms or apartments. Examples include hot plates, elemental heaters, toaster ovens, camp stoves. Students may prepare food using non-flame-producing and non-open-heating devices, such as microwaves, crockpots, electric kettles and/or using provided College appliances (Alfond Senior Apartments, Alfond Main St. Commons).

Students may not use grills of any kind anywhere on campus except those provided by the College, in the locations established by the College.

**Safety:** When living in a community, students have a responsibility not only to themselves, but to their fellow students. The following list provides examples of unsafe behavior and items, but other behaviors and items may also be deemed unsafe on a case-by-case basis.

Unsafe Behavior examples include:

- Tampering with a smoke detector by covering it, disabling it, removing it, or hanging objects from it. Students should contact Security as soon as possible to report a smoke detector that does not appear to be functional.
- Discharging a fire extinguisher without a bona fide reason; stealing or damaging fire extinguishers.
- Covering electrical fixtures, pipes, or sprinkler heads with any item.
- Pulling a fire alarm without a bona fide reason.
- Tampering with electrical switches or fixtures.
- Failure to evacuate for fire drills or alarm.
- Using fireplaces in residence halls.

- Barbecuing in unauthorized places or an unsafe manner. Security must be notified before starting any fire, including gas grills. All open fires are governed by the Open Fires Policy, available at on the Colby Special Programs website.
- Breaking or removing exit signs.
- Tampering with or artificially adjusting room temperatures, room thermostats, etc.
- Using windows to enter or exit rooms.
- Throwing or dropping objects from windows or balconies.
- Breaking or circumventing window locks or removing screens.
- Accessing rooftops, balconies and ledges.
- Accessing interior courtyards that are not authorized for student use.
- Providing access to residence halls for unauthorized persons.
- Propping open exterior doors.
- Tampering with locks, latches, automatic closure or key card mechanisms.
- Unauthorized copying, possession and/or use of College keys or key cards; allowing unauthorized persons to use keys or key cards.
- Tampering with routers or other electrical/technological devices.

Use of hammocks, slacklines, scooters, skateboards, and other personal devices on campus is done at the risk of the user.

Prohibited items examples include:

- Flame-producing or open-heat cooking devices
- Grills of any kind
- Candles, oil lamps, or incense
- Halogen lamps exceeding 250 watts
- String lights (“fairy lights” or “Christmas lights”) unless LED bulbs
- Space heaters
- Camping Fuel (see Director of Outdoor Education for storage policy)
- Fireworks, flare guns, or any other incendiary device
- Hazardous Chemicals
- Refrigerators over 4.5 cubic feet
- Air conditioners of any type
- Ceiling fans
- Waterbeds
- Satellite dishes
- Power tools
- Motorcycles, mopeds or any other motorized vehicle or device (gas or battery powered)
- Natural Christmas trees or branches

Prohibited items will be confiscated and disposed of.

**Quiet Hours:** Students may not cause disturbances or make significant noise during designated quiet hours. With exception of any residence halls where residents have agreed to comply with extended quiet hours, the following is considered standard across campus:

- Sunday - Thursday: Quiet hours begin at 11PM and extend through 8AM
- Friday and Saturday: Quiet hours begin at 1AM and extend through 10AM

Other temporary exceptions to quiet hours may be made in advance for sanctioned and College-approved events on a case-by-case basis in accordance with College policies and procedures.

Twenty-four hour (24-hour) quiet hours apply in all campus residence halls throughout the entirety of examination periods, beginning at noon on the first reading day and concluding after the final scheduled examination session.

All residence halls have “courtesy hours,” which means that residents of neighboring rooms have the authority and right to reasonably request that music and/or other noise be reduced at any time and any day of the week. Students are expected to show respect for their fellow residents, and to comply with all requests from neighbors, Community Advisors, Faculty-in-Residence, Campus Life staff, and Security to turn down music or to disperse a party. Generally, first offenses result in a verbal warning from hall staff or Security to residents of the room/apartment, but students may be referred to the Office of Community Values for any failure to comply with requests and/or repeated noise violations.

**Access to Residence Halls and Rooms by Students:** Residence halls are not public buildings; they are private residences owned and maintained by the College. Visiting a residence hall is a privilege extended by members of residence halls, and not a right. Hall staff and students are encouraged to call Security if they encounter an unknown or unauthorized person in their residence hall.

All residence halls are secured 24 hours a day. The ColbyCard allows access from 7am to 11pm. After 11pm student access is limited to the student’s residence hall only. The Alford Senior Apartment Complex is only accessible to seniors.

The ColbyCard also provides access to the lobby area of the Bill & Joan Alford Main Street Commons. Access to the residential floors of the Commons is limited 24 hours a day to building residents only, through use of the ColbyCard and a unique PIN number specific to each resident. The residence halls are closed during the winter and spring recesses, except for students who have received prior authorization from the Dean of Students, or designee, to remain on campus.

**Guests:** Guests are defined as any person (Colby student or otherwise) not assigned to a residence hall room/space. Every resident has the right to access their own room at any time and the right to sleep at any time without visitors present. In general, with roommate permission, outside guests are allowed for no more than two nights at a time, including in rooms where students live alone. Students are responsible for their guests at all times; if any College policy violations occur, the student host and/or guests may be held individually accountable.

**Pets:** Dogs, cats, birds, rodents, and other air-breathing, non-aquatic animals, are not permitted in student rooms, suites, or apartments, or in residence hall common areas unless they are service or assistance animals approved through the Office of Student Access and Disabilities Services. Properly cared for fish are welcome.

**Access to Residence Halls and Rooms by College Staff:** The College reserves the authority and discretion to enter a student’s room when the student is not present, or when the student has not invited the staff member in. This may occur:

1. When there is a reasonably assumed immediate danger to the persons or contents of the room or to others in the Colby Community.
2. To ensure evacuation during fire alarms and drills, or any other emergency situations.
3. To ensure adherence to fire safety rules, such as, but not limited to, no open flames or cooking; no covered smoke detectors; no smoking, etc.
4. At the request of the Office of the Dean of Students (e.g., to determine that a student has arrived; a student has left for or returned from a vacation period; and/or welfare checks).
5. Before vacation periods to secure the residence halls.
6. To address maintenance issues.

7. To investigate a potential policy violation or collect evidence thereof.

Students may not impede the entry of staff when they have a legitimate reason to enter the suite, apartment or room.

Maintenance and safety inspections of all residence halls and rooms are routinely done during the academic year and scheduled breaks in the academic calendar (such as fall break, winter break, etc.).

Facilities Service staff, other authorized staff, or escorted outside contractors, do not provide written notification prior to conducting routine maintenance work (such as responding to heat or cold calls; closing windows in cold weather; conducting repairs of windows, walls, ceilings, floors, electrical devices, and fixtures; painting; removing unwanted or damaged furniture; gaining access to concealed plumbing; and other maintenance work). When staff visit rooms to conduct inspections or repairs during periods when students are generally present on campus, they leave a notice of their visit in the room or on the door.

Facilities, Security, and other College employees typically report potential safety and other policy violations they observe during authorized visits to rooms and residence halls to Campus Life, Security and/or the Office of Community Values.

**Personal Property in Residence Halls:** The College assumes no responsibility for loss, theft or damage to students' personal property, whether in a student's room, elsewhere on campus, or in storage. All items are brought to and kept on campus at the student's own risk. Families and students are encouraged to review insurance policies to ensure they are sufficient to cover a student's belongings at school. Students are strongly discouraged from keeping large amounts of cash or valuable items in residence halls or storage areas.

Students are strongly encouraged to store all personal items in their room and to not leave any personal items in common areas (hallways, lounges, etc.). Items left in common areas are liable to be discarded by College staff as trash.

Students are strongly encouraged to keep their rooms locked at all times, as thefts do occur in communal living situations. In addition, students who possess prescribed medications should take care to store them securely. Thefts should be reported to Security as soon as possible.

*Students should note that the College does not carry insurance to protect student personal property and, as such, cannot be held liable in the event of students' property being damaged, lost or stolen from any College-owned or maintained buildings. Students should seek coverage for their belongings through their family homeowner's insurance policy or a student housing insurance policy.*

**Storage Rooms:** Storage trunk rooms for use during the academic year and summer months are available for current students' convenience. These rooms are intended for storing containers, and sealed boxes only. No furniture (sofas, chairs, futons, mattresses, etc.) carpets, or appliances (refrigerators, vacuums, etc.) are permitted in these locations. These items will be discarded by the College periodically throughout the academic year and summer months if found. Information about storage facilities in the Waterville area can be obtained by performing an online search of the local area.

The College does not assume responsibility for loss, theft or damage to students' personal property kept in storage rooms and will not reimburse students for items. Students must label their property with their name, class year and date stored. Items that are not properly labeled may be periodically discarded. Items left behind by a student at the end of the year will be discarded unless a student has received prior permission to store items over the summer months. Storage and use of trunk rooms is on a first come, first served basis.

### Residence Hall Charges and Restitution:

Charges are predetermined amounts that may be assigned when College resources are required to address incidents or to repair or replace items or spaces. When restitution is assigned, the amount is calculated for the specific incident. Charges and restitution will typically be divided among the students responsible for the cost. The table below is not fully inclusive of matters that may lead to charges or restitution.

|  |                       |
|--|-----------------------|
| Replacement Colby I.D.   | \$20                  |
| Room/Suite Door Lock Change (i.e. lost keys)   | \$150/lock            |
| Bodily fluid cleanup   | \$100 per cleanup     |
| Changing rooms without authorization   | \$500                 |
| Removing College furniture from room or moving College furniture to room without authorization | \$100 moving cost min |
| Painting/altering room; unauthorized loft/barriers   | Restitution           |
| Damage to room beyond normal wear and tear   | Restitution           |
| Damage to property / Vandalism   | Restitution           |

*Please note that the Director of the OCVCRRP in consultation with others in the Dean of the College staff may reduce fees and/or require service in lieu of charge based on the circumstances.*

# ACADEMIC INTEGRITY

[colby.edu/catalogue](http://colby.edu/catalogue) / [colby.edu/academicintegrity](http://colby.edu/academicintegrity)

*Honesty, integrity, and personal responsibility are cornerstones of a Colby education and provide the foundation for scholarly inquiry, intellectual discourse, and an open and welcoming campus community. These values are articulated in the Colby Affirmation and are central to the academic endeavor. Colby students are expected to aspire to the highest standards of integrity; to understand what is expected in each course or program; submit their best work; accurately represent sources; give credit to anyone whose work is relied upon; and to seek help when struggling with an assignment rather than resorting to unethical means. Course assignments and exams are given to facilitate and evaluate learning required to earn a Colby degree. These are compromised when academic dishonesty occurs. Students are encouraged to contribute to a culture of academic integrity in their interactions with classmates, faculty and College staff. Ethical behavior is highly valued and expected not only at Colby, but also by future employers.*

To facilitate ethical college practices, Colby students need to actively learn effective college study and time-management habits. Unethical behavior often occurs when students feel disconnected from the coursework or when they feel under pressure or that they do not have time to complete the work independently. Identifying strategies to minimize the chances that such situations arise is an important first step. Frequently, study habits used successfully in high school need to be changed, or expanded and refined in college. Well in advance of an exam or major assignment, pursue discussions of general, course, and/or discipline-specific study strategies with appropriate members of the Colby community (e.g., from the list of resource individuals below). Such study strategies include efficient in-depth reading, regularly checking comprehension of new material, actively taking notes, appropriately spreading out study sessions for exams, breaking major assignments into manageable smaller pieces, etc. Concrete steps include using a planner/calendar system to document assignment due dates and test dates, to plan daily activities, effectively divide up larger assignments and exam studying sessions, and attend office hours and/or review sessions. Reflecting on experiences for each course after every major assignment or exam and at the end of the semester helps to determine what is working well and should be continued, and what needs to be modified to improve. Some college students find a few weeks into a semester that they have inadvertently overloaded themselves with academic, extracurricular, and other obligations. At that point, it is acceptable to seek help in prioritizing and deciding how to best deal with the situation, which may be best handled by dropping one or more nonessential activities.

The Colby experience is primarily about learning and growing, both personally and academically. Only students who have the potential to succeed at Colby are accepted into Colby. However, no student is expected to know everything. Thus all students who submit their own work will make

mistakes and misassumptions, which provide some of the best (and most memorable) learning opportunities. Exploration (not avoidance) with a goal of competence (not perfection) is an appropriate strategy to move forward educationally. Strive to understand the value of the work assigned in each class (what is to be learned from the exercise or why the professor bothered to assign this work), develop a growth mindset, and learn what constitutes ethical behavior in college and in your chosen discipline. Be aware that each Colby course/program has its own policies and accepted practices as does most every company/institution and division outside of Colby.

Be sure you clearly understand what is or is not acceptable for each course and don't hesitate to ask the instructor for clarifications to do so. For example, is collaboration allowed on an assignment? If so, with whom can you collaborate, and to what extent are these collaborations acceptable? Are you expected to acknowledge these collaborations? Can electronic resources be used on an assignment? If so, what are the citation requirements and limitations? Never assume that the accepted practices are the same between venues, such as between high school and Colby, or between Colby classes, even those taught by the same instructor. For example, while using and reposting images and text passages without acknowledgement is accepted and even encouraged in social media, the same behavior is almost always considered to be plagiarism in a college course. See also the section below entitled Further Academic Integrity Considerations for Students.

There are ample resource individuals available at Colby who are willing and able to help students with various aspects of their education to ensure the best experience possible. These include course professors (for instance, in office hours or an appointment set up by email), an assigned academic advisor, an assigned advising dean, a course teaching or learning assistant or laboratory instructor, a librarian, a tutor, or even a coach, team captain, faculty liaison, learning consultant, counselor in the Health Center or community advisor, when applicable. If you feel desperate and are considering making a poor choice that is academically dishonest, first seek help from an individual that can help you consider other ethical options (e.g., one of the resource individuals listed above whom you feel comfortable consulting). Also realize that the grade penalty in a course for late or substandard work done honestly will be much less than the grade penalty incurred by a sanction for academic dishonesty in that course.

Failure to meet standards of academic integrity at Colby may result in a report of either academic dishonesty or academic negligence. The reporting professor decides whether a particular situation warrants a report of academic dishonesty or academic negligence based on the following guidelines.

Academic dishonesty includes, but is not limited to:

- Violating clearly stated rules for taking an exam, completing homework, or working on any other academic assignment (such rules may be found in the course syllabus or given in the exam or assignment directions);
- Plagiarism (including material or ideas from sources without a citation and/or quotation marks around any borrowed words);

- Claiming another's work or a modification of another's work as one's own;
- Relying on external sources or tools such as AI when it is not approved;
- Having electronic devices during examinations when it is not allowed;
- Buying or attempting to buy papers or projects for a course;
- Fabricating information or citations;
- Misrepresentations to a faculty member within the context of a course, an academic assignment or an academic record;
- Submitting the same work (such as an essay) in more than one course without the permission of the respective faculty members;
- Knowingly assisting others in acts of academic dishonesty.

Academic dishonesty is a serious offense. Sanctions for academic dishonesty are assigned by an Academic Review Board and may include no credit for the assignment, failure in the course, or suspension or expulsion from the College. A finding of academic dishonesty is retained as a disciplinary record until six years after graduation or leaving the College. This finding does not appear on a transcript or as part of an academic record. Many applications to educational institutions, such as to graduate or professional schools, request that discipline or academic dishonesty findings be disclosed and addressed. If addressed appropriately (responsibility for the action taken, combined with an authentic statement of the lessons learned), such findings do not usually preclude acceptance into those institutions unless a finding is quite egregious or there are multiple findings.

Academic negligence consists of a minor, usually unintentional lapse of ethical academic behavior that the student should have known. It may result from misunderstanding expectations; inadequate pre-college preparation; or improper citation practices due to cultural differences.

Regardless of intent, academic negligence is a serious matter that identifies a need for further education, for instance on academic honesty and dishonesty or the U.S. standards for use of sources in academic writing. A finding of academic negligence, unlike a finding of academic dishonesty, is not a disciplinary finding of the College and is typically handled solely by the course instructor.

A student should not receive more than one report of academic negligence while at Colby. Multiple reports of academic negligence are generally treated as academic dishonesty, especially when similar in nature.

## **Academic Integrity Process**

*What will happen when a faculty member reports academic negligence?*

Upon determining that a student has engaged in academic negligence, faculty are required to submit a report and select the appropriate sanction(s). Reports of academic negligence are sent automatically to the student, the Class Dean and the academic advisor(s). Students who are found responsible for academic negligence are required to have an educational conversation with the instructor about the transgression and/or to successfully complete an instructive module

on plagiarism (and provide proof of completion to the instructor). Students are required to complete the sanctions well before the deadline for grade submission for the semester in which the negligence occurred or receive an administrative incomplete in the course.

*What will happen when a faculty member reports academic dishonesty?*

1. The Director of the Office of Community (Director of OCV) and the Academic Integrity Coordinators (AICs) will be notified. An AIC will contact the reporting faculty member and the student in question (in that order) to learn more details. The AIC will also notify the Dean of Studies Office.

2. An Academic Review Board will be formed to handle the case. An Academic Review Board consists of the following people: (1) An Academic Integrity Coordinator (currently Jen Coane, Associate Professor of Psychology). The Academic Integrity Coordinator chairs the board. (2) Another faculty member, from a pool of three faculty members on the Academic Honesty Committee. (3) Two students, from a pool of students appointed by the Dean of Students. (4) The Director of OCV (a non-voting member of the board). The Director of OCV also provides guidance to the student through the process and is responsible for record-keeping. The College's general counsel may attend any hearings and assist the Chair or panel in the administration of the hearing process. If a case requires adjudication in the period between the end of the spring semester examinations and the start of the subsequent fall semester, the student members of the board may be appointed by the Coordinator and/or Director from among students living on campus for the summer.

If the student accepts responsibility for the violation, the Academic Review Board will determine and assign a sanction in keeping with established norms for similar cases. In general, sanctions range from failure on an assignment, to failure in the course, to suspension or expulsion. Dishonesty on a low-stakes assignment or a small amount of plagiarism will generally result in receiving no credit for the assignment plus an additional grade reduction in the course. Dishonesty on a major project or exam will generally result in automatically failing the course. Students found responsible for academic dishonesty a second time are almost always suspended, and a third finding of academic dishonesty typically results in expulsion. Lying to the Academic Review Board investigating a case of dishonesty will generally result in harsher penalties. Often sanctions will include an additional educational or restorative justice component. These guidelines are intended to give an idea of the range and type of sanctions; the sanctions applied in any particular case depend heavily on the details of that case.

If the student does not accept responsibility for the alleged violation, members of the Academic Review Board will investigate the case by talking with all concerned parties, interviewing witnesses, and/or examining relevant evidence. The process may involve multiple conversations with any and all of the concerned parties. The Academic Review Board may also, in its discretion, consult with other officials or specialists as part of this investigation. The Board will work deliberately and carefully, but as efficiently as possible, since it is in everyone's interests for cases to be wrapped up in a timely manner. The Academic Review Board does not hold live

hearings; students are asked to submit written responses to reports of academic dishonesty and reporting instructors provide electronic evidence.

If the Academic Review Board finds a student not responsible for the alleged violation, no sanction will be imposed. The standard of proof for determining whether a violation has occurred is a preponderance of the evidence; that is, was it more likely than not that the violation occurred? If the Academic Review Board finds that the student is responsible for the violation, then the Academic Review Board will assign a sanction/s.

There is no right of appeal from a decision of the Academic Review Board. However, a student or faculty member may seek reconsideration of a decision by submitting a written request (preferably a letter) to an Academic Integrity Coordinator within 10 calendar days of that student's receipt of the written finding. A reconsideration may only be sought for one of the following reasons: (i) a significant procedural error resulting in a denial of rights under this policy or impacting the fairness of the board's investigation/proceedings; (ii) the existence of new evidence, not available and not known during the proceedings, which would have significant bearing on the decision; or (iii) aggravating or mitigating circumstances, the existence of which the student or faculty member seeking reconsideration must prove, that would definitely affect the severity of a sanction and that were not previously presented to or considered by the board. The written request for reconsideration should contain all information, evidence, and explanations to support the request. A reconsideration may not be sought purely because of dissatisfaction with the decision or sanctions. The Academic Integrity Coordinator will review the request, and may consult with the board and other officials or experts to determine the merit of the request. The coordinator will determine, typically within fifteen days of receipt of the request, whether to grant or deny the request. If the request is granted, the Academic Review Board will review any new evidence/ information, and/or address the claimed error or violation and determine whether the finding and/or sanction would or would not change and why. During the reconsideration process, sanctions will remain in effect unless the Academic Integrity Coordinator decides otherwise.

### **Further Academic Integrity Considerations for Students**

*For all the classwork you do it is imperative that you understand the guidelines and rules governing its completion. The list below is intended to help you determine whether or not you understand the instructor's expectations for an assignment/assessment, which are typically discussed in class, are found in the course syllabus and/or in the assignment/assessment instructions.*

*If any aspect isn't clearly or fully addressed by the course instructor, reach out for clarification before you complete the assignment. If the syllabus/instructions focus on what is allowed, assume everything else is not allowed for that work unless you have specifically cleared it in advance with the instructor (preferably in writing). Assume there are different expectations for each of your courses and for every assignment. Assume that any use of AI tools (e.g., ChatGPT, Quillbot) is not allowed in any assignment/assessment. Only rely on such tools when explicitly*

*told it is acceptable or appropriate by the course instructor; in that case, only use these tools in the manner allowed.*

*Be aware that you are responsible for understanding and following assignment/assessment requirements to ensure what you turn in is your own work. Failing to do so will likely compromise your learning in the class and may be an academic integrity violation, which can come with serious consequences, as discussed above.*

**For each assignment/assessment you should read its specific instructions AND read/reread relevant guidelines in the course syllabus to address at least these questions:**

*1. What reference materials or other sources of information can be consulted to complete the assignment or exam?*

Examples: anything you can find; your class notes; class notes from other students; the textbook; other books; the class website; all internet sites or only selected types; etc.

*2. What types of limited-scope communications with others are permissible while completing the assignment or test?*

Examples: the instructor and/or other students in the class can be asked to clarify an aspect; any other student, such as a tutor or student that has taken the class previously, can be asked to check an idea or give general guidance; a Writing Center tutor can help with formatting and/or language; a librarian can help you find appropriate resources; etc.

*3. What types of collaborations (extensive communications with one or more individuals that cover a significant portion of the assignment content) are permitted while completing the assignment or test?*

Examples: none, all work is to be done individually; potential solutions may be discussed verbally with others, but each student individually composes unique written answers that are turned in; students can work together and submit identical copies of work; work by a student in the course a previous semester can be solicited and used to check work; etc.

*4. If collaborations or gathering information/ideas from other places and/or people are allowed, how is that information acceptably incorporated and are those sources/collaborations credited (if so, is there a required citation format)?*

Examples: everything in your own words with discipline appropriate-formatted citations to all sources of information/ideas with (or except) citations to class notes, the textbook, and/or communications from the instructor; only directly copied passages need to be cited; other information and/or ideas may be used any way and without citation; collaborations are to be disclosed by giving names with (or without) extent of collaboration; etc.

5. *What kinds of supportive feedback will be available or is available from the instructor to use for the assignment or exam?*

Examples: comments on a draft that should be addressed in the final submitted work; comments or corrections on similar previous assignments; a sample test on the same material with answers to be able to generate one's own feedback; etc.

## **RESTORATIVE PRACTICE AND CONFLICT RESOLUTION**

The Office of Community Values, Conflict Resolution, and Restorative Practice offers a variety of tools to help students build community, navigate conflict, and restore relationships.

### **Restorative Practice**

Restorative Practice options are available as a way to resolve conflict or repair harm. These options for case resolution provide opportunities to self-reflect on thoughts, feelings, and behaviors; consider impacts on self, others, and the Colby community; and collectively decide what needs to happen to repair harm and or relationships, be accountable, and prevent future harm or conflict.

There are five fundamental questions that guide a Restorative meeting or process. The Five Restorative Questions are:

1. What happened and what were you thinking and feeling at the time of the incident/conflict?
2. What have you been thinking and feeling since the incident/conflict?
3. Who was impacted and how?
4. What needs to be done to repair the harm or relationships or to make things as okay as they can be?
5. What can we do and/or what needs to be in place to reduce the likelihood of future similar incidents or conflicts?

### **Restorative Resolution Options and Outcomes**

| <b>Process</b>       | <b>Process Description</b>   | <b>When to Use</b> | <b>Outcome/s</b>  |
|----------------------|--|--------------------|---|
| Restorative Coaching | A voluntary one-to-one conversation between a staff member and the individual involved in the harm/conflict. The conversation is structured using the 5 restorative questions. May be used as a pre-meeting for other restorative processes. | Anytime, any case. | The individual who was involved in the harm/conflict has an opportunity to reflect on the impact of their behavior and to explore how the harm/conflict might be repaired/resolved.<br><br>The individual is prepared to participate in another restorative |

|                      |  |  |  |
|----------------------|--|--|--|
|                      |  |  | practice process.  |
| Restorative Dialogue | A voluntary facilitated dialogue between two individuals involved in harm or conflict and a facilitator/circle keeper. The conversation is structured using the 5 restorative questions. Requires 1-1 coaching prior to the dialogue.  | Used when the participants or the facilitator/circle keeper feels the conversation should involve fewer people.<br><br>May be used as a stepping stone for a responsive circle with support persons and community members. | Both participants are able to revisit the event, identify feelings, needs, and pathways for repairing harm.<br><br>Participants, with the support of the facilitator/circle keeper, co-create a repair agreement.  |
| Responsive Circles   | A voluntary, structured, scripted meeting engaging all parties directly involved in harm or conflict, support persons, and affected community members. Responsive Circles address a specific incident of harm, wrongdoing, or conflict and decide how to repair relationships and the harm using the 5 restorative questions. A Closing Circle is held after a period of time to check in on the efforts made on the Reparative Agreement. | Used when support persons feel essential, when an incident has impacted the larger community and there are relationships that need to be repaired.   | All participants have the opportunity to revisit or respond to the event, identify feelings, needs, and pathways for repairing harm and relationships.<br><br>Participants, with the support of the facilitator/circle keeper, co-create a repair agreement. |

## Conflict Resolution

### What is Conflict?

Interpersonal conflict is a natural outcome of the interactions in a community. When you interact with someone who doesn't share your opinions, values or goals, conflict can result - especially as students who are sharing spaces with others (i.e. roommates, classmates, or peers in clubs). Also, people have very different expectations and attitudes toward problem-solving.

Conflict isn't always serious, though. Nor is it always negative. Learning how to recognize and work through interpersonal conflict in productive, healthy ways is an important skill that can help you have better relationships and be a better community member.

## **What Is Conflict Resolution?**

Conflict Resolution is the process by which two or more parties reach a peaceful resolution to a dispute. While we always encourage you to attempt to resolve conflicts on your own, sometimes you may find that it is helpful to use additional resources to help navigate these difficult conversations.

The Office of Community Values, Conflict Resolution, and Restorative Practices offers coaching and mediation services that may be useful for some conflicts between students. Our goal is to either provide you with tools to handle these challenging conversations on your own or help facilitate communication that will work towards identifying ways to resolve your conflict.

## **Conflict Resolution Options**

### **1. Conflict Coaching**

Conflict coaching is a one-on-one meeting or series of meetings with a staff member where you will have the opportunity to explore the conflict you're experiencing and formulate an action plan moving forward. Conflict coaching can also be used to work on developing more effective communication and conflict management skills.

#### **What does conflict coaching look like?**

- During the meeting, a staff member will give an overview of the conflict coaching process and their role as a conflict coach.
- You will then be invited to describe the conflict and what you ultimately hope to accomplish through conflict coaching.
- The staff member will gather information from you about your needs and interests regarding the conflict.
- The staff member will then help you brainstorm potential resolution options.
- You (with the staff's support and coaching) will then develop a realistic, achievable plan for how best to proceed.
- The staff member will then invite final questions, reflections, and summarize the key take-away points from the meeting.
- You will be invited to schedule a follow-up appointment if you choose.
- You may bring a support person with you to one-on-one conflict coaching meetings.

### **2. Mediation**

Mediation is a meeting between 2 or more people, facilitated by a staff member who serves as a neutral third party. The mediator's role is to guide the participants through the mediation process; they do not choose sides, give advice, make suggestions, or otherwise take any position in the process. The purpose of mediation is to assist you in a conversation with the hopes of reaching a mutually satisfactory outcome or agreement.

You can also choose the option to mediate a conflict even when someone has allegedly harmed you in a way that violated the Code of Conduct. If the conflict you describe is not appropriate for

mediation, you may be referred to other processes or campus /community resources. If mediation fails, you can request that the incident be addressed through the Code of Conduct, unless you agree to waive this option as part of an agreement with the other party.

### **Who's involved?**

A mediator will meet with all parties who are at conflict, first individually (or as groups with shared interests) and, when all parties are prepared, together. Parties may have a support person join them during individual meetings but we strongly encourage the eventual mediation meeting/s to involve only the mediator and the parties to the conflict. Participation in the mediation process is voluntary; the Office of Community Values cannot force any person to agree to mediation or attend sessions.

### **What does mediation look like?**

- Topic for the discussion will be established ahead of the session.
- Rules for the session are agreed upon and acknowledged.
- Each person has uninterrupted time for a statement - to share their perspective on what has happened and what they hope to accomplish in the mediation.
- Mediator facilitates further dialogue based on the topics identified.
- Once each topic has been discussed, the parties check in privately with the mediator.
- If a formal agreement is required and reached, the mediator drafts a document that is signed by all parties.
- The parties are expected to take ownership of the agreements reached, which results in greater compliance, cooperation, and feelings of satisfaction
- The Office of Community Values may play a role in implementing or monitoring the agreement.

### **What happens to the information I share during a mediation session?**

One of the advantages of mediation is the degree of privacy. Information disclosed to the mediator by the parties during the course of the mediation will not be divulged without cause. Students are required to keep the information shared confidential; not doing so may be considered a Code of Conduct violation.

Mediators will respond to information according to College Policy and/or professional standards. Most records, reports or other documents received or created during mediation are not maintained beyond the conclusion of the mediation process.

# **TITLE IX & MAINE INTERPERSONAL VIOLENCE POLICY**

## **TITLE IX**

Students are protected from sex discrimination under the federal law referred to as Title IX in the following areas: (1) admission; (2) access to course enrollment; (3) access to facilities; (4) counseling; (5) competitive athletics; (6) graduation requirements; (7) student rules, regulations and benefits; (8) treatment as a married, pregnant and/or parenting student; (9) housing, financial aid or health services; and (10) most other benefits and services.

## **SEXUAL MISCONDUCT POLICIES**

### **Title IX Sexual Harassment Policy**

The College strictly prohibits sexual harassment in accordance with federal Title IX regulations.

### **Maine Interpersonal Violence Policy**

The College strictly prohibits interpersonal violence in accordance with MRSA Title 20-A, Chapter 445: SEXUAL VIOLENCE, INTIMATE PARTNER VIOLENCE AND STALKING AT INSTITUTIONS OF HIGHER EDUCATION

Colby's Title IX Sexual Harassment and Maine Interpersonal Violence Policy can be found [HERE](#).

### **Student Code of Conduct Sexual Misconduct**

Additional forms of sexual misconduct are covered by the Student Code of Conduct.

## STUDENT CODE OF CONDUCT

By accepting membership in the Colby community, students agree to conduct themselves in a manner that is consistent with the values expressed in the Colby Affirmation, the Vision for the Colby Community, and other statements of principle.

The College addresses policy violations and student accountability issues on a case-by-case basis in light of the circumstances of the particular case, while bearing in mind the importance of treating students equitably and sustaining consistent expectations.

The Student Code of Conduct (“Code”) is published in the Handbook, which is reviewed and updated from time to time, as needed. **The online version of the Student Handbook will always be the most current, and should be reviewed for the latest updates.** If an incident occurred while a previous version of the Handbook was in effect, the prohibited conduct as defined in the previous version will be applied. However, the procedures, outcomes and sanctions in the Handbook in effect at the time the Respondent is notified of an alleged violation/s will govern all other aspects of the resolution process, unless otherwise required by law.

### Definitions

- **Advisor:** A person who advises or supports any person involved in a Resolution Process. Advisors can include Colby students, faculty, staff, administrators, parents, guardians, or attorneys (so long as they are not involved in the particular incident). The advisor may consult with a Respondent during a Resolution Meeting or hearing, but may not answer or make statements on behalf of the Respondent. The person engaging the advisor must cover any fees or expenses of the advisor.
- **Beer and Wine:** Undistilled alcoholic beverages, seltzers, alcopops with ABV at or under 12%.
- **Case File:** All information, documents, statements and materials which make up the record to be considered by the case administrator or panel.
- **Code of Conduct / Code:** This section of the student handbook that governs student behavior.
- **Complainant:** Any person or student organization who alleges that a student or student organization violated the Code. In any incident, there may be more than one Complainant, in which case, the provisions of this policy apply to each Complainant.
- **Consent:** In the context of sexual activity, Consent means all parties reasonably understand that they freely agree, through words and/or actions, to engage in sexual activity. Consent may be withdrawn at any time. A person does not “freely agree” to sexual activity when the agreement results from force, violence, threats, intimidation or coercion. A person does not “freely agree” where the person was incapacitated, and the other party knew or should have known of that Incapacitation.

- **Days:** Days refer to business days when the institution is in operation—Monday to Friday. Recognized federal and state holidays, except those in which the College remains open, and days when the College announces it is closed, are not considered “days” or business days in this Policy.
- **Employee of the College:** Employees (faculty, staff, contractors, agents of the College) are referred to in the handbook as “College Employee” or “Employee”.
- **Furnishing** (drugs and alcohol): To furnish is to give something to another, dispense it, administer, or transfer it to another regardless of profit.
- **Hard Alcohol:** Distilled alcoholic beverages, such as vodka, whiskey, brandy, rum (including Malibu), fortified wine. Also includes beer, alcopops, etc., with ABV above 12%.
- **Incapacitation:** In the context of sexual activity, Incapacitation means that a person lacks the ability or capacity to make rational, reasonable judgments about whether to Consent to sexual activity. Incapacitation exists when a person is asleep or unconscious, and can also exist because of a temporary mental or physical health condition, or when a person is substantially impaired by alcohol or drugs (i.e., beyond merely being drunk, intoxicated or “high” as the result of consumption of alcohol or drugs). Some indications of Incapacitation may include lack of control over physical movements, lack of awareness of circumstances or surroundings, and slurred speech.
- **Intoxication:** A substantial impairment of an individual's mental or physical faculties as a result of drug or alcohol use.
- **Possession:** To have under your control, including merely allowing an item to be kept in your room, car, locker, or other location under your control, even if the item is owned by someone else.
- **Preponderance of Evidence:** The College uses preponderance of evidence standard in its analysis of facts. Under this standard, a fact is deemed true if it is “more likely than not” to have occurred. In turn, whether a violation(s) of the Code occurred is based on this standard, that is, whether the violation(s) is “more likely than not” to have occurred.
- **Resolution Process:** A general term referring to the various formalized processes described in the Handbook which are used to resolve alleged policy violations, conflict situations, or incidents that have caused harm.
- **Respondent:** Any person alleged to have committed a violation of the Student Code of Conduct. In any incident, there may be more than one Respondent, in which case, the provisions of this policy apply to each Respondent.
- **Conduct Board:** The Student Conduct Board, herein referred to as “Board”, is the governing board that hears cases referred from the Director of the OCVCRPP.

## **Application of Code / Jurisdiction**

This Code of Conduct applies:

- To any person(s) who has matriculated, been accepted into courses as a non-matriculated student through the office of Civic Engagement, or who has enrolled at the College at any time, whether they have graduated or not. However, if the student is no longer enrolled when notice of a violation is received, it will be a factor taken into consideration in determining whether to proceed with the matter.
- To any recognized student organization or any association or organization of students whether or not currently recognized. An organization may not be “currently recognized”

due to probation, suspension, withdrawal of recognition or termination of that organization or association. An athletic team is an “organization” under the Code.

- To conduct occurring on any College owned, leased, managed or occupied real property; or
- To conduct involving College property; or
- To conduct at activities or programs pursued or conducted under the auspices of the College including students in internships or studying off-campus and abroad; or
- To conduct at any other activity (including off-campus social and extracurricular activities) in which the College determines that it has an educational interest and that such conduct would seriously threaten/impact: (a) the health and/or safety of an individual(s); (b) any educational process or function of the College; (c) the broader College or off-campus community, or (d) the reputation of the College.

## **Respondent Rights**

### **Respondents have the right:**

1. to know what alleged incident or behavior is being addressed.
2. to know what Code policies (Community Values) have allegedly been violated.
3. to know and respond to all information being used to determine whether or not the Respondent violated a Code policy.
4. to provide information to be included in the adjudication of the case in accordance with any deadlines and restrictions that may be listed in the relevant process.
5. to have an Advisor present at any meeting in a process. The advisor may consult with the Respondent, but may not answer or make statements on behalf of the Respondent. Exceptions may be made when accommodations are appropriate.
6. to be notified in writing of the decision of whether or not the student is responsible for the violation and, if applicable, the sanctions imposed.
7. to appeal the decision in accordance with the Appeals Process.

## **General Information**

**Responsibilities of the Director of the OCVRRP:** As the primary case administrator, the Director of the OCVRRP has primary responsibility for assessing and investigating alleged violations of the Code and administering and interpreting resolution processes, in consultation as necessary with senior staff in the Dean of the College division, and others involved with the particular student(s), such as the Class Dean, Academic Advisor, coaches, etc. The Director of the OCVRRP is responsible for ensuring that Community Values matters are handled fairly and without unnecessary delay. The Director of the OCVRRP may designate other College professionals to assist with conduct matters, including serving as case administrators, and may coordinate with external professionals hired by the College.

**Notifications:** The College may notify a student’s **parents/legal guardians** about certain matters:

1. In the event that sanctions involving suspension and expulsion are imposed upon a student by the College, as these actions jeopardize a student's current or future standing at the College;
2. When students are transported to the hospital or other treatment center for any reason (including alcohol transports), and/or
3. In any situation when knowledge of the information is deemed necessary to protect the health, wellness or safety of the student or any other individual.

Except in emergencies, the College will endeavor to notify and consult with the student prior to notifying that student's parents/legal guardians. Because of the consequences that may arise from such situations, students are deemed to have consented to these notifications, unless they notify the College to the contrary. Additionally, students are strongly encouraged to discuss disciplinary issues and/or other problems they are having with their parents/legal guardians on their own.

Students should also know that alleged and resolved violations of College policies, and the outcomes thereof, may be routinely shared with the student's Class Dean, Academic Advisor, coaches, the Dean of the College and the Dean of Students Office, Health and/or Counseling staff, Campus Life, and other College staff and faculty who may provide services and/or support to the student as deemed appropriate, or who have a legitimate educational interest to know the information. The College will typically notify a student's athletic coach and Class Dean about Community Values matters as these employees often have existing relationships with students which enhance support and growth for the student.

**Disciplinary Records:** The OCVRRP is responsible for maintaining appropriate records and materials involving all disciplinary cases. These records may be used by other Conduct Boards to assist in imposing sanctions in a consistent manner. Students should be aware that except as otherwise required by law, the College generally maintains records of formal disciplinary actions (including academic dishonesty) for a period of six years after graduation or date of last attendance, with the exception of Title IX records, which are retained for 7 years from the resolution of the incident. Disciplinary actions by the College are not noted on student transcripts, but are contained in records maintained by the Dean of Students Office. Students should be aware that certain off-campus programs, graduate schools, employers and other institutions may require the disclosure of Disciplinary Records. For students without disciplinary violations, the College will disclose that information upon request. For students with disciplinary violations, the College will only disclose that information upon specific, written consent signed by the student. For purposes of this policy, a consent form that does not specifically address the release of disciplinary information does not constitute consent. Students with questions about their education records are encouraged to consult with their Class Dean.

**Law Enforcement, Action in the Courts and at Colby:** The College expects all students to comply with federal, state and local laws. While the conduct covered by laws and those covered by Colby's policies and rules may overlap, it is important to note that the laws and Colby's policies and rules operate independently, and do not substitute for each other. Colby may pursue enforcement of its own policies and rules whether or not legal proceedings are underway, and may use information from third-party sources, such as law enforcement agencies and the courts, to determine whether College policies and rules have been violated. Conversely, the College generally makes no attempt to shield members of the Colby community from the law, nor does it generally intervene in legal proceedings against a member of the Colby community. Membership in the Colby community does not exempt anyone from federal, state or local laws but imposes the additional obligation to abide by all of Colby's

policies and rules. The College may, at its discretion, involve and cooperate with law enforcement in incidents involving Colby students, particularly when involving law enforcement is deemed necessary for overall campus safety and security. Students who are arrested or charged with civil or criminal violations are responsible for obtaining their own legal counsel.

## COMMUNITY VALUES VIOLATIONS

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

The following list of behaviors is intended to provide students with information about the types of behavior that might result in the initiation of a Resolution Process and result in outcomes or sanctions. This list is not intended to be all-inclusive, and students should be aware that other behaviors or multiple violations may result in suspension or expulsion.

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

- **Causing Distress** - Includes, but is not limited to, threatening, intimidation; bullying behavior; causing severe mental discomfort (as determined by a reasonable person); causing fear of physical or mental harm; expressing the intent to commit an act of violence against another person or group of people to that person or group. The behavior may be through any means, including social media.
- **Conviction of a Crime** - Conviction in a court of law of violating local, state, or federal laws
- **Creating a Hostile Environment** - Conduct through any means, including social media, that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College's educational or employment programs and/or activities. Conduct, which may include expression that rises to the level of harassment, must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, Colby will consider the totality of the circumstances, including but not necessarily limited to:
  - The frequency, nature and severity of the conduct;
  - Whether the conduct was physically threatening;
  - The effect of the conduct on the targeted party's mental or emotional state;
  - Whether the conduct was directed at more than one person;
  - Whether the conduct arose in the context of other discriminatory conduct;
  - Whether the conduct unreasonably interfered with the targeted party's educational performance and/or participation in College programs or activities;
  - Whether the conduct unreasonably interfered with targeted party's educational opportunities (including study abroad), College-controlled living environment, or work opportunities;
  - Whether the conduct was humiliating; and
  - Whether the conduct implicates concerns related to academic freedom or protected free expression.
- **Damage/Misuse of Property**
  - Intentional or unintentional defacement, damage, destruction, of College or private property
  - Unauthorized use of College or private property
  - Inappropriate use of College property
- **Damage/Misuse of Technology** - Misuse or unauthorized use of College technology or violation of College Information Technology policies
- **Disorderly Conduct** - Causing, inciting or participating in any behavior, either on-campus, off-campus, or in online/virtual environments, that unreasonably disturbs the educational, employment, community, or residential experience of other students, faculty, and/or staff, or which interrupts the orderly operation of the College or community. Examples include: creating excessive noise; creating an unnecessary burden on College or first responder resources; significant disruption of a classroom. (*Note: This policy is not applicable to protected protest action*).
- **Drugs**
  - Possessing, using, manufacturing, furnishing, or selling scheduled drugs, including, but not limited to, cocaine, LSD, heroin, amphetamines, barbiturates, and steroids, regardless of location
  - Possessing, using, furnishing, or selling recreational or medical cannabis or cannabis extracts not approved by the FDA. Maine laws that permit use of recreational cannabis for persons 21 and over, and medical cannabis with

appropriate certification, **do not** apply on the Colby campus, in Colby vehicles and facilities, or at Colby events.

- Possessing prescription drugs not legally prescribed for the student. Students in possession of drugs legally prescribed to them are responsible for the safekeeping of all prescription drugs. Any theft or loss of prescribed medications should be reported to Security immediately.
- Furnishing or selling prescription medications
- Possessing drug paraphernalia, including but not limited to bongos, one-hitters, water pipes, vape pens, grinders
- Intoxication due to the use of drugs
- Irresponsible use of drugs that leads to disruptive, abusive, or destructive behavior
- Encouraging other students to use drugs
- Contributing to the intoxication of other students resulting in hospitalization for intoxication, or drug related injuries, sexual misconduct, or other violations
- Arrest for an OUI during the academic year, or while working at Colby during the summer months, regardless of the location of the arrest
- **Failure to Comply**
  - Not completing a sanction assigned through resolution of a College disciplinary process
  - Significant interference with College employee's enforcement of any College policy, including not identifying yourself to a College employee, not displaying or surrendering your ColbyCard when requested by a faculty member, administrator, security officer or Residence Life staff, including student employees
  - Not complying with, or interfering with, a directive from a College employee with authority to issue such a directive, including student employees
- **Fake Identification** - Possession and/or use of false I.D.s on or off campus. False I.D.s will be confiscated and students will be subject to discipline and possible law enforcement action.
- **Falsification of Information**
  - Providing false information or refusing to provide information to a College employee or in a College proceeding;
  - Tampering with, destroying, or falsifying records or documents, or the attempt of these acts
- **Indecent Behavior** - Including but not limited to sexual activity, nudity, urination or defecation in the presence of others; lewd behavior. Indecent Behavior in public is considered a more serious violation.
- **Firearms and Weapons** - Possession or use of weapons not in compliance with the Firearms and Weapons Policy in the General Policies section of the Handbook
- **Fire Safety Violation** - Interference with or misuse of fire, safety, or alarm equipment; tampering with, disabling, or causing malfunction of fire and safety equipment or alarm systems; arson or unauthorized fires; possession and use of fireworks; or possession of prohibited items in residence halls that present a fire safety hazard
- **Fraternity Activity** - Rushing, pledging, perpetuating, and/or initiating activities determined to be fraternity activities. Please refer to the Fraternity Activity section in the General Policies of the Handbook and the Hazing policy (below) for further information.
- **Free Expression Impingement** - Any infringement of the rights of others to freely express themselves, includes interfering with a speaker, or defacing or removing properly posted or distributed notices or materials. Please refer to the Free Expression policy in the General Policies section of the Handbook for further information.

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

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

- Any physical act of violence inflicted upon, or expected by, another person;
- Causing excessive fatigue or sleep deprivation;
- Any physical activity expected of, or inflicted upon, another person by a student or students;
- Pressure or coercion, whether explicit or implicit, to consume any legal or illegal substance;
- Making available illegal substances to students;
- Pressure or coercion, whether explicit or implicit, to join or participate in an activity or group involving students and/or alumni that has not been sanctioned by the College and/or that has been banned;
- Kidnapping, road quests, road trips, and/or abandonment;
- Engaging in public stunts, humiliating or degrading tasks or activities;
- Servitude (expecting a new member to do tasks for an experienced member);
- Costuming or alteration of appearance;
- Line-ups or berating behavior;
- Coerced lewd activity;
- Interference with academic activities;
- Requiring students to keep prohibited activities a secret

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

- **Health and Safety Violation** - Including but not limited to creating a dangerous or unsanitary environment; endangering the health or safety of others; reckless behavior (including endangering yourself); false reporting of dangerous conditions; restricting traffic

flow; possession of hazardous chemicals; restricting the flow of individual(s), and violation of College health or safety policies.

- **Identity-Based Harassment** - Includes harassment based on a person's actual or perceived race, color, religious belief, political belief, sex, marital status, sexual orientation, gender identity or expression, national or ethnic origin, caste, disability, veteran status, or age. This may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, when the result is the creation of a hostile environment. (Refer to "Creating a Hostile Environment" violation above for further information).
- **Illegal Activity** - Including any activity deemed criminal or illegal under federal, state or local laws, statutes, ordinances, regulations and codes which are not covered by the Code.
- **Noncompliance** - Not complying with College Policies not covered in the Code, or the policies of other College offices, programs, etc., including Residence Life, Athletics, student activity/organization regulations, etc.
- **Parking/Vehicle Noncompliance** - Noncompliance with College motor vehicle and parking policies and regulations.
- **Physical Assault / Attempted Physical Assault** - Using physical force or attempting to use physical force against another person or group of people. Examples of physical force include, but are not limited to, spitting, pushing, shoving, hitting, kicking, or other physical contact that causes harm, pain, or discomfort. Using physical force as a response to physical force that continues and/or escalates an altercation may also be a violation. Acts committed against persons while in the performance of their duties (e.g. police/security officers, Residence Life employee, faculty/staff) are considered more serious.
- **Responsibility for Guest** - Allowing or enabling any violation of College policy by student's guest(s) on-campus or at an event applicable under this Code.
- **Retaliation** - Any adverse action taken against a person either for making a good faith report of a Community Values Violation, or participating in any investigation or proceeding under this policy (even if the report is later not proven). Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected by this policy, either by a party or any person connected with the parties. Retaliation may be present even where there is a finding of "not responsible" on the allegations. Retaliation does not include any good faith actions pursued in response to any report.
- **Sexual Misconduct** - The College strictly prohibits sexual harassment, sexual misconduct, intimate partner/dating violence, and stalking. (See the Title IX Policy for the definitions of consent and incapacitation.)
  - **Title IX defined Sexual Misconduct** - Any conduct which meets the definition of prohibited conduct under Title IX of the Higher Education Act of 1965 as amended, but which is not within the jurisdiction of Title IX, such as occurring off-campus or outside of the United States
  - **Interpersonal Violence defined Sexual Misconduct** - Any conduct which meets the definition of prohibited conduct under Title 20-A Chapter 445 of the Maine Revised Statutes, but which does not occur within the jurisdiction of said law, or which is alleged by an individual without standing under said law.
  - **Intentional Non-Consensual Contact** - Contact of a sexual nature with the body parts of the other person that does not meet the definition of behaviors prohibited under the definition of "Sexual Assault" or "Sexual Violence" under the College's Title IX and

Interpersonal Violence Policy, intended by a person without the other person's consent. Examples include making someone else touch your intimate body parts, you touching another person's intimate body parts, or unwanted kissing.

- **Quid Pro Quo Sexual Harassment** - A student with power over another student conditioning an aid, benefit or service to that student on their participation in unwelcome conduct of a sexual nature, where the ability to deliver the aid, benefit or service is afforded by holding said power, or a position of authority.  
A student with power over an employee conditioning an aid, benefit or service to that employee on their participation in unwelcome conduct of a sexual nature.
- **Non-Title IX Hostile Environment Sexual Harassment** - Unwelcome conduct (as determined by a reasonable person) that is so severe, pervasive OR objectively offensive that it effectively denies a student or employee equal access to the College's education programs and activities.
- **Sexual Exploitation** - Sexual Exploitation occurs when a person takes sexual advantage of another person as noted below, or attempts to take sexual advantage of another person as noted below, without the consent of the person. Examples of behavior that could constitute sexual exploitation include but are not limited to the following:
  - Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of or with the result of compromising that person's ability to give consent to sexual activity;
  - Allowing third parties to observe private sexual activity from a hidden location (e.g. closet or window) or through electronic means (e.g. Zoom or live-streaming of images);
  - Viewing another person's or persons' sexual activity, intimate body parts, or nudity in such a place where a reasonable person would know or should have known that the person(s) being viewed would object or without their consent.
  - Recording or capturing through any means images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts (including genitalia, anus, groin, breasts or buttocks), or nudity without that person's consent;
  - Possessing, disseminating or posting of images or recordings (including audio) of another person's or persons' private sexual activity, intimate body parts (including genitalia, groin, breasts or buttocks) or nudity without their consent;
  - Disseminating to another person/s or posting of images or recordings of one's own private sexual activity and/or intimate parts (including genitalia, groin, breasts or buttocks) without the recipient's consent;
  - Creating, possessing, disseminating or posting of digitally created images, audio or video which depicts or appears to depict another person's sexual activity, intimate body parts (including genitalia, anus, groin, breasts or buttocks), or nudity, such as "deep fakes", without their consent.
  - Prostituting another person;
  - Knowingly exposing another person to a sexually transmitted infection or virus without the other's knowledge;
  - Exposing one's genitals or inducing a person to expose their genitals without consent;
  - Note: Colby's prohibition of Sexual Exploitation is not intended to prohibit the use of legal sexually explicit materials that are reasonably related to Colby's academic mission. Specifically, this section is not intended to proscribe or inhibit

the use of sexually explicit materials, in or out of the classroom, when in the judgment of a reasonable Colby faculty member they arise appropriately to promote genuine discourse, free inquiry, and learning.

- **Complicity, Retaliation and Title IX Retaliation -**
  - Complicity is any action taken by a person with the purpose of aiding, facilitating, promoting or encouraging the commission of any Sexual Misconduct act prohibited by this policy.
  - Retaliation is any malicious act, including intimidation, threats, coercion or discrimination, against a person for the good faith reporting of Sexual Misconduct or Interpersonal Violence, or for participation in, or refusing to participate in, any investigation or proceeding.
  - Title IX Retaliation is any malicious act, including intimidation, threats, coercion or discrimination. This includes any act of retaliation (intimidation, threats, coercion or discrimination) against a person for that person's exercise of rights or privileges under Title IX, including because the person has testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing under Title IX.
  
- **Theft or Possession of Stolen Items -** Stealing, attempting to steal or assisting in the theft of any money, property or item of value; using, appropriating, or possessing any property not belonging to the student without permission of its owner or the right of sale.
- **Tobacco, Smoking and Electronic Nicotine Delivery Systems -** The use of tobacco and smoking of any kind (including "vaping") of any substance and use of electronic nicotine delivery systems. This prohibition applies to 1) all College property and grounds, wherever it is located; 2) all College buildings, including residence halls, academic buildings and athletic facilities; 3) all College-owned, leased or rented vehicles; and 4) all College-sponsored events and activities.
- **Trespassing / Unauthorized Entry or Occupation**
  - Attempting to enter, entering or remaining in College or private spaces by an unauthorized person; College spaces include closed residence halls, College properties, or any secured office, space, building, or vehicle. Private spaces include student rooms, faculty and administrative offices, and other employee workplaces.
  - Failure to vacate a private space upon the request of the occupant(s), by Security, or by another College employee;
  - Being in or on Johnson Pond without authorization
  - Allowing entry by unauthorized persons into parties or other events, private or public
  - Unauthorized entry into facilities, roofs or other off-limits areas
- **Unauthorized Recording of a Conversation -** Includes but is not limited to the intercepting, recording, photographing or taking video which captures a faculty or staff member in a classroom, office, over the telephone or by other digital, electronic or other means without the consent of that faculty or staff member, unless it is part of an approved accommodation; not complying with the [College's Recording Policy](#). Audio and visual recording on campus, at Colby events, or among Colby community members is governed by the College's Recording Policy. This policy addresses prohibited and permissible recording, outlines the principles underlying the policy, and provides guidance in responding to inquiries or claims involving the policy.
- **Vandalism -** Deliberate, significant destruction of or damage to public or private property

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

## **Alleged Code Violation Resolution Processes**

The resolution of alleged violations of the Student Code of Conduct and other College Policies is the duty of the Director of OCVCRRP as the primary case administrator. In the absence of the Director, or when deemed appropriate to ensure a fair and thorough process, the Dean of Students will designate these duties to another member of the Dean of the College Division or an external party.

The Preponderance of the Evidence standard is used in all adjudicative processes at the College.

### **Receipt of Information, Investigation and Selection of Resolution Process**

- Information regarding a potential violation is sent to the OCVCRRP, usually in the form of an Incident Report, possibly with accompanying evidence.
- The case administrator reviews the information to determine whether the alleged misconduct, if true, constitutes a violation of the Student Code of Conduct or other College policy to initiate a resolution process. If additional information is needed, the case administrator may investigate further by, for example, speaking with the source of the information or requesting the submission of a statement by people identified or implied in the source information.
- If the case administrator determines that the alleged misconduct, if true, does not constitute a violation of the Student Code of Conduct or other College policy, no further action is taken. In this circumstance, any information submitted does not become a part of a student's education record.
  - Even if no conduct violation has been alleged, the case administrator may offer a **Restorative Practice** or **Conflict Resolution Process** if applicable.
- If it is determined that the alleged misconduct, if true, constitutes a violation of the Student Code of Conduct or other College policy, the case administrator then identifies the specific violations of the Code.
- The case administrator then determines whether an Administrative Resolution Process or a Conduct Board is the appropriate resolution process for the incident.
- The student receives written notification of the alleged violations and the type of resolution process that has been initiated.
- The case administrator will respond to inquiries about the status of the matter from the parties, subject to applicable confidentiality laws.

### **Administrative Resolution Process**

- A student receives written notification of the initiation of a resolution process (typically by email). The notification typically instructs the student to follow a link to Maxient (a student information management system) to collect an official letter. The letter will state:
  - The Administrative Resolution Process has been initiated and the student has been identified as a Respondent.
  - All alleged violations.
  - Alleged incident date (or date range) and location
  - The Respondent must attend an Administrative Resolution Meeting (ARM) to review the information reported to the case administrator, plus any evidence the case administrator has collected in their investigation, if applicable. Forms of evidence include, but are not limited to, witness interviews notes, photographs, security reports, videos, posts, texts, and door entry logs. If the case administrator receives additional evidence after the ARM, the Respondent will be notified and a follow-up ARM will be scheduled.
  - The Respondent will have the opportunity to provide their perspectives and response to the allegations.
  - The Respondent has the right to have an advisor during the process. If the Respondent engages an advisor, the Respondent, not the advisor, must speak and respond to questions on their own behalf. The advisor may consult with the Respondent, but may not answer or make statements on behalf of the Respondent. Exceptions may be made when accommodations are appropriate.
  - The date, time and location of the ARM, or notice that the OCVCRRP will schedule an ARM with the Respondent.
- In rare cases, the notification letter will be delivered in person and the content or form may deviate from the above.
- The Administrative Resolution Meeting is held with the student (and advisor, if applicable). The Respondent has the opportunity to provide their perspectives and response to the allegations. Respondents may submit a written statement before or during the ARM.
- Respondents may submit to the Case Administrator questions to be posed to people who provided statements or evidence in the case file. The Case Administrator may reject questions if deemed to be irrelevant, harassing or redundant.
- The case administrator may, based on the information shared in the initial ARM, do additional investigative work and/or schedule follow-up meeting/s to conclude the ARM.
  - ***Up until this stage of the Administrative Resolution Process, the case administrator may elect to offer the Respondent the opportunity to engage in an Informal Resolution. (See section on Informal Resolution below for details.)***
- The case administrator makes a finding/s - the determination of responsibility - and, if applicable, assigns appropriate sanction/s.
  - If additional evidence comes to light after the ARM but before the Resolution Letter is sent, the case administrator will either not consider that evidence in the determination of responsibility or will provide the Respondent with an opportunity to respond to the evidence.

- The Respondent will receive a Resolution Letter with finding/s and sanctions, if applicable, by email by the end of the 5th business day after the day on which the ARM was concluded.
- Students may appeal the outcome/s of an Administrative Resolution Process (refer to the Appeals section below).
- The finding/s and sanction/s of an Administrative Resolution become part of a student's disciplinary record.
- The case administrator may refer any case moving through an Administrative Resolution Process to a Conduct Board Process at any stage prior to a determination of responsibility.

## **Informal Resolution Process**

- Informal Resolution typically occurs when a student acknowledges responsibility for violating the Student Code of Conduct and agrees to appropriate outcomes. It is typically an option for minor, first time violations. Mitigating and aggravating circumstances revealed in the Administrative Resolution Meeting or Conduct Board hearing may influence whether an Informal Resolution is offered. In rare circumstances, Informal Resolutions may be reached without an admission of responsibility.
- Informal Resolution is used at the discretion of the case administrator and Conduct Board hearing panels.
  - Where an Informal Resolution Process originates in a Conduct Board hearing, the case administrator will consult the panel chair throughout the process.
- Outcomes may include an obligation to complete a Restorative Practice/s, educational/developmental programs or meetings, or other actions deemed appropriate for the student and Colby community.
  - In cases where there are multiple alleged violations, it will be noted in writing for which violations the Respondent is acknowledging responsibility.
  - If there are alleged violations included in the case for which the Respondent is not acknowledging responsibility, and an appropriate Informal Resolution is reached for the acknowledged violations, the case administrator may drop the unacknowledged alleged violations.
- The case administrator will propose the outcomes they deem appropriate to the Respondent, either in person or in writing via email. The Respondent may respond with suggestions for alterations to the outcomes. There may be several rounds of correspondence between the Respondent and case administrator.
- When an agreement is achieved the case administrator will send an Informal Resolution Agreement letter to the Respondent.
- If the Respondent agrees to the outcomes offered in the Informal Resolution Agreement they must acknowledge as instructed. The Respondent will be required to complete any obligations agreed to. If the obligations are not met, the Respondent may be adjudicated for alleged an violation/s of "Failure to Comply".

- If the Respondent does not agree to the outcomes offered in the Informal Resolution Agreement, the matter will revert back to the Administrative Resolution Process or Conduct Board Process. The case administrator or hearing panel (reconvened by the case administrator and panel chair) will make a finding/s for all alleged violation/s and assign sanctions.
  - When reaching a determination of responsibility, the case administrator or hearing panel will not consider any additional evidence which was revealed by the Respondent after the time the case administrator offered an opportunity to seek an Informal Resolution.
- The outcomes of an Informal Resolution Agreement will not become part of a student's disciplinary record.

### **Administrative and Informal Resolutions for Cases involving Complainants**

- If an incident is reported by a Complainant/s, a consultation meeting will be scheduled with the case administrator. In this meeting:
  - The Complainant/s will describe the incident/situation to the case administrator and identify any available evidence that could be submitted, including potential witness statements.
  - The case administrator will explain options and processes with the Complainant/s, including Restorative Practice (if available), the Conflict Resolution Process, the Administrative Resolution Process, and, if deemed by the case administrator to be a potential resolution path in the particular case, the Conduct Board Process.
  - The Complainant/s will indicate their preferences regarding the Resolution Processes available. This is to assist the case administrator to determine the appropriate Resolution Process to initiate, if applicable.
- The Complainant/s will submit a detailed written statement describing the incident/situation and all evidence, including written witness statements. Witness interviews may be conducted.
- The case administrator reviews the information to determine whether there is sufficient evidence of a violation of the Code of Conduct to initiate a resolution process. If additional information is needed, the case administrator may investigate further by, for example, speaking with the source of the information or requesting the submission of a statement by people identified or implied in the source information.
- If the case administrator determines that there is insufficient evidence to suggest that a violation occurred, the Complainant/s will be informed.
  - The OCVCRP will seek to work with the Complainant/s and other party/ies involved to resolve the situation/conflict, typically through the Restorative Practice or Conflict Resolution processes.

- The Complainant/s has the right to appeal the case administrator's determination to the Dean of Students. An appeal must be limited to a description of how the evidence in the matter does provide sufficient reason to believe that conduct occurred which meets the definition of a violation of the Code, and how the Complainant was a victim of that behavior. The appeal must be in writing and sent to the Director of the OCVCRPP within 10 days of the Complainant being notified of the Director's decision, for forwarding to the Dean of Students. The Dean will review the appeal letter and determine, generally within ten business days, whether alleged violations should be pursued.
- If the case administrator determines that there is sufficient evidence to suggest that a violation occurred:
  - If the Complainant/s select Restorative Practice (if available) as their preferred means to resolution, the case administrator will initiate the appropriate process.
    - If the Respondent opts not to participate in, or fails to complete, a Restorative Practice, the matter will typically revert to the Administrative Resolution Process or Conduct Board Process. When reaching a determination/s of responsibility, the case administrator or hearing panel will not consider any evidence which was revealed by the Respondent, during any unsuccessful Restorative Practice.
  - If the Complainant/s indicated a preference for Conflict Resolution, and the Director agrees that this is appropriate, the Director will attempt to facilitate the achievement of outcomes, typically through mediation.
    - If the Respondent opts not to participate in a Conflict Resolution Process, or an agreement cannot be reached, the matter will typically revert to the Administrative Resolution Process or Conduct Board Process. When reaching a determination of responsibility, the Director or hearing panel will not consider any evidence which was revealed by the Respondent, during any unsuccessful Conflict Resolution negotiation, unless such evidence is introduced through another valid mechanism within a Resolution Process
  - If the Complainant/s prefers to pursue the Administrative Resolution Process, and the case administrator deems it appropriate, the case administrator will initiate the process. The Complainant/s will have the opportunity to submit all written statements and evidence to be used in the Resolution Process before the Respondent is notified of an alleged violation/s. The Complainant/s will not participate in the Administrative Resolution Meeting.
  - Respondents may submit to the Case Administrator questions to be posed to people who provided statements or evidence in the case file. The Case Administrator may reject questions if deemed to be irrelevant, harassing or redundant.
  - The case administrator may elect to initiate the Conduct Board Process if deemed more appropriate for the case. The Complainant/s will participate in the Conduct Board hearing as outlined in the Conduct Board Process.
- The Complainant/s and Respondent have the right to appeal the findings of an Administrative Resolution Process or Conduct Board Process in accordance with the Appeals Process below.

## Conduct Board Process

- The Board is composed of fifteen members:
  - A member of the Board will serve as Board chair. The chair will be selected by the Director;
  - Eight students (two seniors, two juniors, two sophomores, and two at-large) balanced by gender identity;
  - Four members of the faculty; and
  - Two staff members appointed by the Dean of the College.
  
- Board member appointments and terms are as follows:
  - Student members are nominated by the Student Government Association (SGA). Intentional efforts are made to achieve representation of academic classes, sex and gender identity, and race and ethnic identity. Members must be approved by the Dean of the College in consultation with the Dean of Students. Student members must be in good academic and conduct standing as determined by the Dean of the College. Student members serve for one year, which term may be extended for an additional year if requested by the student and approved by the Dean of the College in consultation with the Dean of Students.
  - Faculty members are appointed by the faculty and serve for three years.
  - Staff members are appointed by the Dean of the College and serve for two years.
  
- A Hearing Panel of five voting members is selected from the Board for each case — two students, one faculty, and two staff members. The Dean of Students, or designee, shall designate one member as the hearing panel chair. If a member of the panel indicates that they have a conflict in hearing the case, another member will be selected for the panel.
  
- The Director of the OCVCRPP is responsible for scheduling the hearing. If a hearing is necessary at or after the end of a semester and the regular hearing panel cannot be convened, the Director of the OCVCRPP may convene a special hearing panel. The membership will consist of five Board members available at the time of the hearing, including at least one student, one faculty member and one staff member.
  
- Notice of Allegations and Process: At least ten days prior to the hearing, or as far in advance as reasonably possible if, due to extraordinary circumstances, an accelerated hearing is sought, the Director of the OCVCRPP shall send a letter to the Respondent including the following:
  - A summary of the alleged violations, including date, location, time, the applicable portion of the Code, and the identity of the members of the panel. Any evidence which may be presented at the hearing will also be made available for the Respondent to review upon request.
  - The time and place of the hearing. Attendance by the Respondent is mandatory, superseding all other campus activities. If the Respondent does not appear at the scheduled hearing, the hearing may proceed without the Respondent present. If the Board Chair determines that there is good cause, the Board Chair may reschedule the hearing. Except in extraordinary circumstances, a Respondent must agree to the scheduling of an accelerated hearing.

- Within three business days of the notice of alleged violations, the Respondent must identify any concerns about a bona fide conflict of interest on the part of any panel member assigned to the case. If the hearing panel member does have a bona fide conflict, the Director of the OCVCRPP will select another Board member to serve.
- The Respondent may bring an advisor to the hearing. An advisor may be a current Colby student, faculty, staff, administrators, parent/legal guardian/family member or attorney who is not a witness in the case. The Respondent must notify the Director of the OCVCRPP of the identity of the advisor at least three business days before the hearing. The Respondent must speak and respond to questions on the Respondent's own behalf. The advisor may consult with the Respondent, but may not answer, make statements, pose objections or questions unless so permitted by the hearing panel Chair.
- If the hearing is being held as a result of a complaint by a specific Complainant, the Complainant also has the right to attend the hearing and will receive the same notice of the hearing time and place as the Respondent. The Complainant also has the right to bring an advisor to the hearing, who may assist the complainant in the same manner as the Respondent's advisor.
- Preparation for Hearing: The case administrator works with / provides information to the Respondent, the Complainant (if any), and any witnesses to prepare for the hearing. All information, documents, statements and materials which make up the record to be considered by the panel (the "case file") are the property of the College. Except as provided below, those involved in the hearing, are prohibited from duplicating, disclosing, or distributing the records to anyone. The records will not be shared with any persons except the panel, the OCVCRPP and other appropriate Colby employees, and with the written permission of the Respondent (or Complainant, if any), with their parent/legal guardian, advisor or attorney. Dissemination of the records or information contained within the records by the Respondent (or Complainant, if any) to any person, including witnesses, other than their parent/legal guardian or advisor, or any publication of the records, including publication through social media, is expressly prohibited. The Respondent (or Complainant, if any) is responsible for ensuring that their parents, legal guardians and advisors adhere to this prohibition. Any such dissemination or publication constitutes a violation which may result in suspension or expulsion from Colby. The OCVCRPP is responsible for scheduling the hearing, assembling materials and evidence presented to the hearing panel.
- Hearing Process:
  - The hearing shall be recorded by current means of available technology (digital audio, etc.).
  - The hearing is closed. Only the Respondent and Complainant (if any) and their advisors are permitted to attend the entire hearing; there will be no observers. The hearing panel Chair may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the hearing panel or the persons involved. The College's general counsel may attend any hearings and assist the Chair or panel in the administration of the hearing process.
  - A case administrator from OCVCRPP, or the Dean of Students' designee, may address the panel and present information, evidence and other materials relevant to the matter to the hearing panel.

- The Complainant (if any) and the Respondent shall be permitted to make opening and closing statements, if desired.
- The Respondent has the right and responsibility to respond to allegations of misconduct. However, by choosing to remain silent or not appear, the Respondent may, nevertheless, be found responsible and face sanctions if the hearing panel determines they are warranted.
- Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in panel hearings.
- Only information pertinent to the possible violation, and information which is common knowledge to people in the conduct of their ordinary daily affairs (e.g. – snow is cold, ice can be slippery) will be considered by the hearing panel. The hearing panel Chair shall have discretionary authority to determine whether the hearing panel will receive and consider particular information, including information about other disciplinary actions or civil/criminal convictions involving the Respondent, and to resolve any procedural questions or disputes that arise in the course of a hearing.
- Participation in a hearing by telephone, closed circuit television, video conferences, video or audio recording, written statement, or other means may be permitted by the hearing panel Chair to the extent deemed appropriate in the Chair's sole discretion. Any request to appear other than in person must be approved in advance of the hearing date.
- Proceedings are strictly confidential. All persons present at any time during the hearing are expected to maintain confidentiality. Any documents distributed to hearing panel members during the course of the hearing shall be collected at the end of the hearing.
- Once the hearing is concluded, the hearing panel will deliberate in private session. The panel reaches its decisions by majority vote. The hearing panel shall base its determinations on the preponderance of the evidence standard. If a Respondent is found responsible, the panel will then be informed of any relevant information about the Respondent's disciplinary history (if not shared during the hearing) and will assess appropriate sanctions. The case administrator may assist the panel by advising it of the types of sanctions applied in similar cases. Except for subsequent review and discussion of the case with the Board as part of a general discussion, training and background related to hearing panel work, the deliberations of the hearing panel shall be kept in strict confidence.
- The panel may elect to offer the student an Informal Resolution Process (see section on Informal Resolution above). The board will provide their rationale and recommended outcomes to the case administrator, who would facilitate further. In these cases, the case administrator will consult with the Panel Chair during any correspondence with the Respondent regarding the outcomes and an Informal Resolution Offer would have the name of the case administrator and Chair.
- Notice of Decision and Sanctions (if any): The case administrator shall prepare a written decision letter to the Respondent within five days of the hearing panel's decision. To the extent permitted by the Family Educational Rights and Privacy Act (FERPA) and other applicable law, the decision letter or portions of that letter will be shared with the Complainant, if any.

## **Club and Organization Conduct Process**

- This process applies to clubs and organizations registered with the SGA, and to athletic teams.
- The OCVRRP is responsible for investigating charges against organizations and, in instances where the case administrator elects to bring a case before the Conduct Board versus an Administrative Resolution, in preparing cases for the hearing. In determining whether a club or organization may be held collectively responsible for the individual actions of its members, all the factors and circumstances surrounding the specific incident will be reviewed and evaluated. An organization will typically be held collectively responsible when:
  - Actions that lead to injury or damage to a person or property, violation of the Code, or misuse of property or College funds have received the tacit or overt consent or encouragement of the organization or the organization's officers.
  - In the course of its activities, an incident is the result of the failure of the organization or its officers to take reasonable precautions against such actions described above, or the failure to act during the course of the activity to prevent or mitigate harm or damage.
  - A policy or practice of an organization is directly responsible for such damage, harm, misuse or Code violation.
  - The violation involves hazing activity.
- Whether or not alleged violations are pursued as organization misconduct, individual members of the organization may still face discipline under the individual student Resolution Processes, in addition to any organization sanctions imposed.
- Process: If organization misconduct is alleged, the matter will be reviewed by the OCVRRP and a determination will be made about whether to handle the matter through the Administrative Resolution Process, the process for Cases involving Complainants, or through the Conduct Board Process. If the Conduct Board Process is selected, the hearing process shall be identical to the process employed for students, except that all notices, decisions and other communications will be provided to the organization's leader. It shall then be the responsibility of the organization's leader to notify the rest of the members of the organization and its advisor, if any.
- Sanctions in Organization Conduct Cases: Changes to an organization's recognition generally form the basis of sanctions. Recognition by the College grants to any organization the right to function on campus, to receive College privileges and funding, to enroll Colby students as members, to participate in College activities, and to be associated with the College. An organization's prior disciplinary record, if any, shall be considered in the sanction phase.

Sanctions may include, but are not limited to the following:

- Full recognition with warning: The organization maintains full recognition, but is warned that further failure to meet the criteria for recognition or additional violations of the Student Code of Conduct will result in a more serious sanction.
- Probation recognition: The organization is recognized by the College, but is placed on probation for a specified period of time, during which specified privileges and activities may be curtailed or revoked. Probation recognition ordinarily will be in effect for a minimum of one semester but can be longer.
- Suspended recognition: The organization's recognition is suspended for a specified period of time, during which all privileges are revoked, the organization's

activities are discontinued, and funding by the Student Government Association may be withdrawn.

- Permanent withdrawal of recognition: Recognition by the College is withdrawn on a permanent basis.
- Other sanctions, including restorative practices, may be assessed depending on the circumstances and type of violations and the type of organization involved.
- Appeals in Organization Conduct Cases: The process of and the grounds for an appeal from a decision involving organization conduct shall be identical to the process for an appeal in the individual student resolution process.

## Appeals

A Respondent found responsible for a violation of the Code may appeal a finding in the Administrative Resolution Process or the finding of a hearing panel in the Conduct Board Process to the Dean of the College within ten days of the student's receipt of the written finding of responsibility. Respondents who accept responsibility for a violation/s may not appeal the findings. Complainants may also appeal such findings.

- The appeal must be in writing and sent to the Director of the OCVCRPP for forwarding to the Dean of the College. The student may appeal such a decision for one or more of the following reasons:
  - a significant procedural error resulting in a denial of rights under this policy or impacting the fairness of the investigation/proceedings;
  - the existence of new evidence, not available and not known during the investigation or hearing proceedings to the student, which would have significant bearing on the decision;
  - aggravating or mitigating circumstances which would affect the severity of a sanction of suspension or expulsion, but not presented to the panel. The appeal letter should contain all information, evidence and explanations to support the grounds identified in the appeal.

Decisions may not be appealed solely on the basis of dissatisfaction with the decision or sanctions imposed.

- The Dean of College will review the appeal letter and determine, generally within ten business days, whether to: (1) deny the appeal; (2) request that the Director of the OCVCRPP in an administrative investigation process or the panel in the Student Conduct Board process review new evidence, and/or address an error or violation of process, and determine whether, in the course of the review, the finding of responsible would or would not change and why; (3) make changes to the sanctions assigned by the Director of the OCVCRPP in an administrative process, or the panel in a conduct board process; or (4) order a new investigation or a new panel hearing consisting of entirely different members from the Board.
- In the course of any review, new investigation or new panel hearing, new findings must be made even if the same result is ultimately reached.
- During the appeal process, the sanctions imposed remain in effect unless the Dean of the College decides otherwise.
- The Dean of the College may consult with other Colby employees as appropriate to determine the merit of the appeal.

## Interim Measures

The Director of the OCVRRP and other College officials have the discretion to impose interim measures upon notice of allegations of student misconduct in order to protect the health and safety of the College community. Any interim measures imposed will depend upon the circumstances of the particular case.

- **No Contact Directives:** No Contact Directives may be issued to one or more individuals involved in a particular incident, whether or not disciplinary sanctions are imposed. A No Contact Directive is used to restrict encounters and communications between individuals. No Contact Directives may be issued on a temporary or long-term basis, depending on the particular circumstances.
- **No Trespass Orders:** No Trespass Orders may be issued through Campus Security. A No Trespass Order typically prohibits the presence of an individual in one or more locations on campus and/or other properties that Colby owns, manages, or occupies. Violation of a No Trespass Order may lead to arrest and prosecution.
- **Other Interim Measures:** Other interim measures, including but not limited to temporary removal from housing, requirements to meet with counseling or other staff, or any other measure deemed appropriate in the particular circumstance may be imposed.

Such actions are not a determination of responsibility for the allegations of misconduct. Students and College employees are expected to cooperate with the Director of the OCVRRP or other College officials in providing information to assist in the determination of the appropriate measures to be taken. The final decision as to whether particular restrictions or measures are reasonable or necessary under the circumstances is made by the Director of the OCVRRP.

While interim measures taken pending investigations and action on allegations of misconduct, by themselves, do not constitute discipline and will not appear in a student's disciplinary record, refusal to adhere to these measures after written or oral notification of its terms is prohibited and may result in disciplinary sanctions. Unless there is continued harm or threat or a report results in disciplinary sanctions under Colby policies, interim measures may be discontinued within an appropriate period of time, depending on the facts of the particular case and as determined by the Director of the OCVRRP.

When interim measures are taken, the OCVRRP will initiate a resolution process and reach a determination on alleged policy violations as soon as is reasonably practicable.

Students may appeal interim measures to the Dean of the College within ten (10) days of notice of the measures. Appeals must be in writing and must provide detailed information about why such measures are improper, unreasonable or unnecessarily burdensome. The Dean will issue a written decision regarding the appeal as soon as practicable. While an appeal is under consideration, the interim measures will remain in full force and effect unless otherwise determined by the Dean.

## Sanctions

The following sanctions described below may generally be applied to address violations of the Code. In determining the appropriate sanction, a number of factors may be considered, including but not necessarily limited to the following:

- The nature, severity of, and circumstances surrounding the violation;
- The student's conduct during the course of the case;
- The student's disciplinary history;

- The impact of sanctions on the student, other students involved and the Colby community;
- Any other aggravating or mitigating circumstances
- Consistency with cases involving similar conduct; and
- Any other information deemed relevant by the Director of the OCVCRRP or the Conduct Board hearing panel.

The following are customary sanctions that may be imposed on students, either singly or in combination. This list does not preclude the assigning of other forms of sanction.

- **Disciplinary warning:** A formal statement that the student's behavior did not meet community expectations and a warning that future violations of College policies and rules, including the Code, may result in more significant sanctions.
- **Probation:** A formal statement that future violations of College policies and rules, including the Code, during a fixed time period, will result in more significant sanctions.
- **Educational Program or Referral:** Assignment of a purpose-specific Educational Program designed by the Office of Community Values; a referral to an on-campus resource, office, or program for a specified, violation-related purpose.
- **Substance Use Program or Consultation:** Program, conversation, or combination intended to provide the opportunity to gain more insight into the student's behavior and the impact on the student and the community.
- **Restorative Practice Referral:** A referral to the Restorative Practice Team, which will identify the appropriate process/es, such as a Facilitated Dialogue or Community Circles, to address the harm and/or restore relationships and the community.
- **Apology:** Requiring the student to write a letter of apology to affected parties or the Colby community.
- **Housing related sanctions,** including but not limited to loss, revocation or restriction of privileges to live in College housing (e.g., exclusion from specified locations or types of residence halls; alteration of status in housing lottery), revocation of the privilege to live in off-campus housing, and other housing- related restrictions.
- **Loss of opportunity** for leadership positions, awards, campus employment, extracurricular activities, and/or off-campus study.
- **Loss of social privileges** such as attendance at or participation in campus or organization social or extracurricular events and activities, membership in an organization, etc.
- **Restitution:** Reimbursement for damage to or misappropriation of property, or for personal injury, and other related costs, fees and expenses.
- **Fines** as noted in this student handbook.
- **Campus or community service:** Requiring unpaid service to the College or the Waterville community with specified hours, time frame, and type of service.
- **No contact order:** A prohibition against having contact with a person or persons under specified terms based on the particular circumstances.
- **Suspension:** Termination of student status for a definite or indefinite period with the right to re-apply after a specific length of time. This may include specific conditions for return to be approved. A student returning from suspension remains on disciplinary probation for the remainder of the student's enrollment at Colby, and other restrictions may be imposed as deemed appropriate.
- **Expulsion:** Permanent separation from the College.
- **Withholding Diploma:** The College may withhold a student's diploma for a specified period of time and/or prohibit participation in commencement activities if the student has

disciplinary charges pending, or as a sanction if the student is found responsible for an alleged violation.

- **Revocation of Degree:** The College reserves the right to revoke a degree awarded by the College for fraud, misrepresentation, or other violations of College policies and rules in obtaining the degree, for other serious violations committed by a student prior to graduation. The College also reserves the right to revoke a degree for serious criminal or unethical conduct committed after award of the degree, after notice and an opportunity to be heard, if the College determines that the individual is no longer worthy of having been awarded the degree.
- **Other Actions:** Such other action as the Director of the OCVCRPP or hearing panel may reasonably deem appropriate.

The College reserves the right to suspend or expel from the College, reassign or remove a student from housing, any student whose presence the College deems to be detrimental to the general welfare of the College community or other students who have been impacted by a student's misconduct. As a general rule, there is no refund of room, board, or tuition for students who are removed from housing, suspended, expelled or withdrawn from the College pending, or as a result of, disciplinary action.

## Fines

**Fines are used at Colby as a deterrent; they are a means to highlight that Colby believes that certain behaviors place the community at unacceptable levels of risk.**

Fines are assessed per infraction. Students should be aware that these fines may be accompanied by charges and restitution for damage and labor costs, as well as disciplinary action and possible housing consequences based on a student's disciplinary history and other relevant factors. Fines are charged to each student involved in a violation. These tables provide information for students about the fines assessed for various types of violations. Fines may be reduced at the discretion of the Director of the OCVCRPP based on a student's financial circumstances.

### Safety Violations:

Students should be aware that multiple incidents or incidents that involve significant infractions may lead to sanctions beyond those listed in the chart below, including expulsion.

| Prohibited Behavior  | Fine  |
|--|-------|
| <b>Fire Safety</b>   |       |
| Tampering with, activating, pulling, discharging and/or covering any fire safety device (e.g. smoke detector, fire extinguisher, exit signs) | \$500 |

|  |  |
|--|--|
| Possession of halogen lights, candles or any device emitting an open flame, string lights, or other unauthorized equipment and items in room).                                   | \$500  |
| Possession or use of firecrackers, fireworks, explosives, explosive devices, or hazardous items  | \$500  |
| Unauthorized fire  | \$500  |
| Use of tobacco products and/or smoking any substance in residence hall   | \$200  |
| <b>Campus Safety</b>   |  |
| Discharging of a firearm   | \$1,000                                      |
| Unauthorized possession of a firearm   | \$1,000                                      |
| Accessing unauthorized or prohibited areas of campus (e.g. rooftops; courtyards, and atriums; construction sites, flag pole)   | \$500  |
| Propping doors open; Tampering with or destroying exit signs, automatic door closure mechanisms, door/window locks/fasteners, other safety devices, or electrical fixtures, etc. | \$500, plus restitution                      |
| Duplication or unauthorized use of any key(s) or student ID to gain entry  | \$500  |
| Being in or on Johnson Pond (unauthorized)   | \$500  |
| Operation of motor vehicle in unauthorized areas of campus   | \$300  |
| Climbing wall violation, which endangers others  | \$100, escalating by \$50 for each violation |
| Violation of service and assistance animal policies, which endangers others  | \$50, escalating by \$25 for each violation  |
| <b>Residence Hall Fines</b>  |  |
| Tampering with elevators   | \$500  |
| Leaving furniture or personal items in hallway   | \$50   |

|  |                                      |
|--|--------------------------------------|
| Leaving window(s) open during school breaks/closures   | \$50 per window                      |
| Unauthorized animal  | \$100 plus \$25 per day of violation |
| Occupation of room before or after authorized use including for authorized occupant who allowed others to occupy room. | \$200 per day                        |
| Bodily fluid cleanup   | \$100 per cleanup                    |
| Changing rooms without authorization   | \$500                                |
| Removing College furniture from room or moving College furniture to room without authorization                         | \$100 moving cost min                |

## GENERAL COLLEGE POLICIES

The following general College policies and procedures are intended to inform students about requirements for important aspects of living and learning in the Colby Community and provide standards for living and learning in a community. Any questions about these policies and their interpretation may be directed to the Dean of Students Office.

**Access Policy:** All campus organizations and College-sponsored events are open to all members of the Colby community in accordance with the College's prohibition of discrimination. Exceptions to this policy may be granted, for compelling reasons, by mutual agreement of the Dean of Faculty and the Academic Affairs Committee; or, in the case of student-sponsored events, by mutual agreement of the Dean of Faculty, the Dean of the College, and the College Affairs Committee. All campus facilities are designated for the use of Colby students, faculty, staff and others authorized by the Director of Security and/or the individual facility's director.

However, except for residence halls, most College facilities are generally open to the public during the day and evening hours when classes are in session. The general public may attend specific cultural, educational and athletic events, but public access to campus facilities is limited to the facility or area where the event is being held. During periods when the College is officially closed, all College buildings are secured and inaccessible.

**Assistance and Service Animals:** Colby College has a detailed policy on assistance and service animals on campus. Students are required to comply with all policy requirements, and should be aware that policy violations can result in disciplinary action, fines and/or removal of the animal from campus. You can find the full policy [here](#).

**Campus Events:** The Office of Campus Events maintains the official College calendar of events and is responsible for scheduling and regulating most events on campus. Policies for specific venues may vary.

Guidelines for the service of alcohol on campus or at campus events are the responsibility of the particular facility or event director. The Associate Provost for Faculty Affairs must be notified if alcohol service will take place in an academic building.

Failure by individuals and/or organizations to comply with any event regulations may result in denial of future opportunities to hold events, and sanctions.

**ColbyCard:** Students are expected to carry their ColbyCard at all times. Students are required to display or surrender the card upon legitimate demand by a faculty member, administrator, Security officer or residence hall staff in order to establish identification. Failure to comply with such a request or reporting a false identity are serious offenses that will result in disciplinary action. Students are not allowed to tamper with their ColbyCard; loan their ColbyCard to others or use the Card for any unauthorized purposes. Any such misuse of the ColbyCard shall result in a fine and disciplinary action. Students should be aware that possession of any false identification card (including driver's licenses) is a violation of state law and College policy, and will result in disciplinary action. False identification cards will be confiscated by Security, and law enforcement in the appropriate jurisdiction may also be notified.

**Confiscation of Prohibited Items:** Any prohibited item found within the jurisdiction of the Code may be confiscated by College employees, including security officers, Campus Life employees, or other employees who are assisting with room checks. Confiscated items will not be returned to students. Items that will be confiscated include alcohol possessed by students under the age of 21, alcohol drinking paraphernalia, drugs or drug paraphernalia, any item listed as prohibited in Residence Life policy, and items which pose a threat to the health and safety of the community.

**Firearms and Other Weapons:** The College seeks to maintain a safe and secure environment in which to conduct educational, research, and service activities. This policy is a proactive step towards reducing the risk of injury or death associated with weapons. Except as set forth in this policy, the possession of weapons on campus is strictly prohibited. For purposes of this policy, the term "weapon" shall include any object that can reasonably be considered a weapon or a facsimile of a weapon. Many objects are designed as and are commonly understood to be weapons. Examples include but are not limited to firearms and ammunition; spring or CO2-powered projectile guns; starter pistols; martial arts weapons; knives; swords; metal knuckles; bludgeons or clubs; slingshots; archery equipment; tear gas; and grenades or other explosive/incendiary devices.

Additionally, the College recognizes that many common objects and tools designed for uses other than as a weapon may be used or may be modified for use as a weapon. In considering whether a particular common object or tool is considered to be a weapon under this policy, College officials will consider the time, place, how the object is being used, and other circumstances surrounding the possession of the object including the explanation for its possession and whether the object has been modified or otherwise altered to make a more effective weapon in making their determination.

Shotguns and high-caliber rifles used specifically for sporting purposes (with a valid Maine hunting license only) during Maine's hunting season must be registered and stored under Campus Security Department's supervision in Roberts Union. Please refer to the following link for the [Procedure for authorized secure firearm storage](#). **No concealed weapons are allowed on campus.**

Hunting on Colby property is forbidden, as the entire campus is designated a state game preserve. Students should also be aware that it is illegal to discharge a firearm anywhere within City of Waterville limits. Any weapon or object on campus in violation of this policy will be confiscated and may result in disciplinary action, up to and including expulsion.

**Fraternity Activity:** The Colby Board of Trustees voted in January 1984 to abolish fraternities and sororities because they were inconsistent with so many of the fundamental values described in this Handbook. These organizations typically have most or all of the following features: (1) Exclusive and secret membership, typically but not always involving a single sex, (2) activities conducted in secret, (3) secret recruiting and issuance of invitations in order to become a member, (4) initiations or other rituals including possible hazing activities, (5) Greek letters to identify the organization, and (6) the organization is not recognized by the College. Anyone engaging in these activities, on or off campus, either as a member, recruiter or pledge, shall be subject to sanction.

**Hazing:** Hazing is prohibited even if a student who is the subject of hazing consents or is a willing participant. Colby's definition of hazing also includes any action taken or situation created, whether on or off campus, to produce mental or physical discomfort, embarrassment, harassment or ridicule of a student or students.

Hazing is illegal under Maine law (20-A M.R.S.A. Section 10004). The law defines hazing as "any action or situation, including harassing behavior, which recklessly or intentionally endangers the mental or physical health of a student enrolled at an institution in this State or any activity expected of a student as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers the student, regardless of the student's willingness to participate in the activity" committed by any student, administrator, faculty member or organization affiliated with the institution. See the Student Code of Conduct in this Handbook for additional information and descriptions of hazing conduct.

Each student organization affiliated with the College must adopt the hazing policy as part of its bylaws or other governing documents. This requirement will be overseen by the Director of Campus Life; the Director of Athletics will ensure compliance with this policy by athletic teams.

Any student who violates this policy is subject to disciplinary action, up to and including expulsion. Any administrator or faculty member who violates this policy is subject to disciplinary action, up to and including termination. Any organization affiliated with the College that violates this policy will be disbanded. In addition, violations may result in civil and/or criminal penalties.

**Open Fire Policy:** please refer to the Open Fires Policy on the Special Programs website: [Open Fires Policy](#).

**Student Businesses:** Students who wish to operate a business on campus must seek approval as a "student entrepreneur." Approval allows a student to conduct business on campus under a written agreement with the Director of Community Living and the director of

risk management, who administer all agreements. All requests will be reviewed to ensure the following:

- The business has educational value; tying a business to a class or having a faculty “business advisor” is recommended.
- The business will not conflict with any existing or planned operation of the College.
- The business will not conflict with any business arrangements or contracts the College already has.
- The business will not utilize Colby facilities and equipment, such as telephone, mail, computers, etc.
- The business will not in any way affiliate itself with the College, represent itself as a business of the College, or have access to the use of any official marks of the College, including but not limited to name, logos, type or mascots.
- The student is aware of the legal responsibilities of running a business, such as IRS and state tax requirements, and business agreements with individuals and/or companies outside the College.
- Any other specific terms and conditions unique to the particular business.

The written agreement outlines the terms and conditions under which the student entrepreneur may operate on campus as well as any specific privileges granted by the College. Typically agreements are limited to specified business operations; do not last beyond the current academic year; are not transferable; can be terminated for failure to comply; and are not considered confidential.

Student Athletes with, or who are considering, a Name-Image-Likeness contract must consult Colby Athletics in this regard. Please refer to the College’s [Name-Image-Likeness Activity Policy](#)

Students found to be conducting businesses on campus without approval are subject to disciplinary action and may be barred from operating a business on campus in the future.

**Solicitations:** The College does not allow solicitors, including students, to operate on campus without the written consent of the director of Campus Life. If students receive solicitations from other students, outside businesses or recruiters, they are strongly encouraged to check with the director to see whether the person has received appropriate approval.

**Tailgate Events:** Please refer to the Colby Athletics website for the most [current policy](#).

**Tobacco and Smoke-Free Campus:** Colby strictly prohibits the use of tobacco or smoking of any kind (including “vaping” and use of electronic nicotine delivery systems) for all students, faculty, staff, visitors, vendors and contractors. This prohibition applies to: (1) all College property, wherever it is located; (2) all College buildings, including residence halls, academic buildings and athletic facilities; (3) all College-owned, leased or rented vehicles; and (4) all College-sponsored events and activities. Students who are interested in quitting smoking may contact the staff at the Garrison-Foster Health Center for support and resources.

**Vandalism and Damage:** Vandalism and reckless damage to facilities and property are very serious concerns for the College and the well-being of our community. Students who commit vandalism or damage property are strongly encouraged to come forward to accept responsibility for their actions. Students and others who witness vandalism or damage are

also strongly encouraged to come forward. Reports can be made to Campus Security, the Office of Campus Life, or the Office of Community Values.

Students found responsible for vandalism will be required to make full restitution for the damage and will also be subject to disciplinary actions depending on the circumstances. Students who come forward to accept responsibility for vandalism and damage within 24 hours of the occurrence will have this considered as a mitigating factor in assessing appropriate sanctions.

## Communications Policies

**Free Expression:** The right of free expression—which does not include a right to harass, intimidate, injure, or silence others—is essential in an academic community and will be vigorously upheld. Infringing upon the expression of views, either by interfering with a speaker, or by defacing or removing properly posted or distributed notices or materials, will not be tolerated. Because unattributed (anonymous) postings preclude dialogue on content, materials such as posters, banners and advertisements should, but are not required to, include the identity of the sponsors. The College may impose sanctions if there is interference with the free, open, civil exchange of ideas and views, including harassment or intimidation. For further information, refer to the [Statement of Principles on Freedom of Inquiry and Expression](#).

### Personal Social Media Appropriate Use Policy and Guidelines

Social media is a valuable tool as part of a student's educational experience at Colby. Used well, social media can be a tool in the cause of academic freedom, in more deeply exploring a student's interest in their chosen fields of knowledge. Social media creates opportunities for dialogue around one's academics and life in the Colby community that never existed before.

But social media can also be used in harmful ways. We expect all members of our community to behave in a proper and responsible manner on social media. Please use caution in what you disclose about yourself on social media sites. The information on these sites can be used to harass or victimize students. Once the information is out—it can't always be retrieved since the pages are printed or cached. Employers are increasingly conducting Web searches on job candidates before extending offers. Be sure that what you post today will not come back to haunt you.

Your social media activity is subject to the Colby Code of Conduct. If certain malicious, illegal, or inappropriate activities are identified, we are obligated to investigate and act, including cooperating with legal authorities, if necessary. You are legally liable for what you post on your own site and on the sites of others. Individuals have been held liable under civil law for commentary deemed to be proprietary, copyrighted, defamatory, libelous or obscene (as defined by the courts). Inappropriate actions using computers can involve violation of the law, with resulting prosecution and criminal penalties.

Making threats against others or defaming them carries the same consequences, including action by the College, as such behavior would if it occurred through other means of communication or interaction. Theft, plagiarism, "breaking and entering," fraud, invasions of

privacy, harassment, or distribution of illegal material are just as serious when committed with a computer as by any other means.

All employees of Colby are subject to FERPA, HIPAA, and other laws mandating the nondisclosure of personal information. Adhere to all applicable College, federal and NCAA privacy and confidentiality policies. Be careful not to reveal confidential or proprietary information about Colby students, employees or alumni.

**Marketing and Promotions Banners:** Banners may only be displayed in select locations on campus with prior approval from the Office of Campus Life.

**Posting, Display, and Distribution of Materials Policy:** Posting, display, and/or distribution of flyers, posters, notices, religious symbols and other materials is permitted within and on the doors of individual offices and student rooms, provided that they are agreed to by all of the occupants of the particular space and do not violate other College policies.

All other spaces on the campus are considered public, and posting, display or distribution of materials in such areas must be done in an authorized area (including bulletin boards and special display areas designated from time to time by the College) or have specific authorization from the appropriate administrative supervisor. Content of materials must not violate any College policies. Whenever posters or displays are permitted in public areas, their placement should allow room for the proportionate display of other symbols or materials promoting other traditions or points of view. Materials may not be affixed to painted walls, doors or windows.

Display of materials in the central academic quadrangle shall be permitted only in exceptional cases. Posters or other materials produced using College funds or resources must identify the sponsor.

It is expected that individuals, clubs and organizations will remove posted materials after the event. Clubs and organizations misusing posting space will lose the designated space.

The College will remove all posters from all authorized and designated posting areas, except those in academic buildings, before the start of each semester.

The College reserves the authority to remove any materials that violate this or other College policies.

**Chalking Policy:** On occasion, student organizations or individual(s) may seek to promote public awareness on issues and concerns by “chalking” various areas of the campus grounds. Chalking may be done on walkways or roads (not steps or buildings) provided the following guidelines are followed.

- The sponsoring group or individual must reserve the space to be chalking with the Office of Campus Life at least 24 hours in advance and by 4 p.m. Monday through Friday.
- No permanent markers, spray paint or other non-washable materials may be used.
- Organizations or individual(s) responsible for chalking must clean the area by the following Sunday. There will be a fine for groups or individuals who do not remove chalking(s).
- Groups or individuals who chalk without reservations will be fined \$250 and the chalking will be removed.
- Messages that constitute harassment in violation of College policy, or that violate the law, or any other College policy are not permitted.

The Dean of Students Office reserves the right to rescind the chalking policy at any time if abuses occur.

**Use of Colby's Brand:** The Colby name and various logotypes are federally registered service marks, and with the exception of specific student publications approved by the College and the Student Government Association, the College exercises editorial control in the matter of content, taste, and style of its own publications, advertisements, and other products. Protections, including the right to delete or remove unauthorized content, extends to the use of Colby College service marks on all other materials, commercial goods, clothing and apparel, posters, and other advertising produced by others.

## ALCOHOL AND DRUG STATEMENT

The Colby community, including students, faculty, staff, trustees, overseers, and alumni, is committed to maintaining an academic and residential environment that supports personal growth and learning; assures individual rights and the well-being and dignity of others; promotes health, understanding, and respect; and fosters the opportunity to make lasting friendships. As part of such a healthy and respectful community, Colby, in consultation with those in our community, has developed a set of policies and rules pertaining to alcohol and drugs. These policies recognize the College has an obligation to comply with applicable federal and state laws and regulations concerning the use of alcohol and drugs. Beyond that obligation, these policies outline behaviors related to alcohol and drugs that Colby consider to be against the mission and values of the College. Alcohol and drug violations may result in outcomes or sanctions up to and including expulsion, as well as possible referral for substance use counseling and/or other educational/developmental programs or meetings, or Restorative Practices processes. It is important that you read this statement and understand the Community Values Violations listed in the Student Code of Conduct in their entirety to fully understand how they affect you and your place in our community.

**Getting Help:** Assistance is available at the Garrison-Foster Health Center. The College has designated Katie Barlow, Associate Director of Counseling Services ([ksbarlow@colby.edu](mailto:ksbarlow@colby.edu)) to assist students in dealing with substance use issues. Katie can be reached at 207-859-4490.

In addition, students may obtain more information about substance use issues from the federal government's Substance Abuse and Mental Health Services Administration website and 24-hour help line: <https://www.samhsa.gov>; 1-800-662-4357.

## Responsible Use

- Students who choose to drink alcohol are expected to do so in a safe, responsible, and legal manner.
- Students over the age of 21 may have alcohol in their personal rooms. If a roommate is under the age of 21, the alcohol must be clearly stored in a space under the sole control of the student who is over the age of 21. Alcohol may not be present in a common area in a suite (lounge, kitchen, etc.) unless all residents of the suite are over the age of 21.
- Intoxication will never be accepted as a defense or an excuse for violations of the Student Code of Conduct.
- Drinking games and “themed” parties that have the effect of encouraging excessive drinking and intoxication, and/or that set goals or expectations for the substance use choices of the participants are considered forms of irresponsible drinking.
- Drinking games and “themed” parties may also constitute prohibited hazing, depending on the circumstances. Hazing is not only prohibited by College policy, but is illegal in Maine and can result in criminal charges.
- Definitions of Possession and Furnishing of Drugs, Paraphernalia, and Alcohol: For the purposes of this policy, “possessing” includes merely allowing drugs, paraphernalia or alcohol to be kept in your room, car, locker, or other location under your control, even if the drugs, paraphernalia or alcohol is owned by someone else.
- For the purposes of this policy, “furnishing” includes providing, sharing and giving away drugs, paraphernalia or alcohol.
- Colby is a Substance-Free campus (“SubFree”) from the start of student staff training in the summer, through to the first day of classes. NO student may possess or consume alcohol or drugs on campus during this period.

## Sanctions

Alleged violations of the codes of conduct relating to alcohol and drugs will result in a disciplinary process. Adjudicated violations of drug and alcohol policies may lead to any sanction as described in the Code of Conduct for students, or the Staff or Faculty Handbooks.

## Medical Amnesty Policy

**Policy Purpose:** A Medical Amnesty Policy fosters responsible decision making, reduces barriers to calling for help, and encourages students to take active steps in maintaining the health and safety of the community in a situation involving an alcohol and/or drug related medical emergency. Colby encourages all students and hosting organizations to call for help as quickly as possible when medical attention is necessary. Medical Amnesty only applies to alcohol and drugs use policy violations and sanctions under the Student Code of Conduct. Signs of a medical emergency can be remembered by the acronym “PUBS!” and include:

**P**uking

**U**nresponsive to pinching

**B**reathing, when irregular, loud or involves snoring

**S**kin, cold or blue; in a darker skinned person, lips and nailbeds will be pale

! If even one of these signs is present, call Colby Emergency Response at 207-859-5911

**Policy Application:** In a situation where students or members of an organization seek medical attention for an alcohol or drug related medical emergency, Colby will treat the intoxicated students’ use of alcohol or drugs as a health and safety matter, not a disciplinary incident.

Students who called for help and students who supported calling for help are also eligible for Medical Amnesty under this policy. Amnesty does not necessarily apply to everyone involved in a situation or attending an event. Any student involved in the situation for whom there is some evidence of a violation of the Student Code of Conduct will be required to meet with the OCVCRPP to discuss the incident. Students will be informed at the meeting whether they are eligible for amnesty. If the student does not qualify for amnesty, the alleged violations will be addressed through a Resolution Process.

**Referrals and Notice:** When the student who required medical attention is allowed amnesty from disciplinary action for an alcohol or drug violation, they will be referred to Counseling Services for a consultation, which is a confidential discussion of the incident and its contributing factors. This referral is a supportive measure not a disciplinary action. There will be no disciplinary findings for the alcohol or drug use. Failure to attend the consultation meeting may result in an alleged violation of the Student Code of Conduct.

In an effort to provide supportive follow up care, the OCVCRPP will also notify the Class Dean of the student who needed medical attention and, if applicable, the coach of the student who needed medical attention if they are a student athlete.

**Policy Limitations:**

- This policy only applies to students in need of medical attention and the students who actively participated or supported in calling for help.
- Medical Amnesty may be offered by the OCVCRPP for first time violations of the alcohol and substance use policy.
  - The decision regarding whether to apply Medical Amnesty for first time violations is made by the OCVCRPP.
  - After receiving Medical Amnesty one time, eligibility for future Medical Amnesty for additional alcohol and substance use policy violations is at the discretion of the Dean of Students in consultation with the OCVCRPP.
- This policy only applies to amnesty for alcohol and drugs use policy violations and sanctions under the Student Code of Conduct.
  - If other Code or Colby policy violations, including, but not limited to: Title IX, assault/other physical violence, property damage, harassment, or hazing, occur as part of an incident requiring medical attention, Colby will likely take disciplinary action and apply sanctions.
  - Calling for medical assistance may be viewed as a mitigating factor in determining sanctions for other Code and College policy violations.
  - Colby organizations may have their own rules and consequences that apply to circumstances involving alcohol or other drugs violations. This policy does not limit teams or organizations from applying those rules.

## **Health Risks Associated with Alcohol and Drug Misuse**

Alcohol and drug misuse is a national health concern. Alcohol is a chemical. So are drugs. Any chemical is potentially harmful to someone. Some of the health risks associated with alcohol and drugs are listed on the pages that follow. For additional information about health risks associated with substance abuse, a listing of risks is provided below.

### **Alcohol and Sedative Medications, including Xanax, that is not taken as prescribed and monitored by a medical provider**

- Slowing down of brain function, judgment, alertness, coordination and reflexes
- Attitude and/or behavioral changes such as uncharacteristic hostility or increased risk taking (such as reckless driving)
- When taken with other drugs, alcohol can intensify the drug's effects, alter the desired effect, cause nausea, sweating, severe headaches, and convulsions, and delay early signs of over-consumption, which can result in overdose
- Addiction or chemical dependency
- Memory blackouts
- Uncharacteristic family, school, work, or legal problems
- Physical problems such as cirrhosis of the liver
- Birth defects and mental retardation in user's children
- Loss of control over decision to use

### **Cocaine and Stimulant Medications, including Adderall and Ritalin, that are not taken as prescribed and monitored by a medical provider**

- Destruction of nasal tissues
- Kidney damage
- Stroke
- Diseases of the lungs, heart and blood vessels
- Cardiac arrhythmias, convulsions, seizures, suppression of respiration, sudden death
- Intense anger, restlessness, paranoia, fear
- Hear and/or see imaginary things
- Malnutrition
- Loss of control over decision to use

### **Heroin and Opioid Medications, including Fentanyl, hydrocodone and oxycodone, that are not taken as prescribed and monitored by a medical provider**

- Loss of appetite
- Loss of control over decision to use and severe withdrawal symptoms
- Drowsiness, clouding of mental processes, apathy,
- slowing of reflexes and physical activity
- Infection, hepatitis, or HIV
- Death from overdose

### **LSD, PCP and Hallucinogenic Mushrooms**

- Frightening hallucinations
- More serious problems can be triggered in a person who has a personal or family history of mental illness or emotional challenges, or by a person currently under stress or feeling upset
- Distortions of reality such as feeling that the unusual and sometimes frightening effects of the drug will last forever
- Recurrence of effects (flashbacks) days or weeks later even without further use of a hallucinogen

### **Cannabis, including smoked and edible varieties**

- Elevated blood pressure, coughing, dryness of the mouth and throat, decrease in body temperature, sudden appetite, swollen red eyes

- Panic reaction, paranoia, distortions of time, reality, and perception, often impairing short-term memory
- Loss of control over decision to use
- Dysfunctions related to thinking, learning, and recall
- Impairment of ability to drive and do other things that require physical and intellectual capabilities
- Irritates lungs, aggravates asthma, bronchitis, and emphysema
- Listlessness, tiredness, inattention, carelessness about personal grooming, withdrawal, and apathy
- More serious problems can be triggered in a person who has a personal or family history of mental illness or emotional challenges, or by a person currently under stress or feeling upset
- Increased risk of suicide in people who are experiencing clinical depression

### **Steroids**

- Liver disease
- Cancer
- Growth problems
- Testicular atrophy
- Bone fusions
- Acne
- Psychological problems
- Rage and uncontrolled anger
- Breast reduction or enlargement
- Failure of secondary sex characteristics
- Sexual dysfunctions, sterility (reversible), impotence
- Fetal damage

## **Legal Implications**

While the College seeks to address violations of the community values in an educational, developmental and restorative manner, students who violate serious drug and alcohol laws may be referred to law enforcement authorities and risk significant criminal and civil penalties.

Students attending Colby on visas may jeopardize their status for drug offenses.

Students who are convicted of drug offenses may lose eligibility for federal financial aid.

**Driving Under the Influence:** Maine has very strict laws about operating under the influence (OUI). Colby encourages students to take responsibility for themselves and fellow students and not to allow any student to drive after they have been drinking or using any mind-altering substances. Security officers will do everything possible, short of physical restraint, to prevent a person under the influence from driving. If all efforts fail and the person is determined to drive, local law enforcement will be notified so an arrest can be made.

Students arrested for an OUI during the academic year, or while working at Colby during the summer months, regardless of the location of the arrest, face outcomes or sanctions that include possible suspension from the College for a period of time (depending on the circumstances, disciplinary history, and the timing of the arrest during the year); an

alcohol-education program and/or substance use counseling; and parent/guardian notification.

Students should be aware that it is illegal to have an open container of alcohol in a vehicle. It is also illegal for minors under 21 to transport alcohol in a vehicle unless it is in the course of the minor's employment.

**Cannabis and Cannabis Extracts:** Maine laws that permit use of recreational cannabis for persons 21 and over, and medical cannabis with appropriate certification, **do not** apply on the Colby campus, in Colby vehicles and facilities, or at Colby events.

Note: CBD, short for cannabidiol, is a compound that comes from the non-psychoactive portion of a cannabis plant. CBD is not a controlled substance under federal law, and its use is legal in Maine. However, before using CBD in any form, you are strongly encouraged to fully understand its health effects and if you use it, consider whether you should do so under supervision. Some individuals experience side effects from CBD use. Likewise, because there is no regulation of CBD, you should also ensure your CBD is third-party tested. Some can contain small amounts of THC - the psychoactive compound in cannabis - or other ingredients. Dosages can vary widely from the stated dosage on the container.

Colby does not prohibit the use of CBD unless it is combined with some other violation such as vaping. Unlike cannabis, CBD is not prohibited by the NCAA. However, if you use CBD and it contains small amounts of THC, the THC could show up in a drug test and adversely affect your eligibility.

## Federal and State Policies

Because Congress and the Maine legislature amend federal and state laws from time to time, students are urged to conduct their own research or consult an attorney for the latest information on the state of these laws and regulations.

**Drug-Free Workplace Act:** In November of 1988, the United States Congress enacted the Anti-Drug Abuse Act which contains a section called the "Drug-Free Workplace Act of 1988". This section requires organizations receiving federal grants and contracts to insure that their workplaces are free from illegal use, possession, manufacture or distribution of controlled substances. The law requires employers who receive federal funds to: (1) notify employees that drug abuse is prohibited in the workplace; (2) establish a drug-free awareness program; and (3) require each employee to notify the College of any criminal conviction for violations occurring in the workplace, and impose sanctions or remedial actions for convicted employees.

This law also requires individuals who receive federal funds to certify to the contracting or granting agency that, as a condition of the grant, the individual will not engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in conducting any activity under the grant. This requirement also applies to students who are recipients of Pell Grants. By signing the certification required for eligibility under the Pell Grant Program, a student is agreeing not to engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance during the period covered by the student's Pell Grant at all times. A Pell Grant recipient convicted of a criminal drug offense must report the conviction, in writing, within ten calendar days of the conviction to the Director, Grants and Contracts Service, U.S. Department of Education.

Any employee convicted of any workplace-related criminal drug violation must notify the appropriate College official within five calendar days after conviction. Faculty should contact the Dean of Faculty and staff should contact the Director of Human Resources. Failure to report a conviction may be grounds for termination of employment.

Violations of the Drug-Free Workplace Act may result in: (1) disciplinary action, up to and including termination of employment; (2) suspension of payments under the grant; (3) suspension or termination of the grant; and (4) suspension or debarment of the grantee.

**Drug-Free Schools and Communities Act:** The Drug-Free Schools and Communities Act Amendments of 1989 require Colby to certify that it has adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by its students and employees. This program must include the annual distribution of the following to each student and employee:

- standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of drugs and alcohol by students and employees on an institution's property or as any part of the institution's activities;
- a description of the applicable legal sanctions under local, state, and federal law for unlawful possession, use, or distribution of illicit drugs or alcohol;
- a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- a description of any drug and alcohol counseling, treatment, or rehabilitation program that are available to students and employees; and
- a clear statement that the institution will impose sanctions on students and employees (consistent with local, State, and Federal law) and a description of these sanctions, up to and including expulsion or termination of employment and referral for prosecution for violation of the standards of conduct.

The Act requires Colby to review program effectiveness on a periodic basis.

**Substance Abuse Policy:** Students, faculty, and staff are responsible individuals and thus expected to obey the law and take personal responsibility for their conduct. Colby recognizes that substance abuse is a complex problem that is not easily resolved solely by personal effort and may require professional assistance and/or treatment. Accordingly, the College has designated a number of individuals to assist students, faculty, and staff who seek referral for assistance with a substance abuse problem. Students, faculty, and staff with substance abuse problems are encouraged to take advantage of available diagnostic, referral, counseling, and prevention services. However, those seeking assistance will not be granted special privileges or exemptions from standard human resources practices applicable to job performance requirements and from standard academic and student conduct requirements.

Colby will not excuse acts of misconduct committed by students, faculty, and staff whose judgment is impaired due to substance abuse.

**Disciplinary Sanctions:** Students, faculty and staff who violate Colby policy will be subject to disciplinary action by the College as set forth in the relevant Handbook.

## **Maine Law on Alcohol**

**Furnishing Liquor to a Minor or a Visibly Intoxicated Person:** Maine law makes it a crime for any person to knowingly give liquor to a minor or a visibly intoxicated person or to allow any minor under that person's control or in any place under that person's control to consume liquor. Violation of this law can result in a minimum fine of \$500 and up to six months in jail.

**Illegal Sale of Liquor:** It is a crime to sell liquor without having a liquor license issued by the Maine Bureau of Alcoholic Beverages. Violation of this law can result in fines of \$500 plus 30 days in jail for the first Offense. Subsequent offenses are punished by greater fines and jail time.

**Illegal Possession with Intent to Sell:** Any person who possesses liquor with the intent to sell it is in violation of Maine liquor laws and subject to a fine of between \$100 and \$500, and possible incarceration from two to six months.

**Seizure and Forfeiture of Vehicle:** Any vehicle used to transfer liquor intended for illegal sale may be impounded at the time of the violation or seized following the violation.

**Special Liquor Laws Relating to Minors Illegal Possession of Liquor:** Any minor (a person under the age of 21 years) who is found to be in possession or control of alcohol is guilty of a civil infraction and shall be subject to a fine of: (1) 1st offense, \$200 to \$400; (2) 2nd offense, \$300 to \$600; and (3) 3rd and subsequent offenses, \$600.

**Teen Drinking Laws:** Maine has a zero-tolerance law regarding operating under the influence by minors. An individual under the age of 21 years shall have that individual's license suspended for one year if he/she operates a motor vehicle with a blood alcohol concentration of .00. Any motor vehicle operator under 21 who operates or attempts to operate a motor vehicle with any alcohol in their blood shall have their license suspended by the Secretary of state for one year. If they have a passenger under 21, an additional 180 day suspension will be imposed. Refusal to be tested will result in suspension of their operator's license for at least 18 months. Minors who test .08% or more will be prosecuted for the criminal offense of OUI.

One can of beer, one glass of wine or one ounce of distilled spirits can result in a blood alcohol level of .02 or more.

**Illegal Transportation:** No minor shall transport alcohol in a motor vehicle except in the scope of the person's employment or with the parent's knowledge or consent. The penalty is a 30-day driver's license suspension. A reinstatement fee will be charged to get a license reinstated. Points will be assessed against the offender's license. A fine of \$500 may be imposed.

**Operating Under the Influence:** Maine law prohibits drinking while operating a motor vehicle. Any person who violates this law commits a civil violation for which a maximum fine of \$500 may be imposed. Maine motor vehicle law makes it a crime for any person to operate a motor vehicle in Maine under the influence of alcohol or drugs or with an excessive blood alcohol level. Penalties for operating under the influence are as follows: (1) 1st Conviction: If your blood-alcohol content is .08 to .14 percent a fine of at least \$500 and loss of license for at least 150 days. Refusal to be tested results in a loss of license for 180 days; (2) If your blood-alcohol content is .15 percent or more, or you are traveling 30 m.p.h. or more over the speed limit, or you attempt to elude an officer of the law, a fine of at least \$500, at least 48 hours in jail, and loss of license for at least 150 days. Penalties for second and subsequent convictions include greater fines and mandatory jail time. The law requires an additional 275 day suspension be imposed by the court or the Secretary of State if transporting a passenger under 21. Refusal to be tested results in a loss of license for at least 275 days which is consecutive to any suspension imposed for an OUI conviction.

**Vehicle Seizure or Forfeiture:** A person operating under the influence while under suspension for a previous OUI or refusal, is subject to vehicle seizure and forfeiture.

**Maine Liquor Liability Act:** The Maine Liquor Liability Act serves to prevent alcohol related injuries, deaths and other damages among Maine's population. This law makes one liable civilly for the negligent or reckless service of alcohol to a minor or to a person who is visibly

intoxicated. Monetary damages may be awarded for the negligent or reckless serving of alcohol, which causes property damage, bodily injury or death. **State Drug Offenses:** Maine law prohibits the knowing, intentional and unauthorized possession, furnishing (distributing or giving away) and trafficking (selling) of scheduled drugs. Scheduled drugs include, for example, cocaine, marijuana, lysergic acid diethylamide (LSD), heroin, and steroids.

### **Definitions:**

**Furnish Drugs:** To furnish drugs is to give the drugs to another, dispense it, administer, or transfer it to another regardless of profit.

**Trafficking:** Trafficking is to sell, barter, trade, exchange or furnish an illegal drug for consideration.

**Aggravated Trafficking:** Aggravated Trafficking in an illegal drug can be "aggravated" if the crime of "trafficking" is committed with facts that include the following "aggravating factors":

(1) trafficking while within 1,000 feet of an elementary or secondary school, regardless of whether the sale took place in a private home or whether the school was in session; (2) trafficking while on a school bus; (3) trafficking involves a minor (under 18 years of age); (4) trafficking in 112 grams (approximately 4 ounces) or more of cocaine; and (5) trafficking involves a firearm. Aggravated trafficking is a crime one class more serious than trafficking and consequently carries longer terms of imprisonment and greater fines.

**Federal Drug Offenses:** The criminal offenses most commonly charged under the Federal Controlled Substances Act are the knowing, intentional, and unauthorized manufacture, distribution, or dispensing of any controlled substance or the possession of any controlled substance with the intent to manufacture, distribute or dispense. Federal law also prohibits the knowing, intentional, and unauthorized creation, distribution, dispensing, or possession with intent to distribute or dispense a "counterfeit substance." Simple possession without necessarily an intent to distribute is also forbidden by federal law and carries a penalty of imprisonment. Furthermore, "attempts" and/or conspiracies to distribute or possess with intent to distribute controlled substances are crimes under federal law. Federal law prohibits certain specific drug crimes which carry greater penalties, including the: (1) distribution of narcotics to persons under 21 years of age; (2) distribution or manufacturing of narcotics near schools and colleges; (3) employment of juveniles under the age of 18 in drug trafficking operations; and (4) distribution of controlled substances to pregnant women.

**Federal Penalties:** The penalties for violating federal narcotic statutes vary considerably. The penalties may be harsher based on two principal factors, specifically, the type of drug involved (heroin, cocaine, cannabis, LSD, etc.) and the quantity of the drug involved. With the exception of simple possession charges which result in up to one-year imprisonment, maximum penalties for narcotic violations range from 20 years to life in prison. Certain violations carry mandatory minimum prison sentences of either five years or ten years. For example, the possession with intent to distribute one kilogram or more of a substance containing a detectable amount of heroin carries a term of imprisonment of a 10-year minimum and up to life imprisonment. The possession with intent to distribute 500 grams or more of a mixture or a substance containing a detectable amount of cocaine carries a sentence of not less than five years and not more than 40 years.

Harsher penalties will be imposed if a firearm is used in the commission of a drug offense. If a drug offense results in death or serious bodily injury to an individual who uses the drug involved, the penalties are also harsher. Questions sometimes arise as to what amount of narcotics found in the possession of a person is considered to be for personal use as opposed

to the more serious offense of possession with intent to distribute. You should be aware that federal law, as a general rule, considers anything more than a dosage unit with regard to any particular drug as being sufficient from which to infer an intent to distribute. In other words, the greater the quantity possessed by the individual, the more likely it is that an individual possessed such quantity with an intent to distribute.

## **APPENDICES**

### **COLBY COLLEGE MEDICAL LEAVE OF ABSENCE POLICY**

Revised 08/2021

Colby College cares about the physical and mental health of its students, and provides health and counseling services at the Garrison-Foster Health Center to support students. However, some students may experience such serious medical or psychological conditions that their ability to function successfully or safely in their role as a student is significantly impaired and they need to be separated from the College and all College programs and activities. The Dean of Students or their designee (“Dean”), in consultation with the Medical Director or Director of Counseling (collectively the “Director”), will take action which considers the welfare of the individual student and the College community. This policy describes: 1) the types of behaviors and emergencies that the College may need to address; 2) Readmission Procedures; and 3) leave of absence procedures which may be used, including Voluntary and Mandatory Medical Leaves of Absence.

#### **I. Examples of Medical and/or Psychological Behaviors**

Examples of behaviors upon which the College may take action include, but are not limited to, the following:

- Acute decline in physical health;
- Suicidal threat, intent and/or behavior; self-injurious behavior;

- Destructive, threatening, or other disruptive behavior related to a medical or psychological condition;
- Drug and alcohol abuse; including overdose or misuse of over-the-counter or prescription medications;
- Eating disorders which are not responding to treatment and/or are posing safety concerns;
- Any physical or mental health problem that points to possible, imminent or foreseeable danger to the student or another member of the College community, or requires intensive monitoring to prevent such danger.

## II. Readmission Procedures

Any student who has been placed on a Voluntary or Mandatory Medical Leave of Absence will need to complete the following procedures before being allowed to return to the College. The Readmission Procedures are designed to ensure that the student is able to return to the College environment safely and that a treatment plan for continuing good health and safety is in place. The minimum length of a Medical Leave of Absence will normally be one full academic semester. Note: Readmission from a Medical Leave of Absence always depends on the circumstances and is never guaranteed.

1. The student must be assessed by an appropriate outside professional, whose opinions will be advisory to the College. The professional, who is selected by the student, must be a licensed psychologist, psychiatrist or other similar licensed professional if evaluating mental health concerns, and must be a licensed physician or similar licensed medical professional if the evaluation is regarding other medical concerns. Further, all providers must be unrelated to the student and must have specialty/credentials appropriate for the condition of concern (e.g., an eating disorder or substance abuse specialist). In order to be able to make an accurate assessment, the provider must be given information related to the precipitating events that led to the Leave. The student must sign a release allowing the College (e.g., the Director or Dean) to share information regarding relevant incidents or concerns, and if applicable, recent hospital/medical records. The student will be responsible for any cost incurred by the evaluation.
2. The outside mental health or medical professional, with the student's written consent, must provide written recommendations regarding: a) the student's readiness to return to the academic and co-curricular demands of College life; b) the student's readiness to live in the on-campus residential community, if the student lives on campus; c) ongoing treatment or testing plans; d) any conditions or restrictions that the College would need to impose to enable the student to return, and e) the student's readiness to return to competitive sports, if the student is a collegiate athlete. Note: the College does not have the capacity to monitor a student's compliance with treatment or testing plans; accordingly, a student's condition must be stable, the student must be in recovery, and the student's readiness to return cannot be contingent upon a requirement that the College monitor the student's compliance with, or participation in, any mandated treatment or testing program.
3. Once the evaluation results have been provided, the student may be required to meet with the Dean (or, at the Dean's discretion, the Director or other appropriate Health Center professional) to discuss the evaluation and the student's own perception regarding readiness to return, the student's needs and plans for treatment and to consider how the outside evaluator's recommendations fit with the realities of student life at Colby and services that may be available on campus.

4. The Dean, in consultation with the Director, will consider the outside evaluator's recommendation and the results of the meeting with the student in making their readmission decision. There may be occasions in which the Dean requires an additional, outside evaluation of the student's condition. The cost of an additional evaluation would be paid by the College.

5. If the Dean permits the student to remain enrolled, they may impose conditions upon such enrollment. The Dean may require the student to comply with a treatment plan as a condition of returning to the College. Failure of a student to comply with a required treatment plan is a violation of Colby's disciplinary policies, and the Dean may impose disciplinary sanctions, up to and including suspension or expulsion from the College.

### III. Voluntary Medical Leave of Absence

A student may be granted a Voluntary Medical Leave of Absence from Colby College upon request, with permission of the Dean (in consultation with the Director). When a Voluntary Medical Leave of Absence is granted, the student and Dean will agree upon the length of the Leave (which may be indefinite) and any conditions of return (which will normally include all of the conditions set forth in Section II, above, as well as other conditions that are appropriate under the circumstances). The length of the Leave and any conditions of return will be set forth in writing and signed by the Dean, with a copy provided to the student.

### IV. Mandatory Medical Leave of Absence

The Dean will afford students the opportunity to take a Voluntary Leave of Absence before imposing a Mandatory Leave without the student's agreement or consent. A Mandatory Leave is a last resort option after it is determined that reasonable accommodations to ensure a student can remain enrolled and/or on campus cannot be made. The individualized, non-discriminatory process of imposing a Mandatory Leave is as follows:

1. A student may be placed on a Mandatory Medical Leave of Absence if the Dean, in consultation with Director, determines that the student's condition presents a direct threat of substantial harm to members of the College community, and/or significant disruption to the living and learning community, a student's behavior severely disrupts the College environment, or a student is unable or unwilling to carry out substantial self-care obligations and poses an actual threat to their own safety not based on mere speculation, stereotypes or generalization, and the student declines to take a Voluntary Leave of Absence.

2. The Dean may ask the student to permit the College to temporarily confer with the student's health care provider. If the student refuses, the Dean may make the decision to place the student on a Mandatory Leave of Absence based on available information, in consultation with the Director, and other medical professionals.

3. As part of the Mandatory Medical Leave of Absence process, the Dean may inform the student's parents, guardians or other appropriate person of the existence of a health and safety emergency.

4. Before any student is placed on a Mandatory Medical Leave of Absence, the Dean will make an assessment of the student's ability to safely participate in the College's programs. In making this assessment, the Dean will exercise their reasonable judgment based upon the evidence available, their knowledge of the student's condition, and input from the Director. The Dean will consider potential reasonable accommodations and/or modifications that could obviate the need for an involuntary leave of absence, such as the option to take a voluntary leave of

absence, academic accommodations, housing and dining accommodations, and modifications to College policies, rules, and regulations. Examples of academic, administrative, and housing accommodations that may be facilitated can be found on the Office for Student Access and Disability Services website.

5. The Dean will issue a notice to the student in writing that an involuntary leave of absence is under consideration. The written notice will include the reason(s) why the student is being considered for involuntary leave, contact information for Colby's Office for Student Access and Disability Services, which can provide information about accommodations, and a copy of this policy. The Dean will provide the student (and the student's parents or guardians in the event they have been notified) an opportunity to address the evidence being considered, unless the Dean determines in their discretion that the circumstances require him or her to act before receiving information from the student or their parents or guardians.

6. The Dean will also confer, as feasible and when appropriate in a particular matter, with individuals regarding the need for an involuntary leave of absence. Although each case will vary, conferring individuals could include:

- a. Class Year Deans;
- b. Faculty Members;
- c. Academic Advisors;
- d. With appropriate authorization, representatives from Colby College's Health and Counseling Services;
- e. With appropriate authorization, the student's treatment provider(s) or other healthcare professionals;
- f. Such other individuals as may be appropriate in an individual matter.

7. Particular attention will be paid to the criteria for imposing an involuntary leave of absence, specifically:

- a. whether current knowledge about the individual's medical condition and/or the best available objective evidence indicates that a student poses a significant risk to the health or safety of a member of the College community;
- b. whether a student is unable or unwilling to carry out substantial self-care obligations and poses a significant risk to their own safety not based on mere speculation, stereotypes, or generalizations; and/or
- c. whether a student's behavior severely disrupts the College environment. The individualized assessment as to each factor, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, should ascertain: the nature, duration, and severity of the risk or disruption; the probability that the risk or disruption will actually occur; and whether reasonable modifications of policies, practices, or procedures will adequately mitigate the risk or disruption so as to eliminate the need for an involuntary leave of absence.

8. The Dean will give significant weight to the opinion of the student's treatment provider(s), including those identified by the student, regarding the student's ability to function academically and safely at the College with or without reasonable accommodations. If the Dean determines that the information provided by the treatment provider(s) is incomplete, requires further explanation or clarification, or is inconsistent with other information in the student's record, the Dean, with proper authorization, will contact the treatment provider(s) to obtain additional information. In certain circumstances, the College may require the student to undergo an additional evaluation by an independent and objective professional designated by Colby, if the Dean believes it will facilitate a more informed decision.

9. Following these consultations and based on a review of the relevant documentation and information available, the Dean will make a decision as to whether the student should be placed on an involuntary leave of absence, and will provide written notice of this decision to the student. The written notice will include information about the student's right to appeal and to reasonable accommodations during the appeal process.

a. If a Mandatory Leave of Absence is imposed. The Dean will impose the Mandatory Medical Leave effective immediately and will thereafter explain the basis for the decision in writing. The written decision will be provided to the student (and the student's parents or guardians, if appropriate) and will set forth the basis for the decision as well as a time-frame for when the student must leave the College, when they may be eligible to return, and the conditions and/or requirement the student will need to satisfy to be eligible to return. The written notice will also inform the student of their right to reasonable accommodations in the return process and will provide contact information for Colby's Office of Student Accessibility and Disability Services. The length of leave will be determined on an individual basis.

b. If a Mandatory Leave of Absence is not imposed. The Dean may impose conditions and/or requirements under which the student is allowed to remain at the College.

10. The student may request an appeal hearing within seven days of the date of the Dean's written decision by submitting a written appeal to the Dean. The written appeal should include a summary description of the basis for the appeal, and must be made on grounds other than general dissatisfaction with the decision of the Dean. The Dean will refer the appeal to the Provost, who will administer the appeal process. Any appeal hearing will be held within ten calendar days of the request, unless the time of the hearing is extended by the Provost for good cause.

11. If no timely request for a hearing is submitted, the Dean's decision is final.

12. The Provost will review the written decision of the Dean imposing the Mandatory Medical Leave of Absence and the summary of the basis for the appeal contained in the student's written appeal. The Provost will determine whether (i) to dismiss the appeal as obviously without merit, (ii) to hear the appeal him or herself or (iii) to appoint a hearing panel to hear the appeal. If the Provost opts to appoint a panel, the panel will consist of him or herself (or their designee) and two independent medical professionals (who are not College employees). The Provost/hearing panel may retain legal counsel to advise it during the hearing and deliberations.

13. The student and their parent(s)/guardian(s) have the right to attend the hearing, but not the deliberations. The student has the right to be accompanied by their medical professionals who will provide evidence on the student's behalf at the hearing.

14. At the hearing, the Dean will explain the basis of their decision on a Mandatory Medical Leave of Absence, with assistance from the Director and others as appropriate. The student may present evidence in opposition to the Dean's decision. If the student has a proposal which is different from the Dean's Mandatory Medical Leave of Absence, the student is encouraged to present that alternative proposal at or before the hearing. Evidence may be presented by telephone.

15. After the conclusion of the hearing, the Provost/hearing panel will deliberate in private.

16. In reaching its final decision on a Mandatory Medical Leave of Absence, the Provost/hearing panel will determine based on the evidence presented whether the student's condition presented a direct threat to the health or safety of him or herself or others. The Provost/hearing panel may affirm the Mandatory Medical Leave of Absence, adopt any alternative proposed by the student, or develop its own terms and conditions.

17. The appeal decision may include conditions for the student's return in addition to the Readmission Procedures set forth in Section II, above.

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

Colby accords its students all rights under The Family Educational Rights and Privacy Act of 1974. The College will not disclose information from students' education records without the written consent of students except as permitted by the Act. Situations in which the College may disclose information from education records without consent include disclosure to school officials who have a legitimate education interest (reviewing an education record in order to fulfill his or her professional responsibility) in the records.

At Colby, only those persons acting in the student's educational interest are allowed access to student education records. These include personnel in the offices of the Dean of College, Registrar, Admissions, Student Financial Services, Career Services, Institutional Research, and to faculty members within the limitations of their need to know. This includes faculty liaisons who serve as academic advisors to varsity athletic teams and their coaches. At its discretion, the College may disclose Directory Information in accordance with the provisions of the act. Please visit the [U.S. Department of Education's website](#) for details.

### **Directory Information:**

Directory Information consists of the following:

- Student's name (chosen, preferred, or selected)
- Address
- Telephone number
- Electronic mail address
- Photograph
- Date and place of birth
- Major and minor fields of study
- Grade level
- Enrollment status (e.g. full-time or part-time)
- Weight and height of members of athletic teams

- Dates of attendance
- Degrees and awards received
- The most recent educational agency or institution attended.

As a student at Colby, your Directory Information may be included in publicity about the College. In addition, press releases containing accomplishments and other Directory Information (e.g. dean's list, graduation, other honors or activities) may be sent to local or hometown newspapers and other media unless the student has completed the request to withhold Directory Information with the Registrar's office.

Students may withhold Directory Information by contacting the Registrar's office within 10 days after the first day of classes for the student's first semester of the academic year. Requests for nondisclosure will be honored by the institution for only one academic year; therefore, authorization to withhold Directory Information must be filed annually.

Colby may disclose personally identifiable information without student consent to the following parties: (i) school officials with legitimate educational interests as described above; (ii) U.S. Comptroller General, U.S. Attorney General, U.S. Department of Education state and local officials; (iii) authorized organizations conducting educational research; (iv) accrediting agencies; (v) alleged victim of a crime; (vi) parent of a dependent student as defined by the IRS; (vii) parent of a student under age 21 regarding the violation of a law regarding alcohol or drug abuse; and (viii) to another educational institution where the student seeks to or intends to enroll, or where the student is already enrolled so long as the disclosure is for the purposes related to the student's enrollment or transfer.

Colby may disclose information pursuant to any court order or lawfully issued subpoena if Colby makes a reasonable effort to notify the student of the order or subpoena in advance of compliance, so that the student may seek protective action (unless the court or issuing agency has prohibited such disclosure). Additionally, Colby must comply with FERPA's recordkeeping requirements when disclosing information pursuant to a standard court order or subpoena.

Except under one of the special conditions described above, a student must provide a signed and dated written consent before Colby may disclose personally identifiable information from the student's educational records. The written consent must: (i) specify the records that may be disclosed; (ii) state the purpose of the disclosure; and (iii) identify the party or class of parties to whom the disclosure may be made. A signed and dated written consent may include a record and signature in electronic form that: (i) identifies and authenticates a particular person as the source of the electronic consent; and (ii) indicates such person's approval of the information contained in the electronic consent. If a student so requests, Colby must provide the student with a copy of the records disclosed.

Students may inspect their education records, challenge any content, have a hearing if the outcome of the challenge is unsatisfactory and submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panel are unsatisfactory. Student education records at Colby are maintained in the offices of the Dean of College, Registrar, Student Financial Services (Garrison-Foster), and Career Services.

Students wishing to examine their education records must make written requests to the appropriate office listing the item or items of interest. Only records covered by the act will be made available within 45 days following the receipt of request. Students may have copies made of their records, except for an academic record for which a financial "hold" exists or a transcript

of an original or source document which exists elsewhere. Copies will be made at the student's expense at prevailing rates.

Educational records do not generally include the records of instructional, administrative, and educational personnel or Department of Security records, student health records, employment records, or alumni records. Physicians of the student's choosing, however, may review health records.

Students may not inspect the following as outlined by the act: financial information submitted by their parent/guardian; confidential letters and recommendations associated with admissions, employment, job placement, or honors to which they have waived their rights of inspection; or education records containing information about more than one student, in which case the College will permit access only to that part of the record which pertains to the inquiring student.

Students who believe that their education records contain information that is inaccurate or misleading may discuss the matter with the chief administrator of the office involved. If that person is in agreement with the students' requests, the appropriate records will be amended. If not, the students will be notified within a reasonable period of time that the records will not be amended and will be informed of their right to a formal hearing.

Requests for a formal hearing must be made in writing to the Dean of College, who, within a reasonable period, will inform students of the date, place, and time of the hearing. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearing by one or more persons of their choice, including attorneys, at the student's expense. The hearing panel will be comprised of the student's faculty adviser, a representative of the Dean of College, and the Provost and Dean of Faculty.

Decisions of the hearing panel will be based solely on the evidence presented at the hearing, will consist of written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned. The education records will be corrected or amended in accordance with the decisions of the hearing panels, if the decisions are in favor of the students. If the decisions are unsatisfactory to the students, the students may place with the education records statements commenting on the information in the records, or statements setting forth any reasons for disagreeing with the decisions of the hearing panels. The statements will be released whenever the records in question are disclosed.

Students who believe that the adjudication of their challenges were not in keeping with the provisions of the act may request, in writing, concerning the alleged failures of Colby to comply with the Act. Further, students who believe that their rights have been abridged may file complaints in writing to the following address: U.S. Department of Education, Family Policy Compliance Office, 400 Maryland Ave., SW, Washington, DC 20202-4605, email: [ferpa@ed.gov](mailto:ferpa@ed.gov).

## **DIGITAL MILLENNIUM COPYRIGHT ACT (DMCA) - STUDENT COMPLIANCE**

As a computer network service provider for students, staff, and faculty, Colby College complies with the provisions of the Digital Millennium Copyright Act (DMCA). The DMCA is a federal law that, in essence, updates copyright law for the digital age. The [Code of Ethics for Information Technology at Colby](#) addresses the issue of copyright infringement in more detail, and students are encouraged to be familiar with it. The College takes a strong stand against actions that would infringe someone's copyright. Perhaps the most common cause of copyright infringement in the digital context is the use of peer-to-peer file sharing services, which are often used to share copyrighted music and movies. Other common examples of actions that can lead to copyright infringement are copying and sharing computer software without paying for a copy or otherwise having proper permission to do so, and making copies of and/or sharing copyrighted texts or other written materials without permission or a license.

Any student who wishes to copy and use any copyrighted material must obtain permission from the copyright owner first, where necessary. The DMCA also makes it illegal to circumvent technological protection measures used by copyright owners to protect their works. The DMCA requires that the College takes certain steps, including removing a student's access to copyrighted material, to avoid liability for the College when evidence of activity that may infringe a copyright is brought to its attention or it becomes aware of apparent copyright infringement. The College has adopted a policy to implement procedures required by the DMCA called "Implementation at Colby College of Procedures Required by the Digital Millennium Copyright Act of 1998," a copy of which is available on the College's website.

Students are encouraged to review and be familiar with these procedures. If the College is notified, or becomes aware, of a claim of copyright infringement, it will follow the procedures

set out in Implementation at Colby College of Procedures Required by the Digital Millennium Copyright Act of 1998, including the following procedures that relate most directly to students:

- Students who may be responsible for copyright infringement based on notice(s) the College receives from copyright owners will be notified by the College.
  - The fact that a particular student or students has been identified as the person or people who may have violated a copyright owner's rights will not be provided to the person or company that sent the infringement notice to the College or any other outside entity except as required by law (such as through a court order or subpoena).
  - Disciplinary action may be initiated against a student or students as described in the Code of Ethics for Information Technology.
- The College will promptly remove or otherwise block access to any material described in the infringement notice. This may require, among other things, the College to discontinue a student's or students' access to the computer network for a period of time.
- Legal action may occur between the copyright owner and the alleged copyright infringer even if access to the material has been removed.
- Students may file a counter notification with the person or company that initially notified the College of infringement. However, students should keep the following in mind when considering whether or not to do so:
  - Filing a counter notification almost always leads to litigation;
  - The College strongly encourages students to seek the advice of an attorney before submitting a counter notification and, more generally, to seek the advice of an attorney if the student is accused of copyright infringement.
  - The College will not provide assistance in any ensuing litigation.
- The College does not routinely inspect material(s) made available by individuals and groups to students through its networks, although it has, and reserves, the right to do so.
- Students are responsible for any content they provide and are subject to campus disciplinary action, as well as potentially prosecution under state and federal laws, if such content violates any College rules and/or state and federal law(s).
- Repeat infringers may have their accounts terminated (see the Code of Ethics for Information Technology for more information about this).

Questions about the DMCA or the College's compliance procedures should be directed to the Administrative Vice President or Director of ITS.

