



Operating Policy and Procedure

OP 30.001 Student Code of Conduct

DATE: August 19, 2020

PURPOSE: The purpose of the Student Code of Conduct at Kellogg Community College (KCC) is to foster a positive and safe learning environment for the College community by clearly articulating conduct prohibited by the College and identifying the rights of individuals in the process, consistent with that purpose.

REVIEW: This OP will be reviewed in July of each year by the Dean of Student Services and the Vice President for Student Affairs, with revisions forwarded to the Board of Trustees through the President's Council by the Office of the President.

POLICY/PROCEDURE

1. General Policy

The purpose of the Student Code of Conduct at Kellogg Community College ("KCC") is to foster a positive and safe learning environment for the College community by clearly articulating conduct prohibited by the College and identifying the rights of individuals in the process, consistent with that purpose. The College makes reasonable efforts to foster the personal and social development of those students who are held accountable for violations of the Student Code of Conduct, or any KCC policies and regulations, by providing appropriate due process and educational responses to violations of policies. The College will encourage all parties involved in a violation to engage in a restorative process to repair harm, when appropriate and agreed upon by all parties.

2. Definitions

- a. **Advisor:** A person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to neutrally advise the party on that process, and may engage in a hearing as appropriate to the grievance proceedings.
- b. **Business days:** Monday through Friday, excluding days when the College is not open.
- c. **College officials:** An employee designated to address a conduct-related issue(s).
- d. **College-sponsored events or activities.** Any event, program, or activity that is organized, endorsed, funded, or officially supported by the College.
- e. **Complainant:** Any person who formally alleges a violation of the Student Code of Conduct.
- f. **Criminal activity:** Any alleged violation of local, state or federal laws.

- g. Employee: Anyone employed by KCC as faculty or staff, on a full-time, part-time or volunteer basis.
- h. External events or activities. Any event held on- or off-campus that is not organized, endorsed, funded, or officially supported by the College.
- i. On-campus/college property: All property owned, controlled or leased by KCC. Property belonging to KCC: All land, buildings, facilities or other grounds or structures, including adjacent streets and sidewalks, or any item in possession of or owned, used, loaned, leased, maintained or controlled by KCC or funded by KCC budgets, including computers and network systems, library materials, classrooms and laboratories used for KCC purposes.
- j. Preponderance of the Evidence: The standard of evidence applied in determining a violation of this policy. Generally considered to be “more likely than not” or “the greater weight of the evidence”.
- k. Reporting Party: The person alleging a policy violation and to whom the violation occurred.
- l. Responding Party: Student who is alleged to have violated one or more policies.
- m. Student Group, Club or Registered Student Organization: A group of students who have been recognized by the College as having a specific affiliation (such as athletic teams, registered student organization, or club, etc.).
- n. Student: The term “student” includes persons who have been issued a student number at Kellogg Community College and are:
 - i. Admitted and show intent to enroll, or
 - ii. currently enrolled, or
 - iii. dual enrolled or Early Middle college students, or.
 - iv. withdrawn from a specific course or the College after allegedly violating the Student Code.
- o. Support Person: A support person for the reporting or responding party may be a parent, friend, counselor, or other individual who did not witness the incident in question. Their function is to provide support while not participating directly in the process.
- p. Third-Party Reporter: An individual who reports an alleged violation, but who is not the recipient of such actions.

3. Jurisdiction

This Student Code of Conduct applies to:

- a. The on-campus conduct of all students and registered student organizations.
- b. The off-campus conduct and electronic communication of students and registered student organizations in direct connection with the use of college resources, including the campus computer network; academic course requirements, such as internships, field trips, international study or experiential learning activities; any activity supporting the pursuit of a certificate or degree, such as research at another institution; any activity sponsored, conducted, or authorized by KCC or by registered student organizations, or when otherwise

representing KCC.

- c. Students participating in KCC's Prison Education Program will adhere to the Code of Conduct procedures outlined within the Prison Education Program Handbook.
- d. Off-campus conduct that negatively impacts KCC, such as threats of violence or physical harm, unlawful harassment, or other conduct that may have a negative impact or may place the KCC community (inclusive of students or employees) at risk.
- e. Any activity that causes substantial risk of destruction of property belonging to KCC or causes serious risk of harm or endangers the health or safety of members of the KCC community, including students, employees, and members of the public when participating in KCC events or activities.
- f. Any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for criminal activity that may have an impact on the KCC community.

4. Prohibited Conduct

A student or Registered Student Organization, who commits any of the following acts of misconduct, shall be subject to disciplinary action. KCC disciplinary proceedings may be instituted against a student charged with violation of a law, which is also a violation of the Student Code of Conduct. For example, if both violations result from the same factual situation, proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

Prohibited conduct includes, but is not limited to, the following:

- a. **Acts of Dishonesty** – (1) Misrepresentation of facts or intentionally furnishing false information to any KCC employee in any oral or written transaction with the College; making a false statement that materially interferes with college processes or procedures. (2) Forgery, alteration, or misuse of any KCC document, record, or instrument of identification. (3) Withholding material information from college processes and/or officials.
- b. **Academic Integrity** – Breaches of academic integrity, including cheating, denying others access to information or material, fabrication, facilitating academic dishonesty, and/or plagiarism. See OP 26.004 Academic Integrity.
- c. **Alcohol and Other Drugs** – The unauthorized use, possession, sale, manufacture, or distribution of illegal drugs, controlled substances, look-alike drugs, narcotics, drug paraphernalia, or being under the influence of the same while on College premises, at College-sponsored activities, engaged in coursework, or conducting any college-related business is strictly prohibited. In recognition of responsible behavior and legal compliance, the possession and consumption of alcoholic beverages by students of legal drinking age (as defined by local laws) may be permitted at external events/activities (events held on campus not sponsored or hosted by KCC) on campus, subject to compliance with all applicable laws and regulations, as well as the policies and procedures established by KCC. Violation(s) of the Alcohol and Drug policy may result in disciplinary action.
- d. **Animals** – KCC adheres to both federal (Americans with Disabilities Act) and Michigan state law in regard to service animals and service animals in training. Animals are prohibited in KCC facilities, with the exception of specially trained working service dogs or miniature horses for persons with a disability. Specially trained working service dogs or miniature horses must be

under the control of the handler at all times while also meeting behavioral expectations of a trained service animal. If it is not apparent that the animal is trained to help, College staff may ask whether the animal is required because of a disability and what work or task the animal has been trained to perform. With authorization, trained animals may be allowed on campus for events related to the Office of Student Life.

- e. **Bullying** – Bullying is systematic, intentional behavior that may take many forms, including but not limited to, repeated unwanted physical, verbal, or written acts which are hostile or offensive, targeted at an individual or group, and create an intimidating and/or threatening environment which produces a risk of psychological and/or physical harm. Bullying may manifest as cyber stalking or cyber bullying, as well as excluding behaviors such as ignoring or dismissing individuals or groups. Hostile behaviors include, but are not limited to, inappropriate behaviors that are harmful or damaging to an individual and/or property. Behaviors that are intimidating, threatening, disruptive, humiliating, sarcastic, or vicious may also constitute hostile behavior. Offensive behaviors may include, but are not limited to, inappropriate behaviors such as abusive language, derogatory remarks, insults, or epithets. Other offensive behaviors may include the use of condescending, humiliating, or vulgar language, swearing, shouting, or the use of unsuitable language, the use of obscene gestures, or mocking.
- f. **Copyright Infringement** - Students must respect copyright laws that protect software owners, artists, and writers. Plagiarism in any form will not be tolerated. The use of College resources to infringe upon copyright laws (print, digital, and internet) is prohibited. This applies to all forms of electronic media, but not limited to, software, electronic encyclopedias, image files, video files, and sound files.
- g. **Children and Dependent Adults on Campus** - Any person who brings with them a minor child or dependent adult to any KCC facility or property is responsible for the actions of the minor child or dependent adult. Minor children and dependent adults are not to be left unattended (including in automobiles). These children and dependent adults may not be taken to classrooms, laboratories, testing, or clinical sessions. If children and dependent adults are left unattended or create a disturbance to the orderly functioning of KCC, the person responsible will be required to remove them from campus.
- h. **Computer Misuse** - Violations of the Acceptable Use of Technology policy, including system usage, system performance, unauthorized access, and copyright law.
- i. **Discrimination** – Engaging in discrimination against other persons on the basis of national or ethnic origin, ethnicity, race, ancestry, color, sex (sex or gender, affiliation, expression or orientation), marital/family status, age, physical or mental ability or attributes, genetic information, political affiliation, veteran status, religion, or any other characteristic protected by law. This prohibition extends to any activity motivated by discriminatory intent. Discrimination occurs when the conduct is directed toward an individual or group of individuals based on their protected status and is severe, persistent, and objectively offensive, sufficient to limit or deny that individual or group of individuals their rights to their education, participation in activities, or receipt of benefits to which they are entitled.)

KCC prohibits Sex Discrimination in all programs and activities that the College operates, as required by Title IX. See OP 30.004 Title IX Non-Discrimination Policy and Grievance Procedures for Complaints of Sex Discrimination (Not Sex-Based Harassment) by Students.

- j. **Disruptive Behavior/Activity** - A student's behavior at the College must comport with educational processes and should not disrupt teaching, learning, or the orderly conduct of business. This includes classroom/learning spaces, common areas at the institution, workspaces, office environments, etc. Disruption may include: disorderly conduct, lewd or indecent

behavior, breach of peace, or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by or participated in by the College. Disruptive Behavior also includes any action or odor (bodily or otherwise) that causes persistent and unreasonable discomfort to others that is not mitigated after reasonable attempts at communication.

Students who engage in misconduct that is disruptive to the educational environment will be subject to disciplinary action by their instructor and/or Vice President for Instruction, and/or as outlined in this policy. No student shall conduct themselves in such a way as to deprive others of an orderly atmosphere for study and learning. Each student is expected to comply with reasonable classroom regulations established in writing by an individual teacher and made available to students at the beginning of the term. See OP 26.006 Administrative Withdrawal.

- k. **Endangerment** - The creation of a hazard endangering the physical safety of self or others by engaging in a dangerous activity or using hazardous materials or chemicals; interference with the freedom of another person to move about in a lawful manner on KCC premises or at KCC-sponsored events.
- l. **Failure to Comply with Official Requests** - Students and registered student organizations are required to adhere to and cooperate with the reasonable and lawful directives given by college officials while they are carrying out their responsibilities. Failure to comply adequately with a verbal warning or a sanction may be construed as a failure to adhere to an official request. This includes the failure to furnish identification when requested by a College official while they are performing their duties
- m. **False Alarm and Reports** - Intentionally initiating or causing to be initiated any false alarm, report, or warning of any kind on KCC premises or at KCC-sponsored activities.
- n. **Fire Alarms and Emergency Procedures** - Students are required to evacuate any building when a fire alarm is sounded and to follow emergency procedures as instructed by college officials.
- o. **Fire Hazard** - No person shall start a fire or create a fire hazard on college property without authorization. This regulation also prohibits the possession and/or use of candles, torches, incense, and/or incense burners, other open flame apparatus, as well as extension cords and other devices or materials that may create a fire hazard if used without authorization or in unauthorized areas.
- p. **Fraud** - Perceived, attempted, or actual financial aid fraud or corresponding behaviors that would allow a student to receive a monetary benefit for which they are not eligible.
- q. **Gambling** - Encouraging, promoting, or participating in unauthorized gambling on KCC premises or at KCC-sponsored events is prohibited.
- r. **Harassment** – Harassment encompasses severe and/or pervasive malicious mistreatment, verbal abuse, or behavior that is threatening, intimidating, humiliating, and/or isolating, as well as actions that undermine an individual's reputation through verbal or non-verbal means. This includes any form of harassment that occurs through various platforms, such as in-person interactions, online communication, social media, email, or any other digital or physical medium. Participating in any behavior that constitutes harassment, including verbal or physical conduct demonstrating hostility, intimidation, threat, or aversion toward another individual, is strictly prohibited.

KCC prohibits sex discrimination in all programs and activities that the College operates. Sex-based harassment is a form of sex discrimination, which means harassment on the basis of sex

– including harassment on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity in one of the following categories: quid pro quo harassment, hostile environment harassment, or specific offense including sexual assault, dating or domestic violence, or stalking. See OP 30.003 Title IX Non-Discrimination Policy and Grievance Procedures for Complaints of Sex-Based Harassment Involving Students.

- s. **Hazing** - any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons, regardless of the willingness of such other person or persons to participate, that:
 - t.
 - i. Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in a student organization; and
 - ii. Causes or creates a risk, above the reasonable risk encountered in the courses of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury, including, but not limited to;
 - iii. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
 - iv. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - v. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 - vi. causing, coercing, or otherwise inducing another person to perform sexual acts;
 - vii. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
 - viii. any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
 - ix. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.”
- u. **Misuse of Student ID** - Lending a KCC Student ID to anyone for any reason not authorized by the College. Possessing or using a fraudulent student ID card may subject the owner and/or the holder to disciplinary action.
- v. **Obstruction** - (1) Failure to comply with the College grievance proceedings; (2) Falsification, distortion, or misrepresentation of information; (3) Disruption or interference with the orderly process of a discipline hearing; (4) Attempting to influence, intimidate, or discourage an individual's participation throughout the conduct process directly or indirectly; and/or (5) Attempting to influence the impartiality of a conduct officer or Appeal Board committee member.
- w. **Retaliation** – Students, groups of students, or registered student organizations are prohibited from retaliating or taking adverse actions against any student who files a complaint or grievance, or who participates in an administrative investigation or hearing. Retaliation includes but is not limited to acts of intimidation, threats, coercion, or any other adverse treatment aimed at individuals involved in such proceedings. Any form of

retaliation against those who exercise their rights to report or participate in the resolution process is strictly prohibited and will be subject to disciplinary action.

- x. **Sexual Misconduct** – Sexual misconduct refers to any behavior of a sexual nature that is non-consensual, inappropriate, or violates the boundaries of mutual respect and dignity. This encompasses a broad range of actions, including but not limited to:
 - i. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that creates a hostile, intimidating, or offensive environment. This includes quid pro quo harassment, where submission to such conduct is explicitly or implicitly made a condition of an individual's employment, academic status, or participation in a program or activity (e.g., offering academic or professional benefits in exchange for sexual favors). **Sexual Assault:** Any non-consensual sexual act, including unwanted touching, fondling, penetration, or use of force or coercion.
 - ii. **Sexual Exploitation:** Taking non-consensual or abusive advantage of another for one's own benefit or advantage, including but not limited to recording or distributing images or audio of sexual activity without consent.
 - iii. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to feel fear for their safety or suffer substantial emotional distress.
 - iv. **Relationship Violence:** Physical, sexual, or psychological harm by a current or former partner or spouse, also known as dating or domestic violence.
 - v. **Indecent Exposure:** Deliberate exposure of one's private parts in a public place or to another person without consent.

Sexual misconduct violates an individual's rights, dignity, and personal integrity and is not tolerated within the student community. Consent must be clear, voluntary, and ongoing for any sexual activity. Any breach of this policy will be subject to disciplinary action in accordance with the College's procedures.

- y. **Smoking and Tobacco** – All KCC facilities are tobacco-free pursuant to Part 126 of the Public Health Code, PA 368 of 1978. Smoking is prohibited in public places, places of employment, and places of recreation at all its campus locations. Smoking, including the use of e-cigarettes, is only permitted in the following locations: designated areas.
- z. **Soliciting** – Active commercial solicitation on college-owned property is prohibited unless the activity is specifically authorized by the College.
- aa. **Theft** – Individuals, including students, groups of students, or registered student organizations, are prohibited from attempting or engaging in the theft of college property, property belonging to a member of the KCC community, or property belonging to an authorized campus visitor. This prohibition applies to all locations encompassed by KCC premises, including but not limited to buildings, facilities, grounds, and any other areas under the jurisdiction of KCC. Any attempt or act of theft will result in disciplinary action in accordance with college policies and may also be subject to legal consequences.
- bb. **Unauthorized Presence/Use of College Facilities** – Unauthorized entry into, presence in, or use of college facilities or equipment which has not been reserved or accessed through appropriate College officials.

- cc. **Vandalism** – Attempted or actual damage to or destruction of KCC property, the property of a member of the KCC community, or the property of an authorized campus visitor. This includes actions that have the potential for such damage or destruction and conduct that threatens to damage or creates hazardous conditions.
- dd. **Violation(s) of College Rules, Procedures, and Policies** – Students are responsible for making themselves aware of and complying with College policies and guidelines.
- ee. **Violence** – Participating in any form of violence, the threat of violence, or causing reasonable concern of such harm.
- ff. **Voyeurism** – Spying on people engaged in intimate behaviors, such as undressing, sexual activity, or other actions usually considered to be of a private nature.
- gg. **Weapons** – The unauthorized possession or use of firearms, or weapons of any other kind, is prohibited on campus. The use or display of any object or instrument in a dangerous or threatening manner directed toward others. See OP 24.002 Weapons on Campus.

5. Resolution and Due Process Proceedings

KCC upholds the principles of due process in all actions related to this policy. The process provides students notice of and an opportunity to respond to allegations of violations of the Student Code of Conduct.

5. A. Complaint and Investigation Procedures

1. All persons should report alleged policy violations and any other concerning behavior and may do so in the following ways:
 - a. Through an online reporting form available at [Report an Incident | Kellogg Community College \(www.kellogg.edu/report\)](http://www.kellogg.edu/report).
 - b. By calling the Dean of Student Services' office at 269-565-7899.
 - c. By email at deanofss@kellogg.edu.
 - d. Emergency situations should be reported directly to KCC Public Safety at 269-965-4147, by calling 9-1-1, or using any of the yellow call boxes located across the College.
2. Once an incident is reported, the Dean of Student Services (or designee) will review the incident report and take the following steps to determine the appropriate response to the report:
 - a. Determine if the facts provided in the incident report fall within the Student Code of Conduct.
 - i. If it does not immediately appear to fall within the jurisdiction of this code, the incident report may be addressed by:
 - (1) Engaging in a preliminary inquiry to gather additional facts;
 - (2) Referral to another College policy/procedure, office, or department for further resolution; and/or,

- (3) Providing an informal administrative resolution.
- b. If the facts provided in the incident report fall within the Student Code of Conduct, the following steps will be taken:
 - (1) Notify the responding party of the allegation(s); and,
 - (2) Provide the responding party with an opportunity to respond to the allegation(s).
- c. At any point, the Dean of Student Services (or designee) may determine to open a formal investigation. In such cases, the Dean of Student Services (or designee) may serve as the investigator or may assign the case to an investigator(s).

3. Investigation Procedure

- a. Investigator(s) will commence a thorough, reliable, and impartial investigation, which may include document gathering, interviews, and other relevant evidence.
- b. Interviews will be conducted as needed, with the reporting party(s), responding party(s), and/or other identified witnesses or parties with first-hand knowledge of the alleged event(s). Information gathered during interviews will be compiled along with other relevant evidence that may exist.
- c. Investigator(s) may provide a summary report of the investigation to the Dean of Student Services (or designee) along with a verbal recommendation and rationale for a finding.
- d. The Dean of Student Services (or designee) reserves the right to conduct further or additional interviews.

5. B. *Determining Responsibility*

- 1. Applying a preponderance of the evidence measure, the Dean of Student Services (or designee) shall assess all the information and determine whether it is more likely than not that a violation of the Student Code of Conduct did occur.
- 2. The responding party(s) will receive notice of the findings by the Dean of Student Services (or designee). This notice will include the determination of whether a violation occurred and any sanction(s) applied for the violation(s), along with information regarding the appeal process.
 - a. When appropriate, the reporting party(s) may receive a findings notice as well when the findings and/or sanction(s) are appropriate to share.
 - b. Third-party reporters, whether an employee or student, do not have the same rights as the primary parties and may not receive notice regarding the outcome of their report or any subsequent investigation or finding.

5. C. *Sanctions*

The following corrective actions, singly or in combination, may be imposed for violation of the Student Code of Conduct. Violation of an imposed sanction is grounds for additional sanctions, including expulsion from the College, depending on the severity of the violation.

1. **Administrative Course Withdrawal** – Administrative withdrawal from any course as a result of a violation of the Student Code of Conduct. The student remains responsible for the course(s) monetarily, and the action will result in a grade of “W” (Withdrawal) or “F” (Failure) on the student’s academic record.
2. **Expulsion** – Permanent separation from the College, including employment, using College services, participating in College-sponsored activities, appearing on campus or at College-owned facilities, or representing the College in any manner.
3. **Interim Action** – Action taken pending the completion of an investigation. Interim action may include, but is not limited to: temporary no-contact order, alternative course completion options, changing of class and/or work schedules, limited access to campus facilities, providing a campus escort, and/or any other remedy that can be tailored to the student(s) in order to achieve the goals of this policy.
4. **Interim Suspension** – The KCC Chief of Police (or designee) may interim suspend a student pending the completion of an investigation, particularly when the safety of the College and/or members of the campus community may be jeopardized by the on-campus presence of the responding party(s). Interim suspension is immediate and will last until the threat has been fully assessed, as determined by the KCC Chief of Police (or designee). At the discretion of the College, the responding party(s) may be denied access to the College campus/facilities/events, and alternative coursework options may be pursued to ensure as minimal an impact as possible on the student(s).
5. **No Contact Order** – Prohibited contact between students when there exists a reasonable concern that physical or psychological harm may result from such contact.
6. **Other Sanctions** – Other sanctions may include, but are not limited to, recommendations for counseling and/or psychiatric assessments, specific behavior-related courses, educational or rehabilitative programs, community service projects, work assignments, restorative solutions, and/or other discretionary sanctions to help the student learn and improve.
7. **Probation** – Probation is for a designated period of time, and further violation(s) may result in more severe action(s).
8. **Restitution** – Requirement to make payment to KCC or to other persons, groups, or organizations for monetary damages incurred. When appropriate, restitution may take the form of appropriate community service or other compensation.
9. **Restriction or Loss of Privileges** – Denial or restriction of certain privileges for a designated period of time.
10. **Suspension** – Separation from KCC for up to one year, during which time the student shall not participate in any college-sponsored activities and/or may be barred from College premises. At the conclusion of the suspension, the student is eligible to make a written request for readmission to the College to the Dean of Student Services office (deanofss@kellogg.edu). Readmission is not automatic, may be granted with conditions, and will be considered along with incidents that may have occurred during the suspension status.
11. **Warning** – A written warning that the Student Code of Conduct has been violated and further violation(s) may result in more severe action(s).

5. D. *Requesting an Appeal*

The responding and reporting party(s) will have five (5) business days to request an appeal of the decision of the Dean of Student Services and/or resolution. Third-party reporters do not have appeal rights.

The original finding and sanction will stand if the appeal request is not timely or substantively eligible, and that decision is final.

During an appeal, the sanction(s) imposed will remain in effect.

The party requesting an appeal must show clear error as to the original finding and/ or a compelling justification to modify a sanction, as both the finding and sanction(s) are presumed to have been decided reasonably and appropriately.

All appeal requests must be made in writing to the Vice President for Student Affairs (or designee) and based on one of the following elements:

1. A procedural or substantive error occurred that significantly impacted the outcome of the investigation (e.g., substantiated bias, material deviation from established procedures, etc);
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; or
3. The sanctions imposed are substantially disproportionate to the severity of the violation.

The appeal request will be considered to determine if the appeal documentation meets the criteria for appeal consideration. If the appeal is determined to meet the criteria for consideration, the non-appealing party (responding or reporting party) shall be provided a copy of the appeal and have two business days to file a rebuttal of the appeal (the non-appealing party may waive that right). The appeal documentation, along with any rebuttal, is then forwarded for consideration to the Student Code of Conduct Review Panel.

1. The Student Code of Conduct Review Panel (Review Panel) is convened by the Vice President (or designee). All efforts will be made to convene the Review Panel within five (5) business days of receipt of the appeal and accompanying documentation.
2. Review Panel members will include up to three (3) KCC employees and may include up to two (2) currently enrolled students. No person who is personally involved in a particular case will be a member of the Review Panel to consider that case.
3. The Review Panel shall be provided with the relevant and material portions of the investigation file for review including the investigator's report and the documentation for the appeal, as well as a rebuttal statement, if filed.
4. The Review deliberations are closed to the public to maintain confidentiality. The Review Panel may request to speak with the reporting party(s), responding party(s), witnesses, or any other person to clarify information.

The decision of the Review Panel may include:

1. Refer the case back to the Dean of Student Services based on:

- a. New evidence submitted in the appeal which could substantially impact the original finding or sanction.
 - b. Procedural or substantial error requiring further action to correct the error.
2. Uphold the decision that the responding party(s) violated the Student Code of Conduct and uphold the sanction(s) imposed.
 3. Uphold the decision that the responding party(s) violated the Student Code of Conduct, but reduce the sanction(s) imposed because the sanction(s) are too severe.

All decisions of the Review Panel will be accompanied by the rationale for their decision provided in sufficient detail for the party(s) to have a clear understanding of the basis for the decision.

1. The party(s) shall be notified of the Student Code of Conduct Review Panel decision in writing within five (5) business days.
2. The decision of the Student Code of Conduct Review Panel is final and binding upon all involved.

6. Forms

1. Report an Incident form located online at www.kellogg.edu/report.

7. Roles and Responsibilities.

1. All members of the College community are responsible for reporting alleged violations of this, or any other, College policy.
2. The Dean of Student Services, in consultation with other personnel as appropriate, is responsible for implementing and enforcing this policy.
3. The Threat Assessment and Behavioral Intervention Team, chaired by the Vice President of Student Affairs, is responsible for ensuring the team is kept abreast of this policy and its proceedings.

8. Persons/Departments Affected:

1. All employees and students.

9. Related Policies

1. All College policies are published <https://kellogg.edu/about/policies/>

10. Authoritative References

1. Local and State law
2. Federal law
3. United States Department of Education

11. Right to Change Policy

The College reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time, without prior notice.

12. Approval Date: August 19, 2020

13. Past Revisions:

- a. March 17, 2021
- b. The Student Code of Conduct has existed in KCC academic catalogs and student handbooks for decades. Annual revisions are made to the Student Code of Conduct to ensure compliance with recent changes enacted in State and Federal laws as well as decisions in pertinent court cases.
- c. August 20, 2025