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[Appeal decisions will generally be based on written submissions from the Appellant and Appellee. The Appropriate Division Dean can decide an appeal without an Appeal Meeting based on written submissions only, if, in his or her full discretion, the Appropriate Division Dean decides that an Appeal Meeting is clearly not warranted. This decision will be made within ten (10) business days following the initial receipt of the appeal. 25](#_Toc115335276)

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## Procedure 907: Student Code of Conduct

Category: **Student** Affairs

Covered Individuals: CEI **Student**s

##### Approved: January 10, 2022

# 907.1 Introduction

## Purpose and Scope

1. All concerns or **Complaint**s related to Title IX should reference CEI Policies [601](https://cei.edu/hr/policies-procedures/personnel/view?p=601) and [602](https://cei.edu/hr/policies-procedures/personnel/view?p=602).
2. College of Eastern Idaho (“College” or “CEI”) is committed to promoting an academic environment that is welcoming, safe, and well-ordered and that encourages civil discourse, **Academic Integrity**, and mutual respect while protecting **Student**s’ rights as members of the **Falcon Community**.
3. The College has developed this **Student** Code of Conduct (“Code of Conduct” or “Code”) to clearly articulate the College’s expectations for its **Students** and to educate them about their rights and responsibilities as members of the **Falcon Community**.
4. In the event a **Student** is determined to have violated this Code, the primary goal of any **Responsive Action** taken by the College shall be educational and corrective, focused on redressing wrongs while promoting **Student** growth and personal responsibility. Code of Conduct matters shall only be conducted as **Disciplinary** proceedings when **Major Misconduct** is of concern.
5. This Code applies to all **Students** who have applied for admission to, or are currently enrolled in, classes at the College.
6. This Code of Conduct applies to all **Student** conduct that:
	1. Occurs on **College Property**;
	2. Occurs during a College class (including credit and noncredit, clock-hour, work force development, adult basic education, and developmental-education classes) or other **College Sponsored Activity**, regardless of modality or location (including online), or;
	3. Regardless of the location;
		1. Adversely affects or is substantially likely to adversely affect **Ordinary College Operations** or another member of the **Falcon Community**;
		2. Violates College policy;
		3. Violates local, state, or federal law.
7. This Code works in tandem with the **Academic Integrity** violations (e.g., cheating, **Plagiarism**, etc.), and should be considered together with CEI [Academic Integrity Code.](https://www.cei.edu/programs-of-study/online-courses/academic-integrity)
8. This Code does not apply to **Students** who are also **Employees** of the College when they are acting in their capacities as College **Employees**.
9. The College shall address Code of Conduct matters separately and individually with each **Student** alleged to have engaged or participated in a violation. No Code matters shall be handled collectively or with multiple **Student Respondents** at the same time.
10. **Students** violate this Code if they engage in prohibited acts or omissions **Knowingly, Recklessly**, or **Negligently**.

**Using the Code of Conduct**

1. The College is optimistic that most matters involving **Student** conduct can be resolved without the need for Code of Conduct **Complaints**, official decisions, or **Responsive Action** by the College. Although they are not required to do so before submitting a **Complaint**, all members of the **Falcon Community**, including other **Students**, are encouraged to respectfully inform **Students** that certain conduct in which they are or may be engaging is a violation of this Code and politely ask them to cease that conduct.
2. Any College **Employee** acting in the course of the **Employee**’s duties may direct a **Student** to cease conduct that violates this Code, and **Students** are expected to respect and comply with those directives, even if no **Complaint** is made. If a **Complaint** is made, a **Student**’s failure or refusal to comply with a prior reasonable request from a member of the **Falcon Community** or directive from a College **Employee** may be considered an **Aggravating Factor** in a subsequent Code proceeding.

## Additional Codes of Conduct for Specific College Programs

1. Specific College programs (e.g., Nursing, Energy Systems Technology) may adopt additional, or more stringent, **Student** codes of conduct tailored to a particular program’s distinct needs (“**Program Codes**”), provided they are consistent with this Code, in writing, approved by the **Vice President of Academic & Student Affairs** or their designee, published where **Student**s can easily find them, and subject to regular review and revision not less than every three (3) years.
2. Alleged **Program Code** violations that involve violence, assault, **Stalking**, **True Threats**, sexual misconduct, or **Substantial Disruption** to the **Falcon Community** or **Ordinary College Operations**; or in which drugs or alcohol are a factor, must always be referred to the **Dean of Student Affairs** for a determination by the **Dean of Student Affairs** (in consultation with the **Appropriate Division Dean** of the applicable College program), as to whether the alleged violation will be addressed through the Code of Conduct, the **Program Code**, or both.

# 907.2 Students’ Rights and Responsibilities

## Rights Common to All Students

1. **Students** have the right to be informed of and have easy access to this Code of Conduct. All **Students** are expected to familiarize themselves with the Code. Ignorance of the Code is not a defense to any violation.
2. Although all members of the **Falcon Community** are ultimately responsible for their own actions, **Students** have the right to expect that the College will endeavor to provide a safe educational environment that promotes **Academic Integrity**, civility, and decorum.
3. **Students** have the right to public notice of any proposed substantive changes to this Code of Conduct and to have a meaningful opportunity to comment on such proposed changes and to propose changes of their own.
4. **Students** may propose changes through **Student** senate and should work with that body to move the changes forward to the **Dean of Student Affairs**.
5. **Students** have academic freedom to express their concerns through proper channels.

## Student Rights and Responsibilities during Code of Conduct Proceedings

All **Students** involved in Code of Conduct proceedings have the following rights and responsibilities:

1. To be treated with respect and dignity.
2. To have Code of Conduct proceedings administered by objective, neutral, and knowledgeable College **Employees**.
3. To a Code process that causes as little disruption as practicable.
4. To be informed specifically of one’s role in the Code process (i.e., as a **Complainant**, **Respondent**, or witness) and to be informed promptly if that role changes.
5. To have one’s privacy and confidentiality respected to the extent possible under applicable law and College policy.
6. To be free from **Retaliation**.
7. To receive information about services available through the College or in the community, such as counseling.

**Additional Rights of Student Complainants**

1. To an opportunity to request **Interim Measures** during the Code of Conduct process.
2. To withdraw a **Complaint** at any time, although the College may be required to continue an investigation or remedial actions under certain circumstances, such as when the safety of the **Falcon Community** may be threatened,
3. To receive any evidence shared with the **Respondent**.
4. To an equal opportunity to identify relevant witnesses and other evidence,
5. To be notified of relevant information provided by the **Respondent** and any identified witnesses and to have an opportunity to respond.
6. To an opportunity to:
	1. Have a **Support Person** present;
	2. The **Support Person** may not speak at any code proceedings.
	3. Be notified of any defenses or **Mitigating Factors** asserted by a **Respondent** and have an opportunity to respond to them and to offer any **Aggravating Factors** one believes the **Code Decision-Maker** should consider.
7. To have a **Complaint** resolved in a timely manner.
8. To a decision that is free from bias and prejudice and based on credible, relevant evidence.
9. To receive timely written notice of the outcome of the Code process.
10. To an opportunity to make any available appeals.
11. To make a separate **Complaint** to an appropriate agency outside the College, including law enforcement, at any time.

## Additional Rights and Responsibilities of Student Respondents

1. To defend oneself against any **Complaint** to which one is a **Respondent**.
2. To an equal opportunity to request **Interim Measures** during the Code process.
3. To decline to participate in or answer any question during the Code process, although the process will continue, and a decision will be made based on available information. **Code Decision-Makers** may infer from a **Respondent**’s non-participation or refusal to answer questions that the **Respondent** engaged in the misconduct alleged in the **Complaint**, even if the **Respondent** has affirmatively asserted one’s Fifth Amendment right against self-incrimination.
4. To be treated neutrally and to have judgment on the **Complaint** withheld until a final decision is made.
5. To receive any evidence shared with the **Complainant**, unless the **Code Decision-Maker** believes that the sharing of evidence would create a safety issue or violate state or federal regulations.
6. To an equal opportunity to identify relevant witnesses and other evidence.
7. If the **Respondent** is alleged to have engaged in **Major Misconduct**, to **Confront**, at the meeting, any witnesses who testify against the **Respondent**, including the **Complainant**. Written statements may, in the College’s full discretion, be submitted with private/identifiable information redacted to protect the witness’s identity. Generally, witnesses are not permitted to provide live testimony, although witness testimony may be allowed at the discretion of the **Code Decision-Maker**.
8. To be notified of relevant information provided by the **Complainant** and any witnesses and given an opportunity to respond.
9. To an opportunity to have a **Support Person** present, at one’s own expense, during **Code Resolution Meetings** and appeal meetings regarding alleged **Major Misconduct**. (**The Support Person** may not speak during proceedings.)
10. To be notified of any defenses or **Aggravating Factors** asserted by a **Complainant** and to have an opportunity to respond to them and to offer any **Mitigating Factors** one believes should be considered when determining the College’s **Responsive Action**.
11. To have a **Complaint** resolved in a timely manner.
12. To a decision that is free from prejudice and bias and based on credible, relevant evidence.
13. To receive timely written notice of the decision, including a summary of the facts on which the decision was based.
14. To an opportunity to make any available appeals.

# 907.3 Self-Harm and Suicidal Thoughts or Ideation

1. Harming oneself or thinking about or expressing an intention to harm oneself or to take one’s own life is not, by itself, a violation of this Code of Conduct.
2. **Students** will not, in any way, face possible **Disciplinary** proceedings for informing someone at the College that they (the **Students**) have harmed or are harming themselves, or are thinking about harming themselves or contemplating suicide.
3. The College will endeavor to connect **Students** with resources to assist them during such times of crisis. More information can be found on the College’s **Counseling Center** [web page.](https://www.cei.edu/counseling-center)
4. Although the health, well-being, and safety of its **Students** are the College’s top priorities, the College may still take appropriate action, including through a Code of Conduct proceeding, if a **Student** who is expressing, threatening, or engaging in self-harm or suicidal behavior presents a danger to other members of the **Falcon Community** or **Substantially Disrupts** the College’s educational environment or **Ordinary College Operations**. In such circumstances, the College shall address **Students**’ dangerous or disruptive conduct while also endeavoring to connect **Students** in crisis with appropriate healthcare and counseling resources.

# 907.4 Distinguishing Between “Lesser” and “Major” Misconduct

**Students** accused of the most serious Code violations are entitled to more formal **Disciplinary** proceedings than those accused of less serious violations, because the **Responsive Action** from the College and the possible consequences to **Students** for the most serious violations are significantly greater. Accordingly, the College distinguishes between **Lesser Misconduct** and **Major Misconduct** when conducting Code proceedings.

1. **Code Decision-Makers** have the discretion to decide whether to address alleged Code of Conduct violations as **Lesser Misconduct** or **Major Misconduct**. Such decisions shall be based on specific **Aggravating Factors**, **Mitigating Factors**, and other relevant circumstances, including, but not limited to, an accused **Student**’s history of prior Code violations, the severity or pervasiveness of the alleged violations and their impact on other members of the **Falcon Community**, whether the **Student** is accused of engaging in the alleged violations **Knowingly**, **Recklessly**, or **Negligently**, and whether the accused **Student** is alleged to have engaged in multiple Code violations.
2. **Lesser Misconduct** includes violations of the Code that are appropriately responded to with **Educational Measures** and do not warrant **Disciplinary Responsive Action**. **Students** alleged to have engaged in **Lesser Misconduct** may not be accompanied by a **Support Person** during Code proceedings, and neither decisions that **Students** engaged in **Lesser Misconduct** nor the **Educational Measures** issued to those **Students** can be appealed.
3. **Major Misconduct** includes the most serious violations of the Code that could result in **Disciplinary Responsive Action** up to and including **Suspension** or **Expulsion** from the College or the withholding of a degree or certificate. Specific college programs (e.g., Nursing, Energy Systems Technology, etc.) may have their own initial processes, which may be more stringent than this Code of Conduct.  These additional **Student** codes of conduct and processes are tailored to a particular program’s distinct needs (“**Program Code**s”), provided they are approved by the **Vice President of Academic & Student Affairs** or their designee, published where **Student**s can easily find them, and subject to regular review and revision not less than every three (3) years. Please see individual program **Student** handbooks and/or policy and procedure manuals under code of conduct for initial variations to this process. Where conflicts may arise between **Program Code**s and this Code of Conduct, the more stringent Code will control. Code proceedings for alleged **Major Misconduct** are generally more formal and have opportunities to appeal, in addition to the following:
	1. **Students** alleged to have engaged in **Major Misconduct** may be accompanied by a **Support Person. The Support Person** may not speak during proceedings. **Students** may not be accompanied by **a Support Person** at any other time during the Code of Conduct process.
	2. Allegations of assault, violence, **Stalking**, **True Threats**, or sexual misconduct, including **Sexual Harassment**, are always addressed as **Major Misconduct**. Whether to address any other “Specifically Prohibited Act of Misconduct” (see Section 907.5) as **Lesser Misconduct** or **Major Misconduct** is determined on a case-by-case basis by the **Code Decision-Maker**.

# 907.5 Specifically Prohibited Acts of Misconduct

Please also see CEI Policies [601](https://cei.edu/hr/policies-procedures/personnel/view?p=601) and [602](https://cei.edu/hr/policies-procedures/personnel/view?p=602) for concerns regarding sexual misconduct. The following acts and omissions constitute **Student** misconduct under this Code and are prohibited:

## Violent, Threatening, or Dangerous Behavior

1. Physically assaulting or harming or making a **True Threat** to physically harm another member of the **Falcon Community**.
2. Engaging in any illegal sexual offense, including, but not limited to, sexual assault, public sexual indecency, **Sexual Harassment**, and indecent exposure.
3. Engaging in **Stalking**, **Bullying**, or **Hazing**.
4. Secretly or covertly viewing, photographing, or making a video recording of a member of the **Falcon Community** without that individual’s express consent in a location where the individual has a reasonable expectation of privacy or in a manner that violates a reasonable expectation of privacy.
5. Harming, harassing, or endangering an animal, including, but not limited to, a **Service Animal**, on **College Property** or at a **College Sponsored Activity**.
6. Bringing or luring a wild or diseased animal onto, or enticing one to remain on, **College Property** or the location of a **College Sponsored Activity** without express authorization from the **Appropriate Division Dean**.
7. A safe and secure environment is fundamental to fulfilling **CEI's Mission** ([link here](https://www.cei.edu/about-us/cei-core-themes)). CEI is committed to maintaining an environment free of violence. This obligation includes restricting recognized hazards from the campus community that contribute to violence or serious harm. Accordingly, the possession, wearing, carrying, transporting, or use of a weapon, except pursuant to an exemption expressly stated in adopted procedures, is strictly prohibited on **College Property**. This prohibition extends to any person with a government-issued permit or license, unless specifically covered by an exception to the prohibition per Idaho Statute.
8. Threatening to bring a weapon on to **College Property** or to a **College Sponsored Activity**.
9. **Knowingly** failing to report to **Campus Security** a **True Threat** to a member of the **Falcon Community** or other imminent threat to the health and safety of the **Falcon Community**, including, but not limited to, the imminent arrival, or presence on **College Property** or at a **College Sponsored Activity**, of any individual who the **Student** knows is, or has claimed to be, in possession of a firearm and who is not a **Campus Security** officer or other law-enforcement officer.
10. Violation of this policy may result in **Disciplinary Sanctions** and the following **Responsive Action**:
	1. Exclusion or **Expulsion**, in the case of **Students** or,
	2. Exclusion or dismissal from employment, in the case of faculty and staff; or,
	3. Exclusion from campus, in the case of the public or,
	4. Prosecution under appropriate local, state or federal laws
11. For additional information please see [Policy 417: Weapons On-Campus](https://www.cei.edu/hr/policies-procedures/personnel/view?p=417).

## Discrimination and Harassment

 Engaging in discrimination against or harassment (including **Sexual Harassment**) of a member of the **Falcon Community** on the basis of age, disability, race, color, ethnicity, national origin, religion or irreligion, sex, gender (including gender expression and gender identity), sexual orientation, or veteran status. For more information please see CEI Policies [108](https://cei.edu/hr/policies-procedures/personnel/view?p=108), [601](https://cei.edu/hr/policies-procedures/personnel/view?p=601) and [602](https://cei.edu/hr/policies-procedures/personnel/view?p=602).

## Disruptive or Disorderly Behavior

1. Causing a **Substantial Disruption** to a **College Sponsored Activity**, **College Authorized Activity** or to **Ordinary College Operations**, including, but not limited to, a class or lab exercise, academic, athletic, or **Student** Life cultural event, or the functioning of a College administrative office.
2. Repeatedly disrupting, impeding, or interrupting a **College Sponsored Activity, College Authorized Activity,** or **Ordinary College Operations** after being asked or directed by a College **Employee** to refrain from, cease, or reduce such activity, even if one such action would not normally, by itself, constitute a **Substantial Disruption**.
3. Significantly impairing or infringing upon the rights of other members of the **Falcon Community** to engage in lawful free expression.
4. Failing to reasonably supervise and/or provide for the care of a minor child in one’s custody or control when the minor child is on **College Property** or at a **College Sponsored Activity**. Please see [Policy 313: Minors on Campus](https://www.cei.edu/hr/policies-procedures/instruction/view?p=313);
5. Engaging in **Gross Insubordination** toward an **Instructor** or another College **Employee**.

## False Reporting or Use of False Documents

1. **Knowingly** making, causing, or contributing to a false warning or false report of a dangerous condition, emergency, or crime,
2. **Knowingly** making, causing, or contributing to a false accusation or **Frivolous** or **Malicious Complaint** against a member of the **Falcon Community** about a violation of law or College policy, including this Code of Conduct,
3. **Knowingly** obtaining goods, services, or official action from the College by making false or misleading statements, presenting false identification, or presenting falsified, unauthorized, or misrepresented documentation.

## Tobacco, Alcohol, and Illicit Drug Use

1. CEI is committed to providing a safe and healthy environment for its **Employee**s, **Students** and visitors. In accordance with Idaho Code Title 39 Chapter 55, the Clean Indoor Air Act, and CEI Policy, the use of tobacco products is prohibited in CEI buildings or within twenty (20) feet of any entrance or exit to CEI buildings, at events on CEI premises, or in CEI-owned, rented or leased vehicles.
2. Tobacco products include any lighted smoking instrument such as cigarettes, cigars, pipes, as well as not lighted instruments such as electronic cigarettes, hookahs, vapes and all smokeless products intended for tobacco use or nicotine. For additional information please see [CEI Policy 501: Tobacco Products On-Campus](https://www.cei.edu/hr/policies-procedures/student-affairs/view?p=501).
3. Consuming, transferring, selling, possessing, or being impaired by alcohol on **College Property** or during a **College Authorized Activity** as defined by and prohibited under [CEI Policy 120: Drugs and Alcohol](https://www.cei.edu/hr/policies-procedures/personnel/view?p=120) and the [Federal Drug-Free Schools and Campuses Regulations](https://cei.edu/falcons/resources/student-right/drug-free-schools.pdf).
4. Alcohol consumption at **College Authorized Activities**, on or off **College Property** is permitted under the condition that the **President** or the **President**’s designee has expressly granted an exception permitting alcohol to be served.
5. Consuming or possessing alcohol when under age twenty-one (21).
6. If age 21 or older, engaging in disruptive or otherwise inappropriate behavior for the setting or circumstances while consuming or under the influence of alcohol;
7. Providing alcohol to any person under age 21;
8. Consuming, transferring, selling, possessing, or being impaired by illicit drugs or possessing drug paraphernalia;
9. Operating a motor vehicle on **College Property** or in connection with a **College Sponsored Activity** while impaired by alcohol or drugs.

## Misuse of College IT Systems

1. Circumventing any **College IT System** security feature without authorization.
2. Accessing any **College IT System**, including **Student** education records or other data, without authorization.
3. Accessing or attempting to access another user’s **College IT Systems** account or using another person’s **College IT Systems** account name, username, or password without authorization.
4. Allowing another person to use one’s **College IT Systems** account name, username, or password without authorization from a College administrator.
5. Using **College IT Systems** to create, obtain, use, or transmit a computer virus, worm, spyware or other type of **Malicious** software.
6. Altering, disrupting, or reconfiguring a **College IT System** unless specifically authorized to do so by a College administrator, including the following:
	1. Altering any College records, including **Student** education records,
	2. Introducing any new hardware, software, network device, or telephone on a **College IT System**,
	3. Removing or reconfiguring any College hardware, software, network device, or telephone on a **College IT System**,
	4. Running an IT server, whether virtual or physical, on any **College IT System**.
7. Violating any software license agreement or intellectual property right while using **College IT Systems**.
8. Using **College IT Systems** to access, view, display, download, create, store, send, or forward any of the following:
	1. Copyrighted material in violation of the copyright or applicable law,
	2. **Obscenity** or **Pornography**,
	3. **Spam** or **Phishing** communications,
	4. Harassing or threatening messages.
9. Using **College IT Systems** to commit or in furtherance of the commission of a violation of any local, state, or federal law or College policy or procedure.

## Property Offenses

1. Misusing (including using or accessing without proper authorization), stealing, or improperly obtaining, retaining, or possessing any **College Assets**.
2. Damaging, defacing, or destroying **College Property**, **College Assets**, or the personal property or assets of others on **College Property** or during a **College Sponsored Activity**.
3. Entering or occupying **College Property** or a College-owned vehicle without proper authorization.
4. Obstructing a sidewalk or roadway on **College Property** or an entrance to or exit from a College building or facility without proper authorization.
5. **Littering** on **College Property** or at a **College Sponsored Activity** or leaving **College Property** or the location of a **College Sponsored Activity** unreasonably dirty after use.
6. Removing or defacing College-authorized posters, notices, or flyers that are posted properly on **College Property**.
7. Using, possessing, duplicating, modifying, or distributing College-issued keys, identification cards, pass cards, or pass-card information without proper authorization.

## Violations of Federal, State, or Local Law

1. Being arrested for, charged with, or convicted of violating any local, state, or federal law while on **College Property** or during a **College Sponsored Activity**, or based on events which occurred on **College Property** or during a **College Sponsored Activity**.
2. Being arrested for, charged with, or convicted of a violation of any local, state, or federal law, regardless of location, that:
	1. Involves violence or assault, **Stalking**, a **True Threat**, sexual misconduct, harassment, or significantly dangerous, threatening, or harmful activity,
	2. Adversely affects or is substantially likely to adversely affect **Ordinary College Operations** or another member of the **Falcon Community,**
	3. Damages or is substantially likely to damage the reputation of the College or the **Falcon Community**.
3. **Gambling** on **College Property** or during or on a **College Sponsored Activity**, excluding CEI approved raffles or other fundraising events.
4. For additional information please see [Policy 602: Title IX, Equal Opportunity, Harassment, and Non-Discrimination](https://www.cei.edu/hr/policies-procedures/instruction/view?p=602).

## Violations of CEI Policy, Procedure or Explicit Direction

1. Failing to comply with explicit directives or instructions from College **Employees** acting in the performance of their official duties.
2. Failing to meet with a College **Employee** when directed to do so and without making reasonable attempts to reschedule.
3. Failing to obtain proper College approval before engaging in any of the following:
	1. Posting information of any kind on **College Property** or at a **College Sponsored Activity**. Academic posters or displays must be approved by the **Appropriate Division Dean**. All posters & other public displays must be approved by **Student** Affairs to obtain a time-line sticker,
	2. Conducting a group event or activity inside a College building or on **College Property**.
4. **Knowingly** attempting to address **Complaint**s about College policy or procedure issues, or to challenge decisions made, pursuant to College policy or procedure, to **Employees** who are not part of applicable decision-making or appeal processes. **Students** will be directed by College **Employees** to follow proper **Chain of Command**.
5. **Knowingly** repeating a **Complaint** based on the same facts after it has been decided and all applicable appeals have been exhausted or waived.
6. Bribing or offering a **Bribe** to a College **Employee**.

## Disrupting CEI Investigations or Disciplinary Proceedings

1. Interfering with any College investigation or **Disciplinary** proceeding, including, but not limited to, by engaging in the following:
	1. Refusing to cooperate with an investigation when required to do so,
	2. Tampering with, withholding, or destroying evidence,
	3. Providing false, misleading, or materially incomplete information to a College administrator, **Investigator**, or **Code Decision-Maker**.
2. Requesting or inducing another person to engage in conduct described in sections a, b, or c above.

## Attempted Misconduct or Conspiracy to Commit Misconduct

1. Attempting to engage in conduct prohibited by this Code. A **Student** who engages in attempted misconduct can be **Discipline**d to the same extent as if the **Student** had completed the prohibited act.
2. A **Student** who participates in a **Conspiracy** with others to engage in conduct prohibited by this Code can be **Discipline**d to the same extent as if the **Student** engaged in the prohibited conduct alone, regardless of whether or not the **Conspiracy** was completed.

# 907.6 Reporting Code of Conduct Violations

## In Emergencies

If a suspected Code of Conduct violation involves an imminent health or safety threat, such as acts of violence or **True Threats**, call 9-1-1 immediately, then contact **Campus Security**, (208)604-4597.

## Submitting Complaints

1. Any member of the **Falcon Community** may submit a **Complaint** about a suspected Code of Conduct violation as follows:
	1. If a suspected violation occurs during or as part of a class, the first step must be to inform the course **Instructor** in writing. Original written information may be followed up with an in person/verbal conversation. A subsequent written **Complaint** may still be required.
	2. By submitting a **Complaint** to the **Dean of Student Affairs** and the **Appropriate Division Dean** by email, letter (mailed or hand delivered) or through **Maxient**. **Deans** may choose not to act on a report if it is found that the **Complaint** is without merit.
	3. In addition, members of the **Falcon Community** may bring questions/ concerns to the **Dean of Student Affairs** as needed without a formal **Complaint** being issued (a subsequent written **Complaint** may still be required).
2. While a **Complaint** should be addressed as soon as possible, there is no time limit for making a **Complaint** about a suspected Code of Conduct violation. The **Dean of Student Affairs**, in conjunction with the **Appropriate Division Dean** may, at their discretion, decline to act on a **Complaint** if the elapsed time is a significant barrier to completing a full investigation and making an adequately informed decision.
3. **Complaint**s should contain the following information (to the extent known):
	1. The name and contact information of the person submitting the **Complaint**,
	2. The names of the **Student**(s) and any other person(s) involved, including any victims or witnesses,
	3. The date of the alleged misconduct,
	4. The location where the alleged misconduct occurred,
	5. A description of the alleged misconduct,
	6. A list of any documents or other evidence relating to the alleged misconduct (e.g., photographs, screenshots, text messages, emails, police reports, etc.).
4. **Complaints** may be dismissed without further action if the **Appropriate Division Deans**, in their discretion, determine the **Complaint** is **Frivolous** or **Malicious**.

## Complaints Involving Pending Code of Conduct Proceedings

1. Code of Conduct proceedings will not be stayed or otherwise interrupted if an individual involved in the Code process files a separate, contemporaneous **Complaint** of any kind against another individual involved in the same process (e.g., **Respondent** files a **Complaint** against the **Complainant** or the **Appropriate Division Dean**(s)).
2. If the **Appropriate Division Dean**(s) is/are the subject of an internal College **Complaint** brought by a **Student** while that **Student**’s Code of Conduct proceeding is pending, the **Appropriate Division Dean**(s) should recuse themselves and another **Dean** should be appointed to serve in their stead.

## Confidential and Anonymous Complaints

1. Persons reporting alleged Code of Conduct violations may request that their **Complaints** remain confidential. The College will endeavor to honor such requests, although doing so may seriously limit the College’s ability to investigate and respond to a **Complaint**, and the College’s obligation to protect the **Falcon Community** may override a **Complainant**’s request for confidentiality.
2. An issue involving a **True Threat** nullifies the **Complainant**’s right to confidentiality.
3. Anonymous **Complaints** are not accepted through the Code process. Persons wishing to remain anonymous may contact the **Student** Affairs email at **Student**.concern@cei.edu or call **Campus Security**, 208-604-4597.

# 907.7 Conducting Code of Conduct Proceedings

## Selecting the Code Decision-Maker

1. **Instructors** as **Complainants/Code Decision-Makers**:
	1. **Instructors** have the primary authority and responsibility to maintain an orderly educational environment in their classrooms (including online) and to respond to **Lesser Misconduct** that occurs during their classes.
	2. **Instructors** may be both **Complainants** and Code Decision-Makers when involved in **Disciplinary** proceedings in **Lesser Misconduct** matters involving **Instructor**s’ **Students**.
	3. **Instructors** do not have authority to decide Code matters involving **Major Misconduct**.
2. Temporary removal of disruptive **Students** by **Instructors**:
	1. If a **Student** is causing a **Substantial Disruption** during a class or class-related **College Sponsored Activity** and will not comply with an **Instructor**’s direction to cease the disruptive behavior, **Instructors** may, at their discretion, temporarily remove the **Student** by verbally directing the **Student** to leave for the remainder of that day’s class or activity.
		1. At the end of the day’s class or activity, **Instructors** shall notify their **Department Chair** or another immediate supervisor (either in writing or verbally and later confirmed in writing) of the **Student**’s removal and the reasons for it.
		2. The temporary removal of a disruptive **Student** is not a **Suspension**.
		3. **Instructor**s are required to make a **Student** Conduct Report through the **Maxient** web-portal when a **Student** is removed from class. See **Program Codes** for additional requirements.
		4. **Instructors** may not remove disruptive **Students** for more than one day at a time based on a single disruptive incident.
		5. If an **Instructor** believes a **Student** should not return to the next class or to the next day’s activity and/or has engaged in **Major Misconduct**, the **Instructor** must submit a **Complaint** as outlined in Section IV.
	2. If an **Instructor** believes a **Student** has engaged in **Major Misconduct**, the **Instructor** should submit a **Complaint** to the **Appropriate Division Dean** or their designee (see Role of Dean of Student Affairs and Appropriate Division Dean as Code Decision-Makers).
		1. If the **Dean** determines that the violation alleged in the **Complaint** should not be addressed as **Major Misconduct**, the **Dean** may return it to the **Instructor** to be addressed as **Lesser Misconduct**.

## The Role of Dean of Student Affairs and Appropriate Division Dean as Code Decision-Makers

* The **Dean of Student Affairs** or the Appropriate **Division Dean** or their designee shall serve as a **Code Decision-Maker** for **Complaints** alleging **Major Misconduct**. For specific programs (e .g., Nursing, Energy Systems Technology, etc.) the department chair, Program Manager, or Director that oversees that department will be assigned as the Code Decision-Maker.  This process of appointing a code decision maker is tailored to a particular program’s distinct needs (“**Program Code**s”) and listed in their specific program’s **Student** handbook and/or policy and procedure manual, provided they are approved by the **Vice President of Academic & Student Affairs** or their designee, published where **Student**s can easily find them, and subject to regular review and revision not less than every three (3) years. Please see individual program **Student** handbooks and/or policy and procedure manuals under code of conduct for initial variations to this process. Where conflicts may arise between **Program Code**s and this Code of Conduct, the more stringent Code will control.
1. If there is a conflict of interest, the Vice President of Academic Affairs will appoint the Code Decision-Maker.
2. In the event a **Complaint** presents a significant conflict of interest for the College, the **Complaint** will be deferred to **General Counsel**.

## Discretion of Code Decision-Makers in Initiating, Continuing, and Terminating Code Proceedings

1. The **Code Decision-Maker** has the discretion to determine if a **Complaint** sufficiently alleges a violation of the Code. If the code decision-makers determine that a **Complaint** does not sufficiently allege a violation, code decision-makers shall individually or in conjunction notify the **Complainant** in writing of that decision and the reason for it.
2. If a **Complaint** adequately alleges a violation, but the **Code Decision-Maker** subsequently becomes aware of evidence indicating further proceedings are not warranted, the **Code Decision-Maker** may terminate the proceeding at any time by providing written notice of that termination and the reason for it to the **Complainant**.
3. If **Respondents** have already received notice of the **Complaint**, they should also be notified in writing of the decision to terminate it.
4. Specific timelines and deadlines stated in this Code may be extended at the discretion of the **Code Decision-Maker**.
5. Upon determining the complaint sufficiently alleges violation of a code, the code decision maker may, in his/her sole discretion, conduct further investigations as they see fit.

## Notice of Complaints and Delivery of Complaint-Related Information

1. If the **Code Decision-Maker** determines that a **Complaint** adequately alleges a Code violation, the **Code Decision-Maker** shall provide written notice of the **Complaint** to the **Student** who is the **Respondent** to the **Complaint** within ten (10) **Business Days** of receipt of the complaint. The notice shall include the following:
	1. An explicit statement that the **Student** is a **Respondent** to a Code of Conduct **Complaint,**
	2. A summary of the allegations against the **Student**, including any known evidence in support of those allegations,
	3. The specific Code section(s) the **Student** is alleged to have violated; whether the **Student** is accused of **Lesser Misconduct** or **Major Misconduct** and the **Code Decision-Makers** basis for making that decision, and if a **Disciplinary Sanction** (e.g., **Suspension**) could be imposed.
	4. If the **Student** is accused of **Major Misconduct**, notice will be provided regarding the date and time of the **Code Resolution Meeting** and the conditions under which that meeting could be rescheduled.
	5. That an administrative hold may be placed on the **Student’s** records and/or account with the College, pending resolution of the **Complaint**.
2. Unless approved in writing by the **Code Decision-Makers**, all Code of Conduct notices and **Complaint**-related information will be sent to **Students**’ “*cei.edu*” email accounts.
3. Notice will be considered effective and all information will be considered received on the date email is sent to **Students**’ “*cei.edu*” email accounts. If the **Code Decision-Maker** approves another means of delivery, notice will be considered effective and documents received on the date of hand-delivery or three (3) **Business Days** after the notice or document is deposited with the U.S. Postal Service or other carrier.

## Code Resolution Meetings

1. **Lesser Misconduct Resolution Meetings**
	1. After the **Student Respondent** has received notice of the **Complaint**, the **Code Decision-Maker** shall conduct a **Code Resolution Meeting** with the **Respondent** in a private setting and discuss the **Lesser Misconduct** the **Respondent** is alleged to have engaged in and the specific evidence supporting those allegations. At the discretion of the Code Decision-Maker, there may be a neutral 3rd party present to witness the proceedings.
	2. **Complainants** are generally not required or permitted to attend **Code Resolution Meetings** involving alleged **Lesser Misconduct** (unless the **Complainant** is the **Code Decision-Maker**, as in the case of an **Instructor**), but they shall have an opportunity to provide **Code Decision-Makers** with any evidence they believe is relevant, including **Aggravating Factors**.
	3. **Respondents** may not be accompanied by a **Support Person.**
	4. **Respondents** shall have a full and fair opportunity to review and respond to the allegations in the **Complaint** and the supporting evidence, including any statements from the **Complainant** and any witnesses. **Respondents** shall also have an opportunity to present their side of the story and to offer any additional evidence they believe is relevant, including any **Mitigating Factors**.
	5. Generally, witnesses are not required or permitted to provide live testimony, although witness testimony may be allowed at the discretion of the **Code Decision-Maker**.
* If, before the decision is made, the **Code Decision-Maker** comes to believe that the **Respondent**’s misconduct is more serious than previously known and may warrant a **Disciplinary Sanction**, the **Code Decision-Maker** shall inform the **Student** of that fact and suspend the **Code Resolution Meeting**. If the **Code Decision-Maker** is an **Instructor**, the **Complaint** shall be referred to the **Appropriate Division Dean** for further proceedings, a revised notice shall be issued to the **Student**, and the **Code Resolution Meeting** shall be rescheduled and conducted according to the procedures required for **Major Misconduct**. Specific college programs (e.g., Nursing, Energy Systems Technology) may have their own initial process that allows a **Department Chair**, Division Manager, or Director to be the code decision maker. There may also be some additional codes in the code of conduct for those individual programs.  These additional **Student** code of conduct requirements and processes are tailored to a particular program’s distinct needs (“**Program Code**s”), provided they are approved by the **Vice President of Academic & Student Affairs** or their designee, published where **Student**s can easily find them, and subject to regular review and revision not less than every three (3) years. Please see individual program **Student** handbooks and/or policy and procedure manuals under code of conduct for initial variations to this process. Where conflicts may arise between **Program Code**s and this Code of Conduct, the more stringent Code will control.
1. **Major Misconduct Resolution Meetings**
	1. After the **Student Respondent** has received notice of the **Complaint**, the Code Decision-Maker shall conduct a **Code Resolution Meeting** with the **Respondent** in a private setting and discuss the **Major Misconduct** the **Respondent** is alleged to have engaged in and the specific evidence supporting the allegation(s). **Respondents** shall have a full and fair opportunity to review and respond to the allegations in the **Complaint** and to offer any additional evidence they believe is relevant, including any **Mitigating Factors**. The **Complainant** shall submit materials supporting the **Complaint** at least three days prior to the **Code Resolution Meeting**. The **Respondent** shall submit materials refuting the **Complaint** at least three days prior to the **Code Resolution Meeting**.
	2. **Complainants** are required to attend **Code Resolution Meetings** for alleged **Major Misconduct** if they will be providing testimony against **Respondents**, unless **Respondents** waive their right to **Confront** the **Complainants** who testify against them. **Complainants** may also be required to attend **Code Resolution Meetings** if the Code Decision-Maker determines their presence is necessary to make a fully informed and fair decision. Otherwise, **Complainants** may request, but are not required, to attend **Code Resolution Meetings**. Generally, witnesses are not permitted to provide live testimony, although witness testimony may be allowed at the discretion of the **Code Decision-Maker**.
	3. For **Complaints** involving allegations of assault, violence, **Stalking**, **True Threats**, or sexual misconduct, including **Sexual Harassment**, **Complainants** may request to attend **Code Resolution Meetings** remotely via videoconference or similar means, including one-way video in which **Respondents** can see **Complainants**, but not vice versa. Whether to permit remote attendance shall be at the discretion of the **Code Decision-Maker**. **Complainants**’ remote attendance shall not interfere with **Respondents**’ right to **Confront** witnesses who testify against them.
	4. **Support Person**
		1. Both **Respondents** and **Complainants** (if attending) may be accompanied by one (1**) Support Person** of their choice during **Code Resolution Meetings** involving **Complaints** of **Major Misconduct**. **A Support Person** may be present as support for **Respondents** and **Complainants** but may not speak during these meetings. A **Respondent** **Support Person** may only confer with the **Respondent** but notask questions or confer with the **Complainant.** A **Complainant Support Person** may only confer with the **Complainant** but not ask questions or confer with the **Respondent.** Conversations between Support Persons and the party they are supporting shall not be disruptive to the meeting. The **Code Decision Maker** may ask the **Support Person** and **Respondent** or **Complainant** to cease disruptive speech or behavior, and may take any action deemed necessary to address this issue.

* + 1. **Students** must inform the **Code Decision-Maker** three days prior to the **Code Resolution Meeting** if they will be accompanied by a **Support Person**. The College reserves the right to have College legal counsel present during any **Code Resolution Meeting.**
	1. Statements from Witnesses
		1. Both **Complainants** and **Respondents** have the right to relevant written statements from witnesses for a **Code Resolution Meeting**.
		2. The **Code Decision-Maker** may interview witnesses prior to the meeting and if the witness(s) is/are allowed to attend, the **Code Decision Maker** may ask clarifying questions at any time during the meeting process.
		3. **Complainants** and **Respondents** (or their **Support Person**) may not object during questioning, but may have the opportunity to directly ask the witness questions as long as they are not irrelevant, repetitive, harassing, or unnecessarily embarrassing. The **Code Decision Maker** has full discretion to limit or stop witness questioning if the **Code Decision Maker** determines that the questioning is irrelevant, repetitive, harassing, or unnecessarily embarrassing. This paragraph also applies to questions asked of the Complainant.
	2. Technical rules of evidence, such as would be used in a court of law, do NOT apply during **Code Decision Meetings,** although **Complainants** and **Respondents** may submit arguments about why certain evidence should or should not affect decisions. This evidence refuting the allegation/s must be submitted to the **Code Decision Maker** at three days prior to the **Code Resolution Meeting**

## Code of Conduct Decisions

1. Decisions on **Complaints** will be made by applying the **Preponderance of the Evidence** standard unless specified otherwise, and **Code Decision-Makers** shall determine if, based on the evidence, it is more likely than not the **Respondent** engaged in the misconduct alleged in the **Complaint.**
2. If the **Code Decision-Maker** decides that the evidence does not support a finding that the **Respondent** engaged in the alleged misconduct, the matter shall be concluded and the **Complaint** closed, subject to any available appeal.
3. If the **Code Decision-Maker** finds that the **Respondent** more likely than not engaged in the misconduct alleged in the **Complaint**, the **Code Decision-Maker** shall determine an appropriate **Responsive Action**.

## Responsive Action by the Code Decision-Maker

1. If **Student Respondents** admit to violating, or are found to have violated, the Code of Conduct, the **Code Decision-Maker** has the discretion to issue or not issue one or more **Responsive Actions**.
2. All **Responsive Action** shall be issued to **Respondents** in writing along with an explanation of the facts, including any **Aggravating Factors** and **Mitigating Factors**, the **Code Decision-Maker** took into consideration.
3. **Responsive Action** may include, but is not limited to, one or more of the following:
	1. **Educational Measures** (for both findings of **Lesser Misconduct** and **Major Misconduct**) including, but not limited to:
		1. Educational assignments that foster a new or greater understanding of the **Student**’s role in the **Falcon Community** and how the **Student**’s conduct affects others,
		2. **Restorative Justice** requirements,
		3. Financial compensation for actual losses to the College or to a specific individual (e.g., for theft or property damage). The College cannot award damages for pain and suffering or for other intangible injuries, or purely as punishment (i.e., a fine),
		4. Temporary prohibition (not to exceed six (6) months or one (1) academic year, whichever is greater) from engaging in certain **College Sponsored Activities**, including **Selective Extracurricular Activities**. Decision to impose such **Responsive Action** shall be made in consultation with the **Employees** responsible for the specific activities in question,
		5. Temporary removal (not to exceed six (6) months or the remainder of the current academic year, whichever is greater) from specific College academic or certificate programs. Decisions to impose such **Responsive Action** shall be made in consultation with the **Employees** responsible for the specific programs,
		6. Temporary restriction on or denial of certain College services (e.g., use of a library or certain **College IT Systems**), not to exceed six (6) months or the remainder of the current academic year, whichever is greater.
		7. Temporary restriction on enrollment (e.g., being permitted to take only (or barred from taking any) online classes), not to exceed six (6) months or the remainder of the current academic year, whichever is greater,
		8. Temporary exclusion (i.e., being “trespassed”) from specified **College Property** (e.g., a particular **College Campus** or Learning Center), not to exceed six (6) months or the remainder of the current academic year, whichever is greater,
		9. A **Conduct Agreement** (see Section VIII below),
		10. A Written Warning,
		11. **Probation**.
	2. **Disciplinary Responsive Action** (for findings of **Major Misconduct** only) may include, but are not limited to:
		1. Prohibition from engaging in certain **College Sponsored Activities**, including **Selective Extracurricular Activities**, for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including an indefinite or permanent prohibition. Decisions to impose such **Responsive Action** shall be made in consultation with the **Employees** responsible for the specific activities in question,
		2. Removal from a specific College academic or certificate program, for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including indefinite or permanent removal. Decisions to impose such **Responsive Action** shall be made in consultation with the **Employees** responsible for the specific programs,
		3. Restriction on or denial of certain College services (e.g., use of a library or certain **College IT Systems**), for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including an indefinite or permanent restriction,
		4. Restriction on enrollment (e.g., permitted to take only (or barred from taking any) online classes), for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including an indefinite or permanent restriction,
		5. Exclusion (i.e., being “trespassed”) from specified **College Property** (e.g., a particular **College Campus** or Learning Center), for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including indefinite or permanent exclusion,
		6. **Suspension** from the College for any length of time,
		7. **Expulsion** from the College,
		8. Withholding of a degree or certificate.

## Notice of Code of Conduct Decisions, Responsive Actions, and Right to Appeal

1. **Code Decision-Makers** shall provide **Respondents** with written decisions in a timely manner not to exceed ten (10) **Business Days** stating explicitly what, if any, misconduct a **Respondent** was found to have engaged in, explaining the specific factual basis for that decision, and stating the specific **Responsive Action** issued by the **Code Decision-Maker**, including an explanation of any **Aggravating Factors** or **Mitigating Factors** taken into consideration.
2. **Code Decision-Makers** shall inform **Respondents** in writing of any right they may have to appeal the decision or the **Responsive Action**, including the deadline to request an appeal and the College office to which or **Employee** to whom the appeal request should be submitted.
3. The specific facts of Code of Conduct proceedings are confidential educational records. Most **Complainants** will generally be notified when Code proceedings are concluded and informed of specific outcomes that affect the **Respondent**s progress in the program. However, **Complainants** alleged to have been victims of assault, violence, **Stalking**, **True Threats**, or sexual misconduct shall be given written notice of the specific outcome of their **Complaints**, including any **Responsive Action** issued to the **Respondent**, as well as information regarding **Complainants**’ right to appeal.
4. If a **Student** is censured, dismissed, **Suspended**, or **Expelled** for conduct violations, or formally reprimanded for disrupting the learning or classroom environment, an Appropriate Divisional **Dean** may choose to require the **Student** to provide a medical release or note from the **Student**’s medical / mental health provider providing any or all of the following provisions:
* The Student is safe to return to campus
* The Student is not or is no longer a threat of harm to self or others
* The Student provides no risk to campus safety
* Any other medical or mental health concern that may impact the learning environment
* To obtain an updated Health Declaration form and/or receive proper medical mental health treatment.
* Some programs may have more stringent requirements

# 907.8 Conduct Agreements – Form and Effect

1. **Student Warning** must be in writing and sent to the **Student**’s “*cei.edu*” email account. A copy will be entered into **Maxient**. (See individual **Program Codes** for variations.)
2. If the **Student** successfully completes the **Student Warning** or complies satisfactorily with its ongoing requirements, the College will take no further action.
3. A **Student**’s violation of a **Student Warning** may, at the discretion of the **Department Chair**, result in the termination of the agreement and the immediate issuance of one or more **Responsive Actions**.

# 907.9 Appeals

## Who May Appeal (i.e., be the “Appellant”) to the Appropriate Division Dean

1. **Respondents** found to have violated the Code of Conduct may appeal a **Code Decision-Maker's** decision and/or the **Responsive Action** issued to the **Respondent** only when:
	1. The **Respondent** was found to have engaged in **Major Misconduct** and,
	2. The **Respondent** received a **Disciplinary Sanction**.
2. **Respondents**found to have violated, or to be in violation of the terms of a **Student Warning** may appeal the decision that they violated the **Student Warning** and/or the **Disciplinary Sanction** issued to the **Respondent**.
3. **Complainants**whose **Complaints**alleged they were victims of assault, violence, **Stalking**, **True Threats**, or sexual misconduct, including **Sexual Harassment**, may appeal the following decisions by the **Code Decision-Maker**:
	1. Decisions not to proceed with a **Complaint** or to terminate a **Complaint** without making a final decision,
	2. A finding that the **Respondent** was not shown by a **Preponderance of the Evidence** to have engaged in the alleged misconduct and,
	3. A **Disciplinary Sanction** issued to a **Respondent** found to have engaged in the alleged misconduct.

4. If the incident involves multiple **students**, each **student** will individually go through the appeal process. Another CEI **student** involved in the incident cannot be a support person for the **student** undergoing the appeal.

## Acceptable Basis for Appeal

A request for appeal shall only be considered if it is based on one or more of the following arguments:

1. The **Code Decision-Maker’s** decision was **Clearly Erroneous.**
2. The Code Decision-Maker’s decision was tainted by clear bias.
3. The severity or leniency of the **Responsive Action** was unjustifiably disproportionate to the seriousness of the **Respondent**’s misconduct.
4. A **Material Error in Process** occurred that affected or reasonably could have affected the **Code Decision-Maker**’s decision or the **Responsive Action** issued to the **Respondent**.
5. The discovery of new information that was not known and could not reasonably have been discovered at the time of the **Code Resolution Meeting** that is substantially likely to have affected the outcome of the **Complaint** had it been presented at the **Code Resolution Meeting**.

## Requesting an Appeal

1. An **Appellant**’s written request for appeal must be submitted to the **Appropriate Division Dean** no more than five (5) **Business Days** after receiving notice of the **Code Decision-Maker**’s decision.  The appeal must contain:
	1. A copy of the **Code Decision-Maker**’s decision,
	2. The **Appellant**’s basis for bringing the appeal
	3. An argument stating why the decision or **Responsive Action** should be changed and,
	4. If the appeal is based on new evidence, a copy or written summary of the new evidence and a statement identifying the source of the new information and explaining why it was not available at the time of the **Code Resolution Meeting**. (See individual **Program Codes** for variations to timeline requirements.)
2. Upon receipt of a timely appeal, the **Appropriate Division Dean** will make a determination, in his or her full discretion, as to whether an **Appeal** is warranted based on the Acceptable Bases for an Appeal.
3. If a timely and proper request for appeal is submitted, any **Responsive Action** will be stayed until the appeal is decided unless there is a clear and significant risk that the health and safety of the **Falcon Community** or **Ordinary College Operations** would be adversely affected if the **Responsive Action** did not take immediate effect. (See individual **Program Code** requirements.)

## Appellee Responses to Appeals

Within five (5) **Business Days** after receiving notice of an **Appellant**’s appeal, the **Appellee** may, but is not required to, submit a written response in opposition to the appeal to the **Appellant** and **Appeals Director.**

## Procedures for Code of Conduct Appeals

## Appeal decisions will generally be based on written submissions from the Appellant and Appellee. The Appropriate Division Dean can decide an appeal without an Appeal Meeting based on written submissions only, if, in his or her full discretion, the Appropriate Division Dean decides that an Appeal Meeting is clearly not warranted. This decision will be made within ten (10) business days following the initial receipt of the appeal.

1. If the Appropriate Division Dean determines that an appropriate decision cannot be made based on written submissions alone, the Appropriate Division Dean shall hold an Appeal Meeting. If there is to be an Appeal Meeting, the Appropriate Division Dean shall schedule the meeting to take place within the following five (5) days of the decision to hold the Appeal Meeting, or within ten (10) business days of receipt of the request for an appeal, whichever is later.
2. If an Appeal Meeting is scheduled, the appellants and appellees shall be notified of the date of the Appeal Meeting at least three (3) business days prior to the meeting.

## Procedures for Code of Conduct Appeal Meeting

1. Attendance at meetings shall be limited to only necessary persons, including the Appropriate Division Dean, Appellant, Appellees, and one support person for each Appellant and Appellee, Additionally, one (1) consultant to assist the Appropriate Division Dean with procedural and technical questions about the Code of Conduct and **College** policy (*e.g.*, a representative from the **College**’s General Counsel’s Office, **Disability Resources Coordinator**, or Human Resources office) may attend.
2. **Appellees** may, but are not required to, attend Appeal Meetings. **Appellants and Appellees** may each be accompanied to Appeal Meetings by one (1) **Support Person**
3. The **Support Person** will be a silent participant and may not speak for the **Appellant** or **Appellee**. The Appropriate Division Dean has full discretion to warn or remind the **Support Person** who violates this section of the rules of the meeting, to ask them to leave the meeting, or to take other appropriate action. Upon taking such action, the Appropriate Division Deanmay, in circumstances where the violation is severe, decide whether to continue the meeting, postpone the meeting, or deny the appeal. An Appeal Meeting is not a new Code of Conduct **Meeting**, and further witness testimony or other additional evidence will generally not be heard or considered. Additional evidence may be considered only when necessary, as determined by the Appropriate Division Dean, to demonstrate the existence of new evidence that
	1. could not have been discovered at the time of the Coe of Conduct **Meeting** and
	2. is substantially likely to have affected the **Code Decision-Maker**’s decision.

**Code of Conduct Appeal Meetings** shall offer **Appellants** and **Appellees** an equal opportunity to be heard. **Appellants** shall address the Appropriate Division Dean first and explain why an appeal should be granted. **Appellees** (if attending) then may, but are not required to, address the **Appropriate Division Dean,** and explain why the appeal should be denied. The Appropriate Division Dean may ask questions, but **Appellants** and **Appellees** may not object, ask each other or the Appropriate Division Dean questions (except to seek clarification of a question from the Appropriate Division Dean that the Appellant or Appellee does not understand), or otherwise interrupt each other’s arguments. The **Appropriate Division Dean** may offer each party an equal opportunity to make a rebuttal argument.

 4. Decisions of Appropriate Division Dean

## Appropriate Division Deans should give substantial deference to Code Decision-Makers’ decisions and only change or overturn a decision and/or its Sanction if they are firmly convinced the decision was in error, even if the Appeals Director them self might have reached a different conclusion if they had been the Code Decision-Maker.

## When deciding appeals, Appropriate Division Deans may:

* 1. Deny the appeal and affirm the **Code Decision-Maker**’s decision and/or Responsive Action,
	2. Affirm the decision that a **Code** violation occurred but reduce or increase the Code of Conduct Sanction,

Grant the appeal (entirely or in part) and remand the **Complaint** to the **Code Decision-Maker** for further proceedings and a new decision, or,Overturn a decision entirely and vacate all Code of Conduct **Sanctions** if, and only if, the Appropriate Division Dean is firmly convinced that the **Respondent** is actually innocent.

1. The Appropriate Division Dean will send their written decision within five (5) **Business Days** to the **Appellants**, **Appellees**, and the **Department Chair** and/or Vice President of Academics

## The decision of an Appropriate Division Dean is final, and no further appeal or review of a Code of Conduct decision or Code of Conduct Sanction is available unless the Appropriate Division Dean’s decision would result in an Expulsion or the withholding or revocation of a degree or certificate.

## Automatic Review of Expulsions and Decisions to Withhold or Revoke Degrees or Certificates

1. All Code of Conduct **Appeal** decisions that would result in an **Expulsion** or the withholding or revocation of a degree or certificate shall be reviewed and approved by the **Vice President of Academics and Student Affairs**. This will be done by reviewing documentation provided from the Code of Conduct Appeal, not from new submissions of material or evidence by either party. This review will not constitute a new meeting, but only a review of the material from the Code of Conduct Appeal that resulted in withholding or revocation of a degree or certificate. The Vice President of Academics and Student Affairs review shall be limited to confirming that
	1. proper procedures were followed,
	2. the Code of Conduct **Appeal** decision was not **Clearly Erroneous, and**
	3. **The Code of Conduct Appeal decision was not** tainted by clear bias.
2. If the Vice President of Academics and Student Affairs determines proper procedures were not followed or that the Appropriate Division Dean’s decision was **Clearly Erroneous** or tainted by clear bias, the Vice President of Academics and Student Affairs shall either
	1. direct the Appropriate Division Dean to reconvene in accordance with the correct procedure and/or issue a revised decision, or
	2. designate an entirely new Appropriate Division Dean to reconsider the appeal.

 The Vice President of Academics and Student Affairs shall continue to review the Code of Conduct **Appeal** decisions until the Vice President of Academic and Student Affairs is satisfied that proper procedures were followed, and that the Code of Conduct **Appeal** decision was reasonable in light of the facts.

1. **Appellants**, Appellees, or their **Support** **Persons**, are not permitted to contact the Vice President of Academic and Student Affairs directly or indirectly regarding the Vice President of Academic and Student Affair’s review of Code of Conduct **Appeal** decisions.

# 907.10 Interim Suspension in Cases of Serious Threats or Disruptions

The **Dean of Student Affairs**, **Campus Security**, or their respective designees, may, without prior notice, immediately issue an **Interim Suspension** to a **Student** if there is a reasonable basis to believe that the **Student**’s continued presence on **College Property** or at **College Sponsored Activities** while the **Student**’s Code of Conduct proceeding is pending poses a significant threat to the health or safety of the **Falcon Community** or poses a risk of a **Substantial Disruption** to **Ordinary College Operations**.

1. **Students** shall be notified of their **Interim Suspension**, the specific reasons for it, the conditions by which the **Student** must abide, and the **Student**’s right to seek an Expedited Review (see Section X.D. below) verbally at the time the **Interim Suspension** is imposed (if possible) and/or in writing via “*cei.edu*” email within one (1) **Business Day**.
2. The **Appropriate Division Dean** will be immediately notified of **Interim Suspension**and determine further notification to Faculty/Staff.
3. During **Interim Suspensions**, the **Appropriate Division Dean** may allow **Students** to continue their College course work via email and other correspondence, independent study, or other remote means with the approval of the **Department Chair** and **Students’ Instructors**. (See individual **Program Codes** for additional details).

## Expedited Review of Interim Suspensions

1. **Students** may submit a request for an Expedited Review of an **Interim Suspension** to the **Appropriate Division Dean** and the **Vice President of Academic & Student Affairs** within three (3) **Business Days** of receiving notice of the **Interim Suspension**.
2. The request must be in writing and state specifically why the **Student** believes the **Interim Suspension** is not justified, including why the **Student** would not pose a significant risk to the health or safety of the **Falcon Community** or a risk of **Substantial Disruption** to **Ordinary College Operations** by the **Student**’s continued presence while the Code process is pending.
3. **Interim Suspensions** shall remain in effect while **Students’** requests for Expedited Review are pending.
4. The **Appropriate Division Dean** and/or **Campus Security** Director, may, but are not required to, submit a written response to the **Student**’s request for review to the **Vice President of Academic & Student Affairs**.
5. The **Vice President of Academic & Student Affairs** shall evaluate the **Student**’s request for review by applying the **Clear and Convincing Evidence** standard and shall issue a written decision within three (3) **Business Days**.  No meeting with the **Student** or hearing shall be conducted.
6. If a decision is made in favor of the **Student**, the **Interim Suspension**shall be lifted, and the **Student** may resume regular **College Authorized Activities**, subject to any **Interim Measures**, while the Code process is pending.
7. If a decision is made against the **Student**, the **Interim Suspension** shall remain in effect.

# 907.11 Eligibility for Readmission to the College

1. **Students** who are **Suspended** from the College for violating this Code of Conduct may be required to satisfy specific conditions, provided to the **Students** in writing at the time of their **Suspension**, in order to be eligible for readmission to the College after the term of their **Suspension** has ended.
2. If a **Student** fails to satisfy the conditions of a **Suspension**, or if the **Student** engages in additional Code violations during the term of the **Suspension**, the **Appropriate Division Dean** may convert the **Student**’s**Suspension** to an **Expulsion** without the ability to appeal.
3. **Students** who have been **Expelled** from the College for violating this Code of Conduct are permanently ineligible for readmission at any time.
4. Any request for readmission after **Expulsion** shall be denied automatically with no opportunity for appeal.

# 907.12 Glossary of Definitions

**Academic Integrity:** The adherence to intellectual honesty and authentic, responsible scholarship in one’s Academic Work at the College.

**Academic Work:** All work product submitted to the College by a **Student** for a grade, academic credit, or official evaluation by the College, including, but not limited to, class assignments, examination responses, essays, reports, projects, research results and/or analyses, presentations and/or presentation materials, and artistic works.

**ADA**: American Disabilities Act.

**Aggravating Factor:** Any evidence or information that might warrant addressing an alleged Code of Conduct violation as **Major Misconduct** or justify imposing a harsher Responsive Measure for a particular violation, including, but not limited to, a history of prior violations by the **Student**, the degree of damage or caused by **Student**’s misconduct (including physical and emotional damage to another member of the **Falcon Community**), whether the misconduct was planned or spontaneous (*i.e.*, “a crime of passion”), whether the misconduct demonstrates callous disregard or disrespect for others or the College, and whether the **Student** demonstrates a lack of remorse or refuses to accept personal responsibility for the misconduct.

**Appeal Meeting:** A meeting that is held, based on the discretion of the Appropriate Division Dean. This meeting is convened if the decision of an Appeal cannot be made on written submissions alone. Attendance at meetings shall be limited to only necessary persons, including the Appropriate Division Dean, Appellant, Appellees, and one Support Person for each Appellant and Appellee. Additionally, one (1) consultant to assist the Appropriate Division Dean with procedural and technical questions about the Code of Conduct and College policy (e.g., a representative from the College’s General Counsel’s Office, Disability Resources Coordinator, or Human Resources office) may attend.

**Appellant:** A **Complainant** or **Respondent** appealing a decision of and/or **Responsive Action** issued by a **Code Decision-Maker** in accordance with the Code of Conduct’s appeal procedures.

**Appellee:** A **Code Decision-Maker**, **Respondent**, and/or **Complainant** responding to an Appellant’s appeal of a decision made and/or **Responsive Action** issued by a **Code Decision-Maker**.

**Appropriate Division Dean(s)** or **Dean(s)**:The **Dean** supervising various areas. Currently, there are five **Dean**s and one associate **Dean** at CEI. The **Dean of Student Affairs** supervises all **Student** Affairs areas and the Associate **Dean** of Enrollment Management. The **Dean** of General Education supervises the General Education Departments. The **Dean** of CTE supervises the Mechanical Trades, Business & Technology, and Cybersecurity and Information Technology. The **Dean** of Health and Human Services supervises the Healthcare and Human Services departments. The **Dean** of Online Learning supervises the online learning departments. All **Dean**s are supervised by the **Vice President of Academic & Student Affairs**.

**Bribe:** Either 1) Anything of value offered, promised, or given to a College **Employee** with the intention of influencing that **Employee**’s official decisions or actions, including, but not limited to, money, tangible goods, services, or information, or 2) the act of offering, promising, or giving a College **Employee** anything of value with the intention of influencing that **Employee**’s official decisions or actions.

**Bullying:** A sustained course of conduct involving physical assault, threats of physical assault, harassment, ridicule, or deliberate and gratuitous intimidation of a kind and/or duration which no Reasonable Person could be expected to endure under the circumstances, the purpose or effect of which is to exert dominance over and/or humiliate another member of the **Falcon Community**.

**Business Day:** The time ranging between 8:00 a.m. and 5:00 p.m. on a day when the College conducts **Ordinary College Operations**, excluding Saturdays and Sundays, any officially recognized College holidays, and any other day the College is officially closed for any reason.

**Campus Security:** The College of Eastern Idaho’s Security Services Department.

**CEI’s Mission:** To provide open access to affordable, quality education that meets the needs of **Student**s, regional employers and community. <https://www.cei.edu/about-us/cei-core-themes>

**Chain of Command:** The proper order of authority within the College or Department structure. For example, a **Student** would speak to their **Instructor** before going to a **Department Chair** / **Dean**.

**Clear and Convincing Evidence:** A decision-maker must have a firm belief that, based on the evidence available, it is highly probable a **Student** engaged in the conduct alleged in the **Complaint** in violation of the Code of Conduct. **Clear and Convincing Evidence** is a higher evidentiary standard than a **Preponderance of the Evidence**.

**Clearly Erroneous:** Being or containing a finding of fact that is not supported by substantial or competent evidence or by reasonable inferences.

**Center for New Directions (CND):** Specializes in career development services for single parents, displaced homemakers, those considering nontraditional training or employment and other special populations. Services to provide support and career opportunities for CEI **Student**s are available. Career Services at **CND** also serves all **Student**s for Career Center questions.

**Code Decision-Maker:** A College **Employee** who is authorized to make decisions and/or recommendations on code violations as outlined in this **Student** Code of Conduct Policy. Examples of **Code Decision-Maker**s include, but are not limited to, an **Instructor**, **Committee Chair**, Appropriate Division **Dean**, **Dean of Student Affairs**, **Vice President of Academic & Student Affairs** and/or **General Counsel**.

**Code Resolution Meeting**: The meeting between the **Respondent** and the **Code Decision-Maker** to discuss the **Complaint** and the **Respondent**’s alleged Code of Conduct violation, as well as any evidence in support of the alleged violation, at which the **Respondent** has an opportunity to respond to the allegations in the **Complaint** and the evidence in support of those allegations and to present additional evidence.

**College Assets:** Any possessions including, without limitation; vehicles, equipment, materials, furnishings, goods or merchandise, records, or data; or financial resources owned or controlled by the College.

**College Authorized Activity:** An activity by any individual, group, or organization that has been permitted to take place on **College Property** by the Vice President of Finance, the Director of Facilities, a Campus **President**, or one of their respective designees, but is not organized, initiated, aided, or supervised by the College’s administration or official organizations.

**College Campus**: Each **College Campus**, education center, and adult learning center and any other facility where **Student**s normally receive instruction from the College or where **Ordinary College Operations** are normally conducted.

**College Property**: Any **College Campus**, building, or grounds owned, leased, operated, or controlled by the College, as well as any structures, improvements, or equipment thereon.

**College Sponsored Activity**: Any event, activity, or endeavor officially approved by the College, on- or off-campus **College Property**, that is organized, initiated, aided, or supervised by the College’s administration or official organizations.

**College IT Systems**: All College-owned or -controlled telephones, computers, software, network devices, servers, printers, and other College-owned or -controlled technology equipment, including both hardware and software, as well as the College’s website “cei.edu” any email with a “cei.edu” domain name, and/or any information stored or transmitted on College servers.

**Complainant**: An individual who brings a **Complaint** alleging to have been subjected to or injured by a **Student**’s violation of this Code of Conduct or who is responsible for a **College Sponsored Activity** during which a **Student** committed an alleged violation of this Code of Conduct.

**Complaint**: A formal, written allegation that a **Student** has violated the Code of Conduct.

**Conduct Agreement**: A written contract between the College and a **Student** who has admitted to or accepted responsibility for engaging in misconduct prohibited by this Code in which the **Student** agrees to do or refrain from doing certain things for a specified period of time in consideration for the College not pursuing or imposing **Disciplinary** **Responsive Action** against the **Student**.

**Confront**: To oppose directly and contemporaneously, generally in person and face to face, but, at a minimum, in a manner in which one can hear and view the testimony of others against oneself as it is being given.

**Conspiracy**: An agreement between a **Student** and one or more other persons to engage in conduct prohibited by the Code of Conduct in which at least one action in furtherance of their agreement is undertaken.

**Counseling Center:** CEI Counseling Services offers free and confidential counseling services to degree-seeking, enrolled CEI **Student**s. Our staff of licensed professionals and interns provides short-term, goal-oriented counseling interventions. We anticipate that the majority of our clients will meet their goals within the academic semester. Our staff can assist those who struggle with mental health and behavioral issues as well as unmet emotional needs.

**Dean(s):** See Appropriate Division **Dean**(s).

**Dean of Student Affairs**: The College’s **Dean of Student Affairs**, individually and as an administrative office of the College, or the **Dean**’s designee. In the event of a College administrative reorganization prior to a revision of this Code, “**Dean of Student Affairs**” shall include a College administrator with duties and responsibilities equivalent to those of the **Dean of Student Affairs** as of the effective date this Code, or the **Dean**’s designee.

**Department Chair**: A full-time faculty member or other College **Employee** who serves as the academic leader of a specific academic department and the immediate supervisor of **Instructor**s within that department under the authority of an academic **Dean** or a director of adult basic education.

**Designee**: For specific programs (e.g., Nursing, Energy Systems Technology, etc.) a person entitled “designee” will be assigned to the **Department Chair**, Division manager, or Director that oversees that specific program.  They are then appointed to be the code decision maker for that program.  This process of appointing a code decision maker is tailored to a particular program’s distinct needs (“**Program Code**s”) and listed in their specific program’s **Student** handbook and/or policy and procedure manual.

**Discipline**, **Disciplinary**, or **Disciplinary Sanction**: A punitive consequence to a **Student** as a result of the **Student**’s **Major Misconduct** that could result in the **Student**’s **Suspension** or **Expulsion** from the College.

**Disability Resource Center (DRC)**: The College’s Office for Access and Disability Resources.

**Educational Measure**: A non-punitive consequence of a **Student**’s Code of Conduct violation, focused on corrective and restorative measures intended to help **Student**s make amends to those affected, learn from the experience, and better understand the College’s expectations for them as members of the **Falcon Community**. An **Educational Measure** is not a **Disciplinary Sanction** and will not result in the **Student**’s Suspension or **Expulsion** from the College.

**Employee**: Any person employed by the College on a full-time, part-time, temporary, or regular basis or directly engaged in the performance of work under the provision of a contract with the College. This definition does not include unpaid Volunteers.

**Expelled** or **Expulsion**: The complete and permanent separation of a **Student** from the College. An **Expelled Student** is barred from all **College Property** and College Sponsored Activities, will be withdrawn from all classes, and will not receive credit for those classes or a refund of any tuition. A **Student** who has been **Expelled** is ineligible to petition the College to be allowed to re-enroll at a later date.

**Falcon Community**: Any credit or non-credit **Student**, **Employee** or trustee affiliated with CEI.

**Frivolous**: Lacking any discernible basis in fact or policy.

**Gambling**: To bet or wager money or anything of monetary value on an event with an uncertain outcome, including, but not limited to, games of chance or skill.

**General Counsel:** The chief legal officer of the College with a dual reporting relationship to the governing board and the **President** of the college. **General Counsel** provides proactive professional advice on critical strategic, legal and public policy issues.

**Gross Insubordination**: Seriously disrespectful behavior directed toward a College **Employee**, including, but not limited to, deliberately and blatantly ignoring or disobeying an explicit directive and/or using or directing vulgar, profane, abusive, or objectively insulting language in any medium toward or about the **Employee**.

**Hazing**: The imposition of dangerous, unnecessarily strenuous, or humiliating tasks or conditions as a part of acceptance or initiation into, or membership in, a group or program, whether undertaken voluntarily or involuntarily, that no Reasonable Person could be expected to endure under the circumstances.

**Innocent** or **Innocence**: The established facts clearly and convincingly prove with certainty that a **Student** did not violate the Code of Conduct.

**Instructor**: An adjunct or full-time faculty member at the College or an **Employee** providing educational services in continuing education, workforce development, adult basic education, and developmental education classes.

**Interim Measure**: A temporary condition imposed to halt ongoing misconduct, support and protect individuals involved in a **Complaint** and the **Falcon Community**, and to protect the integrity of the investigation into a **Complaint**. **Interim Measure**s may be requested by both **Complainant**s and **Respondent**s, and the College may impose **Interim Measure**s at its own discretion.

**Interim Suspension**: An immediate **Suspension** that remains in effect until a **Student**’s Code of Conduct proceeding is concluded, the **Student**’s request of review of the **Interim Suspension** is granted, or the **Vice President of Academic & Student Affairs**, or the **Dean of Student Affairs**, or the College’s Security determines the **Interim Suspension** is no longer necessary.

**Investigator**: A College **Employee** or a third-party retained by the College to investigate and gather evidence related to an alleged Code of Conduct violation.

**Knowingly**: Done in a way that a Reasonable Person would believe shows forethought, deliberate action, or an intention for an outcome to occur.

**Legal Professional**: A non-Attorney who 1) holds a *Juris Doctor* (“JD”) or equivalent degree; 2) is licensed to practice law in a non-U.S. jurisdiction; or 3) is currently or formerly employed (including by retirement) as, or who has received education or training to become, a paralegal, judge, administrative law judge, magistrate, justice of the peace, or hearing officer.

**Lesser Misconduct**: Any Code of Conduct violation that does not rise to the level of a Major Violation and warrants a **Student** receiving an **Educational Measure**, rather than a **Disciplinary Sanction**.

**Litter**: To leave trash and other discarded material; including, but not limited to, paper products, plastic or foam cups and containers, cans, bottles, and food scraps; on **College Property** or at a **College Sponsored Activity** without placing the material in a proper receptacle, such as a trash can or recycling bin.

**Major Misconduct:** A serious Code of Conduct violation that could result directly in a **Student** receiving a **Disciplinary Sanction**, up to and including **Suspension** or permanent **Expulsion** from the College, or the withholding of a **Student**’s degree or certificate.

**Malicious**: Intended merely to harass, intimidate, embarrass, or retaliate against a member of the **Falcon Community**, to interfere with or disrupt **Ordinary College Operations**, or to delay a Code of Conduct proceeding.

**Material Error in Process:** A significant mistake or omission in administration of the Code of Conduct that a Reasonable Person could find affected or likely could have affected the final outcome of a **Complaint** proceeding or otherwise made the proceeding fundamentally unfair.

**Maxient**: A web-based system in which anyone in the **Falcon Community** and community members can make an anonymous, or non-anonymous, report about any concern. These can include, but are not limited to, concerns about **Student** conduct, **Student** health and/or welfare, threats (violent and otherwise), weapons concerns, assault, sexual assault, harassment, **Sexual Harassment**, concerns over **Student** food or housing insecurity, or suicidal concerns. Any threat to the campus community can be reported through **Maxient**.

**Mitigating Factor**: Any information or evidence presented to a **Code Decision-Maker** that might warrant addressing an alleged violation as **Lesser Misconduct** or justify a lesser **Responsive Action**, including, but not limited to, whether the **Student** admits to or accepts personal responsibility for the violation, lack of prior violations, personal circumstances that might explain but not excuse the violation (*e.g.*, severe stress or provocation), and whether the **Student** demonstrates genuine regret or remorse.

**Negligently**: Done in a way that demonstrates a failure to act with the level of care that a Reasonable Person would exercise under the same circumstances.

**Obscenity**: Material in any medium; including, but not limited to, written or spoken words, images, and videos; that a Reasonable Person applying contemporary community standards would find appeals or is intended to appeal primarily to prurient interests; depicts or describes sexual conduct in a blatantly graphic or patently offensive way; depicts or describes brutal acts of physical harm or cruelty to or the infliction of brutal physical harm or cruelty upon humans, animals, or human- or animal-like creatures, and, taken as a whole, lacks discernible literary, artistic, political, academic, or scientific value.

**Ordinary College Operations**: All day-to-day business and other functions of the College, including, but not limited to, academic instruction, administrative services, performance of employment responsibilities, facilities maintenance and grounds-keeping, creative activity, community events, campus safety and security, and the maintenance of a College-wide environment that is open, accessible, and welcoming to the **Falcon Community**.

**Phishing**: The fraudulent use of deceptive email or text messages, often appearing to come from known persons or trusted institutions, to illegally obtain or attempt to obtain sensitive personal information, including, but not limited to, usernames, passwords, banking information, and credit card details.

**Pornography**: **Obscenity** in any medium that a Reasonable Person applying contemporary community standards would find portrays human nudity or sexual activity solely for the purpose of sexual arousal.

**Preponderance of the Evidence:** The decision-maker must determine that, based on the available credible information, it is more likely than not (*i.e.*, there is a greater than 50% chance) a **Student** engaged in the conduct alleged in a **Complaint** in violation of the Code of Conduct.

**President:** The **President** of the **College Campus** where an alleged Code of Conduct violation occurred, or, if the alleged violation occurred off campus, the **President** with administrative authority over the **College Sponsored Activity** during which the violation allegedly occurred.

**Probation**: A **Student** has been formally warned that any violations of the Code of Conduct during a specified period of time will likely result in a **Disciplinary Sanction**. A Probationary period may be for one or more semesters or may last indefinitely. **Probation** itself is not a **Disciplinary Sanction**.

**Program Code(s)**: Specific codes of conduct allowed by CEI to address specific program needs which supersede, or go beyond, the limits of this code.

**Recklessly**: Done in a way that a Reasonable Person would find unjustifiably impulsive, exceedingly careless, or totally unreasonable under the circumstances.

**Respondent**: The **Student** who is alleged in a **Complaint** to have violated the Code of Conduct.

**Responsive Action**: Any **Educational Measure** or **Disciplinary Sanction** imposed on a **Student** by the College as a result of the **Student** accepting responsibility or being found responsible for a Code of Conduct violation.

**Restorative Justice**: Any method of addressing and correcting Code of Conduct violations that provides an alternative to traditional punishments by focusing on accepting personal responsibility, making amends to individuals or institutions who have been harmed, and developing a stronger sense of one’s identity and role as a member of the **Falcon Community**.

**Retaliation**: Adverse action taken against any participant in the Academic Integrity Code process because of that person’s participation in the process.

**Selective Extracurricular Activity:** A **College Sponsored Activity** for which **Student**s do not receive grades or academic credit that limits participation to **Student**s who are invited individually to participate or who are permitted or chosen to participate through competitive or restrictive processes, such as class-standing or minimum-GPA requirements, try-outs, auditions, or elections.

**Service Animal**: A dog or, in certain instances, a miniature horse that has been individually trained to do work or perform tasks for a person with a disability that is directly related to the person’s disability.

**Sexual Harassment**: Unwelcome sexual advances or requests to engage in sexual activity of any kind; conditioning an academic outcome or a College benefit (*e.g.*, grades, financial assistance, employment, decisions in College proceedings) on acquiescence to or tolerance of sexual activity; unreasonably persistent requests of a sexual nature to socialize when the recipient of the requests has said no or indicated or otherwise declined the requests; or comments (including jokes and innuendo), conduct (including gestures), or physical contact (including unwanted touching) of a sexual nature.

**Spam**: Unsolicited bulk email sent indiscriminately.

**Stalking**: Repeatedly following, making contact with, or observing another member of the **Falcon Community** without legal justification in a manner and/or under circumstances that would cause a Reasonable Person to feel threatened, unsafe, or intimidated or to fear for the safety of one’s immediate family members or close personal associates.

**Student(s)**: Any person who applies for admission to or is currently registered for or enrolled in any course(s) at the College on either a full-time, part-time, or clock-hour basis, as well as any person currently registered for or participating in continuing education, workforce development, adult basic education, or developmental education classes through the College.

**Student Warning(s):** A notice to the **Student** verbally or in writing, from a College official, stating that a policy has been violated and that continued violation may result in more severe sanctions.

**Substantial Disruption:** One or more unauthorized acts or conditions that materially and significantly interfere with, interrupt, or impede the instructional or educational activities of the College, other College Sponsored Activities, College Authorized Activities, or **Ordinary College Operations**.

**Support Person:** A person assisting or supporting a **Student** during a **Code Resolution Meeting** or appeal meeting, including, but not limited to, an **Employee**; a parent, sibling, or other relative; or a religious or spiritual leader. A **Support Person** may not speak or assist during Code-related proceedings but may be present as a silent advocate. A **Support Person** may speak with the party they are supporting during the **Code Resolution Meeting**, providing the consultation is not disruptive to the meeting. The **Code Decision Maker** may ask the **Support Person** and **Respondent** or **Complainant** to cease disruptive speech or behavior, and may take any measures deemed necessary to address that disruptive speech or behavior.

**Suspended** or **Suspension**: The temporary complete separation of a **Student** from the College for any length of time. A **Suspended** **Student** will be withdrawn from all classes and will not receive credit or a tuition refund for those classes. Once suspended, a **Student** may not enroll in any classes at the College, is barred from all **College Property**, and may not attend any **College Sponsored Activity** (unless specific arrangements have been made through the Office of the **Dean of Student Affairs**). **Student**s who complete all required conditions of their **Suspension**s may return to the College at the end of their **Suspension** period, although they may be required to comply with certain ongoing conditions after they return.

**True Threat**: A communication in any medium, directed to a specific person or group of persons, that the speaker intends to place the person or group in fear of physical violence, bodily harm, or death, regardless of whether the speaker truly intends to carry out the threat.

**Vice President of Academic & Student Affairs**: The College’s **Vice President of Academic & Student Affairs**, individually and as an administrative office of the College, or the Vice President’s designee. In the event of a College administrative reorganization prior to a revision of this Code, “**Vice President of Academic & Student Affairs**” shall include a College administrator with duties and responsibilities equivalent to those of the **Vice President of Academic & Student Affairs** as of the effective date this Code, or that individual’s designee.