

COGSWELL



**UNIVERSITY OF
SILICON VALLEY**

Student Handbook

CONTENTS

CONTENTS	2
DEAN'S WELCOME	1
DISCLAIMER	1
GENERAL INFORMATION	1
Expectations of Students	1
Hours	2
ID/Key Cards	2
CAMPUS RESOURCES	2
Library	2
AV Check-Out Lab.....	2
Student Computer Lab.....	2
Lockers	2
Smoking	2
Associated Student Body (ASB)	3
ASB Executive Board	3
Student Clubs.....	3
Student Activities	3
Academic Advising	3
Tutoring and Academic Support	3
Counseling	4
Student Housing	4
Health and Wellness	4
Career Services	5
Disability Services	5
Housing Accommodations Registration	6
INSTITUTIONAL POLICY STATEMENTS	6
Student Records and Information	6
Security and Anti-violence.....	7
Campus Protests and Free Speech	8
Controlled Drug and Alcohol	8
Policies Concerning Discrimination and Harassment.....	9
Nondiscrimination	9
Title IX Discrimination.....	9
Harassment	10
Sexual Misconduct.....	11
Consent	11

Stalking.....	11
Relationship Violence	11
Reporting a Concern	11
Investigation	12
Appeal	12
Burden of Proof.....	13
Non-Retaliation	13
Services.....	13
Training and Prevention.....	13
STUDENT CONDUCT AND JUDICIAL PROCEEDINGS	13
Code of Conduct.....	13
Residential Life and Housing Policies	15
Academic and Classroom Expectations	17
Student Conduct and Judicial Committee.....	18
Judicial Procedures	20
Request for Appeal Process	23
Rights of Witnesses	23
Disciplinary Actions	23
Academic Sanctions.....	25
Disciplinary Disqualification of College Financial Aid	25
Student Grievance Policy	25
Steps Toward Redress	25
Decision of the Campus Judicial Committee	26
CLASSROOM BEHAVIOR	26
Faculty Rights and Responsibilities.....	27

DEAN'S WELCOME

Cogswell Polytechnical College is committed to maintaining a campus environment that is conducive to academic and personal development. In keeping with this commitment, Cogswell College has established policies and standards in line with its goals as an institution of higher learning. The College will enforce these policies and standards in order to protect its environment as well as the rights and property of its community members.

The Cogswell community includes students, faculty, staff, parents, alumni, neighbors, guests, and friends of the College. As a community, we respect differences, encourage open dialogue, and commit to caring for all members of the community. To achieve our common educational goals, we have compiled this Student Handbook which seeks to express and reflect the values of the community in a usable guide.

This Student Handbook has been designed to frame your role within the Cogswell College community. Every attempt has been made to provide a clear explanation of the policies, procedures, and standards that reflect the type of community that you are joining. Familiarizing yourself with the contents of this handbook is an investment of time that you will not regret.

DISCLAIMER

This Student Handbook provides policies that are supplemental to the policies addressed in the College Catalog. Please refer to the College Catalog for any policies not contained in this handbook. The Student Handbook is subject to change at the discretion of the President at any time. Please also note that only the President may provide authorized final interpretation of the contents of the Handbook and definite determination of its appropriate application to the particular circumstances of any individual matter.

GENERAL INFORMATION

College Mission Statement

Cogswell College's mission is to be a leader in providing practical education in the combined disciplines of technology and entrepreneurship. With an emphasis on leadership and a strong focus on new technologies and business models, we prepare graduates for careers in the global economy.

Expectations of Students

Cogswell College is committed to maintaining a campus environment that is conducive to academic and personal development. In keeping with this commitment, Cogswell College has established policies and regulations which are deemed necessary to achieve its goal as an institution of higher learning. The College will enforce these standards in order to protect its environment as well as the rights and property of its community members.

Hours

Business Hours:	Monday - Thursday 9:00 am - 6:00 pm Friday 9:00 am - 5:00pm
Regular Campus Hours:	Monday - Friday 7:00 am - 1:00 am Saturday - Sunday 9:00 am - 9:00 pm

ID/Key Cards

The Information Technology Office issues student ID cards at the beginning of the student's first semester. ID cards are required to enter the building and most labs as well as to check out books from the College Library and equipment from the AV Lab. Students who choose not to register for classes will have their ID cards deactivated for that semester. Lost or stolen ID cards must be reported to IT within 24 hours. There is a \$10 replacement fee for lost cards.

CAMPUS RESOURCES

Library

Library Hours
Monday - Thursday 9:00 am - 7:00 pm
Friday 9:00 am - 5:00 pm
Saturday - Sunday CLOSED

The Library offers a collection of over 5,000 print and non-print materials for student use. This includes periodicals, books, DVDs, and databases. The library is staffed by a librarian and 3 library assistants who are available for assistance with any research or general questions. The library offers wireless access, a scanner, and a photocopier for student use.

AV Check-Out Lab

Students working on projects may borrow equipment from the AV Lab with a valid Student ID. Specific operating hours are posted each term. Cameras, lights, microphones, booms, Wacom pens, projectors and other equipment are some of the items available for student use.

Student Computer Lab.

The student named "Silver Monkey" lab is located near the Student Services area and is available to students during Regular Campus Hours. The lab is equipped with computers loaded with all the software used at the College. All computers are attached to a printer/copier for convenience.

Lockers

Lockers are available free of charge to students for storing books and materials on campus. See the Dean of Students for a locker assignment.

Smoking

No smoking is permitted within the building. No smoking is permitted within 25 feet of building entrances.

Associated Student Body (ASB)

The Associated Student Body is the general student government organization of the College. The purpose of the ASB is to give students the opportunity to plan and direct their own activities, to become involved with co-curricular campus activities, and to influence the decisions that affect the quality of education and student life at the College. All enrolled students are members of the ASB and are invited to weekly All Student Meetings. The general student membership provides feedback for the Associated Student Body Executive Board.

ASB Executive Board

The Associated Student Body Executive Board is comprised of elected and appointed student body officers. The Executive Board is responsible for administering the ASB budget, coordinating student activities, and granting approval to student groups and organizations who seek official recognition in conjunction with the ASB. The Executive Board meets weekly.

Student Clubs

There are a number of active student clubs on campus. Club membership is open to all current students and alumni. Please see the ASB Office for an application if you are interested in starting a new club. For a list of current clubs, please speak with the ASB President.

Student Activities

In promoting camaraderie and community amongst the student body, a variety of activities are scheduled throughout the year. Activities include movie nights, barbeques, game nights, etc. All student activities must be approved by Student Life.

Academic Advising

It is the responsibility of each student to monitor his/her own progress toward a degree and to know the policies of the catalog. However, a full-time Academic Advisor is assigned to each student to assist in this process. Students should regularly consult with their advisor to ensure on-time degree completion, appropriate degree progress, and satisfactory academic progress.

The process of advising students includes assisting in appraising strengths and weaknesses, formulating and understanding personal educational concerns, and planning and carrying out a satisfactory academic program. Advising is designed to provide accurate information regarding resources of the College and to assist students in developing academic goals. Finally, advising aids the student in reviewing and evaluating plans of action and provides a follow-up on academic progress should the student receive a mid-term deficiency letter.

Tutoring and Academic Support

Cogswell College provides tutoring to students in need of academic assistance on a wide variety of subjects. Tutoring is available for almost every Cogswell class. Academic tutoring is provided by Cogswell students who have both excellent academic records and a high degree of professionalism. Students can sign up for tutoring by contacting the Student Academic Specialist, Leonard Crosby, at tutoring@cogswell.edu, by calling 408-498-5124, or visiting his office in the library, room 107.

Students interested in working as an academic tutor can visit the Student Academic Specialist for applications. Students on good academic standing who have received at least a B in the class they wish to tutor, and are approved by the instructor, are eligible for employment.

The Student Academic Specialist also can provide students with support in other areas of student life, including study skills, time management, note taking, goal setting, test anxiety, registration, and advising.

Counseling

Cogswell College offers personal counseling via contracted services with NeuroCycles Wellness Center. Students are provided with 16, one (1) hour sessions at no cost to the student. Following the initial 16 sessions, the student, with the assistance of the counselor, will utilize personal insurance to cover the cost of counseling sessions. Group counseling sessions are also available.

For more information about personal and group counseling, please contact the Dean of Students, Brittany Bogle, via email at bbogle@cogswell.edu, or by phone (408) 498-5137.

Student Housing

Cogswell Student Housing is available to students on a space available basis. It is intended to provide convenient housing close to campus while you get to know the area, meet potential roommates, and find housing on your own. The Office of Student Life provides resources to help you in all of those areas. Apartments include furniture and utilities. Furniture provided in each apartment includes: 4 twin beds (standard length), 2 dressers, 2 night stands, 1 coffee table, 1 chair, 1 couch, 1 dining table, 4 dining chairs. Apartments are located within 1.5 miles of campus and are close to the light rail/VTA stop, restaurants, and shopping.

Students in College sponsored housing will be asked to pay a non-refundable deposit prior to the start of each year in housing. This deposit will be used to cover the cost of cleaning charges and fees, as well as any damages to the furniture or space. Following the receipt of a deposit and completed application students will be assigned to a specific apartment unit and a set of roommates. Roommate assignments will be made based on information gathered from the application. Specific apartment assignments are made for one academic year (fall and spring semester) and do not continue into summer or any other future semesters. Students may receive new assignments should they choose to remain in housing for the summer semester or other future semesters. Students may be required to move due to consolidation. Students will be notified one week prior to any requested move and will not be asked to move during the first two weeks of school, midterms, or finals. All housing students are expected to adhere to the Housing Policies listed in the Student Conduct and Judicial Proceedings section of this handbook.

Resident Assistants are students who are hired by the Dean of Students to oversee the safety and security of the students residing in College sponsored housing. Resident Assistants also host several social and/or educational programs throughout each semester. Resident Assistants are responsible for reporting any maintenance concerns within the apartments, as well as documenting any policy violations. Should you encounter any difficulties in your apartment, your Resident Assistant should be your first point of contact.

For specific information about the cost of deposits, complex locations, and other information about student housing, please visit the Cogswell College Housing webpage.

Health and Wellness

Students covered under their parents' health plans should know that many plans will not cover medical costs unless you are seen by your primary care physician. This could

mean that you would have to return home for your medical care. It is advisable to contact your health plan to find out if you will be covered while away at school.

The Student Life Office also maintains information on general wellness, drug and alcohol abuse, nutrition, and volunteer opportunities.

Career Services

Cogswell's Career Center provides services and resources to students and alumni to assist in all aspects of their career development. Career workshops are offered monthly to assist students with interviewing skills, resume writing, job search strategies, and portfolio and demo reel preparation.

Current students and alumni can view current jobs, internship postings, and upcoming events by logging in Handshake at cogswell.joinhandshake.com/login.

The Career Center has staff available to assist students in all phases of career development. Website resources, magazines and bulletins, job descriptions, and information on resume writing, interviewing, and job search strategies are some of the resources available to students.

Disability Services

Cogswell College is committed to providing qualified students an equal opportunity to attain an education regardless of disability. The College affords reasonable accommodations and aids to students with disabilities in accordance with the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973, and California law.

An individual with a disability is a person who: (a) as defined by law, has a physical or mental impairment which limits one or more life activities (such as walking, seeing, speaking, learning, or working); and b) has a written record with the College documenting the impairment.

A qualified student or applicant is an individual with a disability who satisfies and can continue to satisfy all of the standards required of students at the College.

Accommodations are such learning aids (not personal equipment), assistance measures, and limited modifications to the non-fundamental course, program, or educational services, as are necessary and effective for the individual, if reasonable to provide at the College. Accommodations do not include exemption from academic performance standards or from behavior standards including those of the Code of Conduct. To be eligible to continue at the College, the student or applicant must meet the qualifications and requirements expected generally of its students, with or without reasonable accommodation.

Fundamental aspects of the program include but are not limited to timely satisfaction of all academic standards, compliance with the Code of Conduct, and with other College policies.

In the event that a request for reasonable accommodation is denied, the College may choose to afford the student temporary measures of flexibility, which are not based on the asserted disability issue, but which may otherwise be considered appropriate, if it does not alter a fundamental aspect of the program. In such cases, such temporary measures will not be a precedent nor will it be a reasonable accommodation, and the student will not be regarded as an individual with a disability.

Accommodation Registration Process

Student requesting accommodations must initiate a disability-related request for accommodation each semester. It is recommended that students begin the disability accommodation registration process at least four weeks prior to the start of each semester, although the College will consider the merits of each request at the time the request is received. Students who request accommodation of a disability should contact the Dean of Students, who will assist and advise them in their registration and accommodation request procedures.

The student is required to submit reasonable medical documentation supporting the registration and accommodations request, in addition to completing the Accommodations Request Form, which can be found on the Disability Support Services website. A list of suggested documentation can be found on the college website. The College has the discretion to determine what type of professional documentation is necessary, and this may vary depending on the nature of the disability and/or accommodation and other circumstances.

All records related to disability and accommodation registration are confidential and private and maintained in the Dean of Students' office.

Once appropriate documentation has been received, the Dean of Students will work with the student to determine the appropriate accommodations or aids. The Dean of Students will make the final decision regarding the request for accommodation or aid. If the student agrees with the decision, the Dean of Students will discuss the accommodations and appropriate implementation of such with faculty members in whose courses the student has requested the accommodation or aid. The Dean of Students will not disclose legally confidential, health-related information, unless such information is appropriate in order to assist with implementing the accommodation or aid.

Written confirmation of the determined accommodations will be sent to the student and faculty whose classes have been requested for accommodations. Documentation of the accommodations and aid provided will be maintained in the Dean of Students' office.

Housing Accommodations Registration

Students with a documented disability and requiring accommodations within the College sponsored housing must submit reasonable medical documentation supporting the request for accommodations. Requests for housing accommodations must be submitted by the deadline for housing applications, which can be found on the housing website. Requests for accommodations received after the application deadline will still be considered and assigned based on availability. The Request for Housing Accommodations intake form can be found on the Disability Support Services website.

INSTITUTIONAL POLICY STATEMENTS

Student Records and Information

Cogswell College complies with the Family Education Rights and Privacy Act (FERPA) regulations (also known as the Buckley Amendment (1974)). This act gives eligible students certain rights to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days of the day the College receives the request

2. The right to request the amendment of the student's education records that the student believes is inaccurate
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent
4. The right to prevent disclosure of Directory information (Name, Degree received, Major and dates of attendance). If you wish to withhold the disclosure of all of the items of "Directory Information", complete the Directory Information Opt-Out Form and submit it to the Registrar. This form must be received by the Registrar prior to the close of the Course Add/Drop period in any given semester or term to ensure that the above information is not released for the remainder of the semester.
5. The right to be annually reminded about his/her rights under FERPA
6. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA.

The name and address of the Office of Education that administers FERPA:

Family Policy Compliance Office
 U.S. Department of Education
 400 Maryland Avenue, SW
 Washington, DC 20202-5901
 USA

The Buckley Amendment grants the College the authority to release directory information to any person on request, unless a student requests in writing that directory information be kept as private. The College directory information will be disclosed at the College's discretion. The College regards the following as directory information:

- Student's Name
- Dates of Attendance
- Degrees/Awards Earned
- Major Field Stud

It is important that parents/eligible students have the opportunity to make informed decisions about the use of their student's directory information. However, there are times when schools must be allowed to implement policies that will permit them to effectively protect their students. As such, the Department of Education has also changed the directory information exception to state that parents may not, by opting out of directory information, prevent a school from requiring a student to wear or present a student ID badge.

A copy of the Family Education Rights may be requested from the College or viewed at the following website <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Security and Anti-violence

The College seeks to provide a place of study and work that is free from acts of violence or threats of violence. The College has "zero tolerance" for actual or threatened violence on its premises or in the course of College activities. Every threat of violence is serious and must be treated as such. Threatening behavior can include such actions as throwing objects, making a verbal threat to harm another individual or to destroy property, displaying an intense or obsessive romantic interest that exceeds the normal bounds of interpersonal interest, or attempting to intimidate or harass individuals.

Those who become aware of any threats of or incidents of violence must report the threat immediately to the Dean of Students and/or the local Police Department and if

appropriate, should contact appropriate authorities by dialing 911. Individuals may report any incidents of violence or threats of violence without fear of reprisal. Individuals who violate this policy or, who otherwise engage in or contribute to violent behavior, or who threaten others with violence, are subject to sanctions.

Campus Protests and Free Speech

The primary function of any college is to discover and disseminate knowledge by means of research, teaching, and public service. To fulfill this function a free interchange of ideas is necessary. For these reasons Cogswell recognizes the right of individuals to reasonably exercise the right of free speech and assembly, and welcomes open dialogue as an opportunity to expand the educational opportunities of our campus community.

The right of free expression in an educational setting includes the right to peaceful dissent, protests in peaceable assembly, and orderly demonstrations which include picketing, the distribution of leaflets, or other means of symbolic expression. These shall be permitted on the campus, until or unless they substantially disrupt operations of the College or significantly infringe the rights of others, particularly the right to listen to a speech or lecture or participate in a class project. In order to protect the rights of others and the core functions of the College, reasonable restrictions on time, place, and manner of speech are appropriate and necessary.

- A. Students are expected to comply with the Code of Student Conduct and all local, state, and federal laws. Failure to do so may result in disciplinary sanctions.
- B. Individuals or organizations may not:
 - 1. coerce individuals into stopping or participating in debate or discussion or accepting materials;
 - 2. interfere with, impede or cause blockage of the flow of traffic;
 - 3. interfere with a College event by blocking audience view or verbally interrupting a speaker or performance;
 - 4. attempt to forcibly impair regularly scheduled classes, College events or normal business operations;
 - 5. leave an area excessively littered;
 - 6. fuse voice or amplification systems that interfere with College activities;
 - 7. willfully or recklessly engage in destruction of property;
 - 8. engage in physical harm, coercion, or intimidation of others.
- C. Organized protests require an Event Request Form (available in Student Life) and may take place in a location designated and agreed upon between the hosting organization, facilities, and the Dean of Students.
- D. Cogswell College reserves the right to deny, cancel or postpone a reservation, or immediately terminate ongoing speech activity that represents a violation of this policy.

Controlled Drug and Alcohol

Consistent with state and federal law, Cogswell Polytechnical College will maintain a campus free from the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance. The unlawful manufacture, distribution, dispensation, possession or use of controlled substances, illicit drugs and alcohol, are prohibited on any college owned or affiliated property. The following rules will be enforced uniformly with respect to all students:

- 1. No alcoholic beverages will be brought to, or consumed on college property or during College sponsored events, except the moderate consumption of alcohol which may be permitted at designated Cogswell gatherings or under circumstances expressly authorized by the College.
- 2. Cogswell College upholds the laws enforced by the state of California and does not permit persons under the age of 21 to consume alcohol. Students found in violation of this policy will be subject to the college's disciplinary procedures.

3. Students residing in college housing are permitted to possess alcohol in college sponsored apartments provided that all residents are at least 21 years of age.
4. All students, while on campus, at a College sponsored event, or while performing College activities, are prohibited from being under the influence of alcohol.
5. The sale, possession, use, transfer, or purchase of an illegal drug or controlled substance on College property, during a College sponsored event, or while performing a College activity, is strictly prohibited.
6. No prescription drug will be brought to, or consumed, on College property during a College sponsored event, or while performing a College activity, by any student other than the one for whom it is prescribed. Such drugs should be used only in the manner, combination, and quantity prescribed.

The department of Student Life recognizes the importance of education and awareness concerning alcohol and other controlled substances. In an effort to better inform our students regarding the appropriate use of, risks associated with, and potential outcomes of alcohol use, the college provides programming and information available to all students. For more information about upcoming programs and available information and resources, please contact the Dean of Students.

The Controlled Substance and Alcohol policies are applicable to students residing in college sponsored or non-sponsored housing. Should the college become aware of an infraction that takes place off campus, in non-college sponsored housing, or while attending a college sponsored off-site event (including but not limited to conferences and conventions), the student will be subject to the regulations set forth by the Judicial Procedures and Disciplinary Actions guidelines.

Policies Concerning Discrimination and Harassment

Nondiscrimination

Cogswell College is an equal opportunity institution of higher education and is firmly committed to nondiscrimination in its delivery of educational services. These practices include, but are not limited to, admission to, and participation in the benefits and services of educational programs or related activities sponsored by the College. In compliance with all applicable federal and state laws, decisions will be made irrespective of the individual's sex, race, color, religion, religious creed, age (over 18 years), mental or physical disability, medical condition as defined by law, national origin, marital status, veteran status, sexual orientation or any other basis prohibited by federal or state law or local ordinance. This policy is in accordance with Title VI of the Civil Rights Act of 1964, as amended; Executive Order 11246, as amended; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1975; and any applicable state and local laws. When necessary, the College will reasonably accommodate individuals with disabilities if the individual is otherwise qualified to meet the fundamental requirements of the College's educational program and/or is able to safely perform all essential functions, without undue hardship to the College.

Title IX Discrimination

In accordance with Title IX and the Violence Against Women's Reauthorization Act of 2013, Cogswell College prohibits discrimination on the basis of sex or gender. Title IX prohibits discrimination on the basis of sex or gender in educational programs and activities and programs that receive federal assistance, while the Violence Against Women Reauthorization Act of 2013 (VAWA) section 304 requires that colleges and

universities have procedures in place to respond to matters of sexual assault, relationship (dating) violence, and stalking.

The following addresses student related concerns of sexual harassment, sexual assault and sexual misconduct, dating violence or domestic violence (collectively “relationship violence”) and stalking whether the alleged perpetrator (respondent) is student, faculty, staff, visitor, or other third party. Definitions intended to provide a clear understanding of these acts can be found in the Code of Conduct contained within this handbook.

Harassment

Cogswell College strives to cultivate an educational environment free of unwelcome harassment of any kind. Harassment is a violation of trust and a form of intimidation or exploitation which undermines the atmosphere of respect that is essential to the maintenance of a healthy work and academic environment. Harassment by students, staff, or faculty directly violates the mission and policies set forth by Cogswell College and is henceforth prohibited. Harassment of any student by an employee of Cogswell will not be tolerated. Violation of this policy will result in disciplinary action. This policy applies to all members of the Cogswell College community including students, faculty, staff, administrators and any other persons conducting business with the College whether they are on or off campus. Harassment of College guests is also prohibited.

Harassment as defined by this policy includes unwelcome conduct which has the purpose or the effect of unreasonably interfering with a person’s ability to work or learn, or to live within the residential community, or which creates an intimidating or hostile environment for individuals or groups of individuals.

Harassment as denoted in this policy includes, but is not limited to

- **Verbal harassment** such as jokes, epithets, slurs and unwelcome remarks or sounds about an individual’s body, dress, clothing, appearance or talents; derogatory comments, questions about a person’s sexual practices and patronizing terms or remarks. These may include personal conversation, e-mail and voicemail.
- **Physical harassment** such as physical interference with normal study or work, impeding or blocking movement, assault, unwelcome physical contact or touching, massaging patting and staring at a person’s body.
- **Visual harassment** such as offensive or obscene photographs, calendars, posters, cards, cartoons, drawings and gestures, display of sexual suggestive or lewd objects, staring at a person’s anatomy and unwanted love letters or notes. [unwanted written communication]
- **Sexual harassment** includes unwelcome sexual advances, sexual threats and demands, requests for sexual favors and other verbal or physical conduct of a sexual nature, and other unwelcome verbal, physical, or visual behavior of a sexual nature. Also such conduct is a violation of College policy [regardless whether it is welcomed] when: (1) submission to such conduct is made either explicitly or implicitly a part of the student’s performance at the College; (2) submission to or rejection of such conduct by a student is used as a basis for decisions affecting such student at the College; or (3) such conduct has the purpose or effect of unreasonably interfering with the student’s work or performance at the College or creating a sexually intimidating, hostile or offensive environment at the College.

Cogswell College recognizes the importance of openness of discussion within its educational programs and seeks to maintain an atmosphere of mutual tolerance within the educational environment. To that end, this harassment policy is not meant to inhibit

discussions, in or out of the classroom, of complex, controversial, or sensitive matters, when, in the judgement of a reasonable person, they arise appropriately and with respect for others.

Sexual Misconduct

Sexual misconduct includes physical sexual acts perpetrated without consent or where a person is incapable of giving consent. A number of different acts fall into this category including but not limited to rape, sexual assault, sexual battery, sexual abuse and sexual coercion. All acts of sexual misconduct are forms of sex discrimination prohibited by Title IX.

Consent

Consistent with the laws and regulations set forth by the state of California, Cogswell College requires that individuals receive affirmative consent prior to engaging in any sexual activities with another individual. Affirmative consent, as defined by the state of California, is an expressed, verbal statement affirming that both individuals are accepting and wanting to engage at each stage and act of sexual interaction. Additionally, if an individual gives affirmative consent and then revokes consent, the sexual act must stop immediately upon consent being revoked.

To gain a comprehensive understanding of consent, the circumstances under which an individual is incapable of giving consent must be addressed. An individual is unable to give consent in any of the following situations: when he or she is asleep or unconscious, when he or she has consumed alcohol and would legally be deemed too intoxicated to operate a motor vehicle based on state standards, when he or she has consumed any controlled substance and is cognitively impaired, when he or she has yet to reach the age of consent, when he or she has a mental or cognitive disability that prevents him or her from giving consent, when he or she is unable to communicate due to a mental or physical condition, or when he or she is being coerced including situations of quid pro quo, blackmail, or otherwise forced to engage in such act.

Stalking

Two or more acts directed at a specific person, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, or device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. In conjunction with the presence of two or more acts as described above, the acts must also be deemed to cause a reasonable person, under similar circumstances, to fear for their safety, or the safety of others, or suffer substantial emotional distress.

Relationship Violence

Relationship violence encompasses both dating and domestic violence. Relationship violence is physical and/or emotional violence within a romantic or intimate relationship regardless of the length of the relationship or gender of the individuals in the relationship.

Reporting a Concern

Members of the Cogswell community should immediately, when safely able to do so, report concerns about - or incidents of - harassment or discrimination. Any individual who believes that he or she has been the subject of harassment or discrimination should report the incident to one of the following College designees: (i) Title IX Coordinator, Dean of Students, or the Human Resources Manager. Cogswell College encourages the timely reporting of all incidents and concerns of harassment.

Cogswell College has adapted an amnesty policy for all reports of harassment and discrimination. When circumstances surrounding an incident of harassment or discrimination are occurring concurrently with other policy violations, the individual reporting the concern or incident, or the individual whom is the target of the harassment or discrimination is exempt from conduct repercussions for the secondary violation.

In instances of sexual misconduct the victim will be informed of his or her right to notify law enforcement agencies. In the event that the victim chooses to notify these authorities, the student will receive support and guidance in doing so by College personnel.

Additionally, the College will provide interim protective measures, including but not limited to, changing academic or living assignments, and enacting no contact orders when reasonably able. Interim protective measures are a method by which we ensure the safety and wellbeing of the individuals involved and prevent the recurrence of any future prohibited behavior. Interim protective measures are in effect throughout the duration of the investigative and adjudication process. Interim protective measures will be in place whether the victim decides to initiate an investigation or not.

Students of the College have the right to file a harassment complaint with the Federal Office for Civil Rights (OCR) of the U.S. Department of Education. The OCR's local address is:

Office for Civil Rights, San Francisco Office
U.S. Department of Education
Old Federal Building
50 United Nations Plaza, Room 239
San Francisco, CA 94102-4912

Investigation

A Title IX Coordinator will oversee the investigation of all forms of sex discrimination or harassment. All other complaints of harassment will be investigated by the Dean of Students, or Human Resources Manager in accordance with the student code of conduct and judicial proceedings procedures. All investigative procedures and adjudication will be conducted within 60 calendar days from the date the concern was reported. In the event that additional time is needed to finalize the investigations or any portion of the adjudication process, additional time may be granted in the presence of extenuating circumstances. Persons found to be in violation of the College's Harassment Policy are subject to disciplinary actions up to and including dismissal from the College or termination of employment.

Appeal

Should the respondent or complainant deem the findings of the investigation and the decision made by the hearing officer(s) inaccurate, he or she has the right to an appeal within three (3) business days of the receipt of the decision on the basis of the following:

- a. The disciplinary action appears to be grossly disproportionate to the conduct infraction
- b. The procedures provided for in the Student Handbook were not followed in the hearing
- c. New relevant information is available that was not available at the time of the hearing
- d. The decision is not supported by substantial information

Burden of Proof

The burden of proof necessary to find an individual responsible for a policy violation is a preponderance of evidence. As defined by Cogswell College, a preponderance of evidence is met when the hearing officer(s) is presented with just enough evidence to make it more likely than not that a policy violation occurred. To further elaborate on this definition, the hearing officer(s) need to be more sure than not that the respondent is responsible for the alleged policy violation.

Non-Retaliation

No individual will suffer any reprisals or retaliation for good-faith filing, pursuing or reporting any incidents of harassment, for making any complaints of harassment or for participating in any investigation of incidents of harassment. Retaliation includes threats, intimidation, reprisals and/or adverse actions related to education or employment. No member of the College community will suffer any reprisals for seeking advice concerning a perceived unlawful harassment matter.

Services

Cogswell College provides referrals for personal counseling and referrals to outside agencies for victims of sexual assault or other individuals as needed. Please speak with the Dean of Students for further information and assistance with scheduling personal counseling.

Training and Prevention

Consistent with the standards set forth by Title IX of the Educational amendments of 1972, and the Jeanne Clery disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC sec 1092 (f)) and the recent Violence Against Women Act, which dictates the standards by which colleges must educate, investigate, and report acts of sexual misconduct, Cogswell College's Sexual Harassment Education Committee offers educational programs throughout the duration of the academic year. These programs promote awareness of sexual assault, risk reduction strategies, and safe bystander intervention strategies. To ensure the effectiveness of these training and prevention efforts Cogswell College will conduct yearly campus climate surveys.

STUDENT CONDUCT AND JUDICIAL PROCEEDINGS

Code of Conduct

Cogswell College is committed to upholding a learning environment in which all members of the community are held to the highest behavioral standards. Below is a list of the policies in place to ensure that all students are behaving in a manner consistent with the mission and policies of Cogswell College.

To this end, students will face sanctions for the following:

Section A: Technology, resources, and records:

1. Unauthorized duplication of copyrighted materials, including software, which violate the U.S. Copyright Law as detailed in the Computer and Network Usage Policy.
2. Unauthorized reading, duplicating, copying, removing, or misuse of a document, record, book, ledger, file, printout, tape, cartridge, disc, key, or any property maintained by any individual(s) or department(s) of the College community.
3. Forgery or unauthorized alteration of a document, record, or identification; misrepresentation of oneself or of an organization to be an agent of the College.

4. Unauthorized use of the College's name or logo.
5. Unauthorized use of the College's campus resources and facilities. This includes unauthorized use of space on campus, and unauthorized access to the building.

Section B: Responsibility to Community

1. Detention, physical abuse, sexual misconduct, or conduct that threatens imminent bodily harm or endangers the physical wellbeing of any person, including harm to self, on any College-owned or controlled property
2. Engaging in disorderly, indecent, or unacceptable behavior, including excessive or prolonged noise, on College property or at a College function which is either on or off campus.
3. Interfering with the freedom of speech of any member or guest of the College community; failure to follow campus free speech guidelines.
4. Failure to respect the right of privacy of any member of the College community.
5. Theft or unauthorized possession of College owned or controlled property, or property owned or controlled by a member of the College community or campus visitor.
6. Intentional obstruction or disruption of teaching, research, administration, disciplinary procedures, or other College activities on College-owned or controlled property; or obstruction or disruption that interferes with the freedom of movement, both pedestrian and vehicular, on College-owned or controlled property
7. Unauthorized entry into or unauthorized use of College property or property of a College community member or visitor.
8. Retaliation which includes threats, intimidation, reprisals and/or adverse actions related to education or employment.
9. Breach of confidentiality includes the dissemination or release of confidential information, to an unauthorized individual, that one is permitted to through the investigative or conduct process.

Section C: Alcohol and other Controlled Substances

1. The sale, distribution, possession, or attempt to obtain a dangerous drug, restricted drug, narcotic, or other controlled substance as those terms are used in state or federal statutes, on campus or at a College function.
2. Possession, consumption, or sale of alcoholic beverages by persons under the age of 21 years on College property.
3. Furnishing alcoholic beverages to persons under the age of 21 years on College property or in College sponsored housing.
4. Consumption of alcoholic beverages in a public place (all areas other than individual residences, private offices, and scheduled private functions).
5. Excessive and inappropriate use of alcoholic beverages.
6. Collection and/or display of alcohol trophies, such as, but not limited to, empty alcohol bottles and photos of alcohol consumption, by individuals under the age of 21.
7. Possession or use of alcohol paraphernalia and games such as, but not limited to, beer funnels, beer pong, flip cup, etc., or any other method that promotes the excessive and fast consumption of alcohol.

Section D: General Prohibited Behavior

1. Illegal gambling on campus or at a College function.
2. Possession of explosives, hazardous materials, dangerous chemicals, fireworks, or weapons on College property, College sponsored housing, or at a College function without prior written authorization from the College President.

3. Failure to comply with a lawful and reasonable request of a College official or agent of the College in the performance of his or her duty, including the reasonable request of students to identify themselves.
4. Any other misconduct or attempted misconduct that interferes with or affects College activities.
5. Verbal harassment such as jokes, epithets, slurs and unwelcome remarks or sounds about an individual's body, dress, clothing, appearance or talents; derogatory comments, questions about a person's sexual practices and patronizing terms or remarks. These may include personal conversation, e-mail and voicemail.
6. Physical harassment such as physical interference with normal study or work, impeding or blocking movement, assault, unwelcome physical contact or touching, massaging, patting and staring at a person's body.
7. Visual harassment such as offensive or obscene photographs, calendars, posters, cards, cartoons, drawings and gestures, display of sexually suggestive or lewd objects, staring at a person's anatomy and unwanted love letters or notes.
8. Sexual harassment includes unwelcome sexual advances, sexual threats and demands, requests for sexual favors and other verbal or physical conduct of a sexual nature, and other unwelcome verbal, physical, or visual behavior of a sexual nature. Also, such conduct is a violation of College policy when: (1) submission to such conduct is made either explicitly or implicitly a part of the student's performance at the College; (2) submission to or rejection of such conduct by a student is used as a basis for decisions affecting such student at the College; or (3) such conduct has the purpose or effect of unreasonably interfering with the student's work or performance at the College or creating a sexually intimidating, hostile or offensive environment at the College.
9. Stalking includes two or more acts directed at a specific person, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, or device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. In conjunction with the presence of two or more acts as described above, the acts must also be deemed to cause a reasonable person, under similar circumstances, to fear for their safety, or the safety of others, or suffer substantial emotional distress.

Residential Life and Housing Policies

In addition to the expectations set forth in the College's Code of Conduct, residential students and their guests are expected to adhere to the following guidelines. These residential expectations are in place to ensure that students residing in college affiliated housing, and their guests, have an environment that supports the overall mission of Cogswell College, to maintain an environment that promotes healthy and supportive living, learning, and working opportunities for all. Additionally, these standards are designed to ensure the maintenance and satisfactory living standards for those in college sponsored housing. Students found in violation of any Residential Life and Housing expectations can be subject to the sanctions as outlined in the Judicial Sanctions section found on page 24.

Section A: Guest Policy:

1. All students residing in College sponsored housing are responsible for the actions and behaviors of their guests while guests are visiting.
2. Students are expected to remain with their guests at all times. No guest shall be permitted to remain in the Cogswell College apartments in absence of the residents.

3. Guests shall not be given access to keys belonging to College affiliated apartments.
4. Guests are permitted to stay the night in Cogswell College sponsored apartments for a maximum of two nights. Under special circumstances, should the guest need to stay for longer, permission must be obtained from the Dean of Students. Students are highly encouraged to discuss guest visitation with their roommates prior to the arrival of the guest

Section B: Key Policy: only students living in Cogswell College affiliated apartments may have access to apartment keys, complex common area keys, and mailbox keys. This is to ensure the safety and security of all persons, and personal belongings of those residing in college sponsored housing. In the event that keys have been dispersed without the permission of the Dean of Students, a lock change may be ordered. Any cost associated with a lock change will be assessed to the responsible student's account.

Section C: Cleanliness and Apartment Maintenance:

1. **Cleanliness:** All students residing in Cogswell College sponsored housing are expected to clean their apartments on a regular basis. This is to ensure the health, safety, and sanitation of the apartments and protect the individuals residing in the space. Resident Advisors will conduct monthly Apartment Health and Safety Inspections to ensure the adequate upkeep of residential areas. Residential staff will make three (3) attempts to complete monthly Apartment Health and Safety Inspections while residents are present. Following a third attempt, Residential Life, with the assistance of the Dean of Students, shall complete the Health and Safety Inspection in the absence of the residents. Should an apartment fail to maintain an adequate level of cleanliness, the individuals residing in the apartment will be given one (1) week to rectify the condition of the apartment.
2. **Damage:** All apartments should be cared for with responsibility and maturity. Any damage that is deemed to be the result of neglect or misuse will be repaired and the responsible parties will be responsible for repair payments. Upon vacating the unit, any items left behind will be subject to a removal fee. Please see the Dean of Students for a full list of damage and trash removal fees.
3. **Maintenance:** Residential students should report all maintenance related problems to the Dean of Students or Resident Assistants within 24 hours of discovering the problem. This helps to ensure that small problems do not worsen over time. If you do not receive a response from the complex management within 48 hours of reporting the concern, please notify the Dean of Students.
4. **Emergency Maintenance:** Emergency maintenance concerns are those which not only effect the student apartment, but may also effect the surrounding apartments. Residential students should report all emergency maintenance, including but not limited to, plumbing difficulties, water damage, fire, structural issues, etc. immediately. Please follow the emergency maintenance reporting as posted by your apartment complex. Should you need to notify your complex for an emergency maintenance concern, also notify the Resident Advisor on duty.
5. **Pests:** Should a student apartment notice the presence of pests, they are to notify the apartment management team, and the Dean of Students as

soon as possible. Students are expected to comply with the instructions given by the pest removal services. Instructions and dates of services will be communicated to the students via the apartment management and the Dean of Students.

Section D: Community Living

1. **Quiet Hours:** Quiet hours are a period of time when noise from student apartments should not be heard outside of the apartment. Noise level would be deemed too loud if it can be heard from apartment hallways, common areas, or by neighboring apartments. Consistent with the standards set forth by many of the affiliated complexes, quiet hours begin at 10:00p.m. and continue through 9:00a.m.
2. **Courtesy Quiet Hours:** Courtesy hours are in effect from 9:00a.m. until 10:00p.m. During this time, if a student apartment is made aware of a concern regarding noise from their apartment, they should take steps to compromise with the other residents and find a mutually acceptable noise level. Cogswell College prides itself on students who are responsible, active citizens within the community and this willingness to compromise is one way in which they demonstrate this.
3. **Pets:** Pets of any kind are prohibited in student housing. Only students with expressed written consent of the Dean of Students may have companion animals while in College sponsored housing.
4. **Damage:** Should a student be found responsible for damage to an apartment, or apartment furniture, the student and the Dean of Students will discuss a plan for restitution to either replace or repair the damaged item. Information regarding damage costs can be obtained by contacting the Dean of Students.

Section E: General Safety

1. **Identification Cards:** When requested, students must produce their Cogswell College Identification Card. Individuals who may request to see an identification card include, but are not limited to faculty, staff, Resident Advisor, police and emergency services, and apartment complex management. Identification cards should be carried at all times, when on Cogswell College campus, or when in Cogswell College affiliated apartments.
2. **Apartment Entry:** Residential Life staff may enter a student apartment if they have reasonable belief that student safety is in danger or being threatened, or if a policy violation is currently taking place. Prior to entering, the Residential Life staff will knock and announce themselves three times. If students are present and able to respond, they should during this time. If the concern for the resident still exists and staff has gotten no response, staff is permitted to enter the apartment. The Dean of Students will be notified of any such situation that occurs.
3. **Occupancy Guidelines:** In order to ensure the safety and security of all residents and guests, residents are limited to have no more than four (4) times the occupancy in the apartment at any given times. For most student apartments, the occupancy is four (4) persons.

Academic and Classroom Expectations

Students found in violation of any Academic Policies are subject to the sanctions as outlined in the Judicial Sanctions section found on page 24.

1. Academic Honesty: Cogswell forbids all forms of academic dishonesty including cheating and plagiarism. Examples of academic honesty include but are not limited to:
 - a. Copying from another student's exam, enabling unauthorized access to test or assignment answers, submitting work from a previous class, use of false identity online, and accessing unauthorized materials during a closed-book exam.
 - b. Plagiarism; representing another's academic or creative work as your own, and incorporating another's ideas, words, or phrasing without giving credit to the author.
 - c. Alteration of grades or official records
 - d. Changing already graded documents
 - e. Use of purchased or acquired papers
 - f. Submission of homework, take-home exams, reports, and projects mostly prepared by another student
 - g. Facilitation or assistance in any act of academic dishonesty
2. Disruptive Classroom Behavior: Generally, disruptive behavior is any behavior that interferes with the instructor's ability to conduct the class, or the ability of other students to profit from the instruction. Such behavior may take various forms, and can be dependent upon many factors including class size, subject matter, and the relationship between faculty and students. Disruptive behavior may be viewed on a continuum ranging from the isolated incidents of mildly annoying or irritating behavior, to more clearly disruptive, dangerous, and/or violent behavior that should not be tolerated. Examples of disruptive behavior may include the following:
 - a. Persistent speaking without permission
 - b. Inappropriate use of electronic devices, cell phones, or laptop computers
 - c. Threats of any kind and/or harassment
 - d. Poor personal hygiene
 - e. Sleeping in class
 - f. Entering class late or leaving early (without permission)
 - g. Disputing authority and arguing with faculty and other students
 - h. Physical disruptions or physical altercations

Student Conduct and Judicial Committee

A. Authority and Responsibility

A student's acceptance of admission to the College constitutes the student's acceptance of and adherence to the College's Code of Student Conduct, as well as the College's policies, procedures and regulations. Each student who believes that his/her rights have been abridged or who believes the Code of Conduct has been violated may seek redress through the Campus Judicial system.

Issues of student behavior and discipline are administered by the College's Campus Judicial System. The College's Campus Judicial System may hear cases of alleged violation of the Code of Conduct or any College policy, procedure, or regulation by any of the following:

1. Full- or part-time matriculated or non-matriculated students if the alleged violation occurred during a period of time when the student was enrolled or preregistered for the next term;
2. Any recognized student organization with a constitution on file with the Associated Student Body;

B. Conduct Proceedings and College Judicial Committee

The President of the College has delegated to the Dean of Students general supervision for matters of student conduct. The Dean of Students or his/her designee determines which course of action is taken based on the nature of the case. A judicial officer or the appropriate judicial board hears student disciplinary cases. The structure of the College Judicial System consists of:

1. Judicial Officers: may be any staff or faculty who are appointed to adjudicate an administrative hearing.
2. The College Judicial Committee: three members from this committee may be convened to adjudicate cases involving more serious violations of the Code of Conduct that may result in separation from the College. In the case of sexual misconduct, the desires of the complainant and respondent will be taken into account when assigning an administrative or panel hearing. The final decision will be made by the Dean of Students.
 - a. The College Judicial Committee shall be composed of three (3) full-time staff members (appointed by the President), and three (3) full-time faculty members (appointed by the Faculty Senate).
 - b. When a case is being decided by panel hearing, three (3) Judicial Committee members will be chosen based on availability and impartial relations with the complainant and respondent.
 - c. All decisions made in a panel hearing are by a simple majority. Each committee member shall have one vote.
 - d. A facilitator shall be appointed by the Dean of Students to guide and record the panel proceedings. A record of the hearing minutes shall be preserved for reference. The committee's proceedings and records are confidential and shall be kept by the Dean of Students. Any member of the committee who discusses a case outside a hearing is subject to suspension from the committee.
 - e. If a respondent elects not to appear, the hearing may be held in his/her absence. The student's absence will not be taken as an indication of guilt.
3. The President hears student appeals from the Dean of Students, the Judicial Committee, or other hearing officer.

C. Judicial Records Policy

1. All student judicial files are confidential and maintained in the Dean of Students' office.
2. All files are kept for a minimum of three (3) academic year beyond the academic year in which the individual graduated or otherwise left Cogswell College.
3. The files of students who have received the following sanctions shall be maintained for seven (7) academic years beyond the academic year in which the students' tenure in their current degree program at the College has ended.
 - a. Removal from College housing
 - b. Suspension
 - c. Expulsion
4. Judicial records are considered educational records.

D. Parental Notification

The Higher Education Amendments of 1998 (P.L. 105-244 Sec. 952) permit educational institutions to disclose to the parents or legal guardians of a student

information regarding the student's violation of any federal, state or local law or any rule or policy of an institution governing the use or possession of alcohol or a controlled substance, if the student is under age 21 and the institution determines that the student has committed a disciplinary violation with respect to such use or possession.

The purpose of the parental notification policy is to foster a safer campus community, promote the academic success of students and promote student health. In order to further this purpose, the Dean of Students will notify parents or guardians of dependent students who are under age 21 of drug and alcohol violations under the following circumstances:

1. The student is required to be transported to a medical facility and treated because of alcohol or other drug use.
2. The student has caused harm to him or herself or another while under the influence of alcohol or other drugs.
3. The student was arrested or taken into custody by police while under the influence of alcohol or other drugs.
4. The student was responsible for vandalism or other destruction of property while under the influence of alcohol or other drugs.
5. The violation resulted in or could result in the student being disciplined by the College including but not limited to: housing contract probation, housing contract cancellation, disciplinary probation, deferred suspension, suspension, or expulsion
6. Other circumstances that are determined by the Dean of Students, or his or her designee, to be appropriate.

Cogswell supports students assuming personal responsibility and accountability for their actions as they learn to establish their own independence. The College also recognizes that the process of establishing personal independence sometimes requires support. Consistent with this approach, the Dean of Students or his/her designee—whenever possible—will involve the student in a discussion about the decision to notify his/her parents or legal guardian and will inform the student that notification will take place.

Judicial Procedures

A. Rights of All Parties in a Judicial Hearing

In enforcing the Code of Conduct, the College follows basic principles of due process and procedural guidelines outlined below. In any case of alleged misconduct, the student has the following rights:

1. To be notified in writing by email at least three (3) working days prior to the Due Process Hearing of the date, time, location, and nature of the proceeding, including the nature of the incident in question and his/her alleged involvement in it.
2. To be notified in writing by email at least two (2) working days prior to the Conduct Hearing of the date, time, location, and nature of the incident and his/her involvement in it.
3. To object to the judicial officer.
4. To review and respond to all materials presented against him/her orally and/or in writing.
5. To be present when information is provided about the charges. This takes place during the Due Process Hearing.
6. To discuss the incident and his/her alleged involvement and to review the policies that were allegedly violated.
7. To present pertinent information and witnesses on his/her behalf, to hear and question with civility any witnesses, in a manner determined appropriate

by the judicial officer. In certain situations, the judicial officer may determine for health or safety reasons that the witnesses and the student shall not be present simultaneously. If the witness and student cannot be present simultaneously, the opportunity for virtual conference may be arranged.

8. To be accompanied by one person (any member of the Cogswell College community, such as faculty, staff, or fellow student) whose only role is to support the student during the hearing.
 9. To be present throughout the hearing, but not during the deliberation of the judicial officer.
 10. To be notified in writing within five (5) working days of the outcome of the hearing. This could include disciplinary sanctions or information concerning the time, date, and location of a secondary judicial hearing (in the event the case is forwarded to a different judicial officer or a judicial board).
 11. To discuss the appeal process and be given the opportunity to file a request for appeal within five (5) working days of the date of the sanction letter
 12. Only victims of an alleged sexual offense (including sexual assault) have the right to know the outcome of a hearing, though not specific sanctions assigned. In all other cases, the complainant will not be informed of the outcome.
- *For judicial hearings regarding an alleged sexual offense (this includes sexual assault) the complainant will be given the opportunity to choose whether the case will be heard by member of the Judicial Committee or a College Judicial Officer.*
 - *For judicial hearings regarding an alleged sexual offense (this includes sexual assault), the complainant as well as the respondent are accorded these rights.*
 - *During a judicial hearing for an alleged sexual offense (this includes sexual assault), the questions for the respondent, complainant, and witnesses are asked by and through the judicial officer/board.*

B. Steps to Redress – non-harassment or discrimination

Any Cogswell community member who feels his or her rights have been violated or that a fellow community member has violated the Code of Conduct or another College policy, may submit an Incident Report to the Dean of Students. The following outlines the steps to redress:

1. An Incident Report is received by the Dean of Students outlining the violation that took place.
2. If the reported incident appears to violate the Code of Conduct, the Dean of Students will issue a Notice of Violation letter to the respondent(s). Contained in this letter will be information regarding a scheduled, Due Process Hearing, and scheduled Conduct Hearing.
3. During the Due Process Hearing the respondent will be informed of his/her rights within the judicial process. The respondent has the opportunity to submit any statement, information, or evidence regarding the alleged violation. The respondent has the opportunity to accept responsibility for the alleged violation during the Due Process Meeting. If the respondent accepts responsibility for the violation during the Due Process meeting, sanctions will be assigned and no Conduct Hearing will take place.
4. If responsibility was not accepted during the Due Process Hearing, the Dean of Students or his/her designee will investigate the alleged violation prior to the Conduct Hearing.
5. An administrative or panel hearing will be assigned based on the parameters listed under the Conduct Proceedings section above. The student will attend the Conduct Hearing where all information collected during the investigation, as well as information that was presented by the complainant and respondent will be evaluated. The hearing officer or judicial panel will make a

determination of responsibility for each alleged violation. Sanctions will be assigned, as appropriate, at this time.

6. The respondent(s) will receive a Hearing Outcome Letter outlining the findings for each alleged violation as well as the sanctions that were assigned during the Conduct Hearing.
7. The respondent has the right to appeal the decision of the hearing officer or judicial panel (please see Request for Appeal Process below.)

C. Steps to redress: harassment or discrimination

Any Cogswell community member who witnesses or experiences any acts of discrimination or harassment are encouraged to report to a Title IX Coordinator.

1. The Title IX Coordinator will receive the initial report and type notes from the report into an incident report.
2. The Title IX Coordinator will enact Interim Protective Measures (if necessary) and issue a Notice of Start of Investigation to the complainant and respondent(s).
3. The incident report generated by the Dean of Students will be disseminated to the Title IX Investigator, who will then conduct the investigation.
4. The Title IX Investigator will meet with the complainant, respondent, and any pertinent witnesses to gather a comprehensive understanding of the situation.
5. Following the investigation the Title IX Investigator will issue a findings report to the Dean of Students. The findings report will detail information collected during the investigation. This report will address, based on information collected in the report, if it is likely that a violation took place.
6. The Dean of Students will review the Investigative Report. If there is no substantial evidence to support that a violation has taken place, a Conclusion of Investigation letter will be issued to the complainant and respondent. The complainant has the right to appeal this decision and request a Conduct Hearing. The complainant can appeal for one of the reasons listed in the Appeal Process section. If there is substantial information to indicate that a violation has taken place, a Notice of Violation letter will be issued. Contained in this letter will be information regarding a scheduled, Due Process Hearing, and scheduled Conduct Hearing.
7. During the Due Process Hearing the respondent will be informed of his/her rights within the judicial process. The respondent has the opportunity to submit any statement, information, or evidence regarding the alleged violation. The respondent has the opportunity to accept responsibility for the alleged violation during the Due Process Meeting. If the respondent accepts responsibility for the violation during the Due Process meeting, sanctions will be assigned and no Conduct Hearing will take place.
8. If responsibility was not accepted during the Due Process Hearing, the respondent will attend the Conduct Hearing.
9. An administrative or panel hearing will be assigned based on the parameters listed under the Conduct Proceedings section above. The student will attend the Conduct Hearing where all information collected during the investigation, as well as information that was presented by the complainant and respondent will be evaluated. The hearing officer or judicial panel will make a determination of responsibility for each alleged violation. Sanctions will be assigned, as appropriate, at this time.

10. The respondent(s) will receive a Hearing Outcome Letter outlining the findings for each alleged violation as well as the sanctions that were assigned during the Conduct Hearing.
11. The complainant will receive notification that the adjudication process has concluded. The complainant has the right to be informed of the findings of the hearing.
12. The complainant and the respondent have the right to appeal the decision of the hearing officer or judicial panel (please see Request for Appeal Process below.)

Request for Appeal Process

- A. A student may request an appeal of a decision of any judicial hearing. Requests for appeal will be granted only if at least one of the following criteria is met:
 - a. The disciplinary action appears to be grossly disproportionate to the conduct infraction
 - b. The procedures provided for in the Student Conduct Code were not followed in the hearing
 - c. New relevant information is available that was not available at the time of the hearing
 - d. The decision is not supported by substantial information
- B. The Request for Appeal form must be obtained from the Dean of Students. The form must be completed and returned to the Dean of Students within five (5) working days of the date of the sanction letter. The request for appeal shall include thorough answers to the questions on the form in accordance with the criteria described in No.1 above.
- C. The request for appeal, and all conduct files will be presented to the President/CEO or his/her designee.
- D. The President will review the request for an appeal and all conduct files. A request for an appeal can only be filed one time. The decision of the President will be final and binding on the student and the College.
- E. All appellate hearings shall be conducted in accordance with the general student rights and other required procedures, including determination of responsibility and sanctioning if appropriate.

Rights of Witnesses

Persons serving as material witnesses (character witnesses are not permitted) to cases of alleged student misconduct have the right:

1. To be notified in writing by mail and email at least 24 hours prior to the hearing of the date, time, location, and nature of the proceedings, including the nature of the incident in question and his/her role in the hearing.
2. To be accompanied by one person (any member of the Cogswell College community, such as faculty, staff, or fellow student) whose only role is to support the student during the hearing.
3. To be asked questions only by the judicial officer or judicial board members.

Disciplinary Actions

- A. **Judicial Sanctions**
The following sanctions are among the range of official College action that may be taken as a result of any disciplinary hearing. (Violations of national, state, or local laws make a student subject not only to College disciplinary action but also to action by the appropriate court of law.) Progressive discipline is not required.

1. **Warning.** Official notification that certain conduct or actions are in violation of College regulations and that continuation of such conduct or actions may result in further disciplinary action. A copy of the written warning shall be placed in the student's file.
2. **Educational Sanctions.** Preparation and presentation of a program, preparation of a bulletin board, assigned reading and response paper, attending an alcohol education program, counseling, and/or other educational activities.
3. **Contributed Service.** Contribution of service to the College or a designated community agency consistent with the offense committed.
4. **Restitution.** Reimbursement by transfer of property or services to the College or a member of the College community in an amount not in excess of the damages or loss incurred.
5. **Fines.** Financial assessment not to exceed \$250.
6. **Loss of Privileges.** Limitation on College-related services and activities for a specified period of time, which is consistent with the offense committed, including but not limited to ineligibility to serve as an officer or member of ASB or any College club, to participate in or attend College activities, or to receive any award from the College
7. **Disciplinary Probation.** A specified period of observation and review of behavior, including terms appropriate to the offense committed, during which the student must demonstrate compliance with College regulations and the terms of the probationary period and is ineligible to serve in leadership positions in College co-curricular activities.
8. **Removal from housing**
9. **Interim Suspension.** Temporary exclusion from the College for up to five days. In exceptional circumstances, the Dean of Student Life (in conjunction with the President) may suspend a student or take other disciplinary action pending the hearing, especially in matters of safety or for the good of the community. Exams and course work missed during a period of interim suspension may be made up at each instructor's discretion.
10. **Suspension.** Exclusion from the College for a specific period of time after which the student may seek re-admission through normal admission channels. The student's official transcript will read "Suspended --per Code of Student Conduct".
11. **Expulsion.** Permanent termination of student status without possibility of re-admission. The student's official transcript will read "Expelled -- per Code of Student Conduct."
 - a. **Exception:** Notwithstanding any other policy, the College reserves the right to place a student on administrative (non-disciplinary) leave in response to instances of disruptive or other behavior that the College believes affects the College community's well-being. Where the College believes the behavior may be caused by, or related to, psychological or other health issues, the College may require a mandatory independent medical evaluation paid for by the College; temporary or indefinite withdrawal; and/or other administrative action as deemed appropriate by the circumstances of the individual situation. The Dean of Student Life or his/her designee must approve such action, with possible consultation by other administrative personnel of the College. If independent medical evaluation is required, the College will first offer to consult with the student or his/her health advisor in order to obtain relevant information.

In the event that a student is suspended or expelled, he/she shall not be entitled to any reimbursement for tuition and/or fees. A student shall not be permitted to graduate during a period of suspension or expulsion.

Academic Sanctions

In addition to sanctions imposed under the College Judicial System, individual faculty members are vested with the power to lower a student's grade on a paper, exam, or other graded product, and/or for the course as a whole, for academic dishonesty.

Disciplinary Disqualification of College Financial Aid

Financial aid may be contingent upon a student remaining in good judicial standing within the College. If a student faces significant disciplinary matters, is placed on Disciplinary Probation, Interim Suspension, or is Suspended, the financial aid arrangement is subject to review. The review may be initiated by either the Dean of Students or the Financial Aid Office.

A student who is placed on Disciplinary Probation for the first time will continue to remain eligible for federal financial aid unless otherwise prohibited by federal, state, or College regulations. If a student is placed on Disciplinary Probation a second time within two years of the date the first probation was imposed, the student will automatically lose all eligibility for institutional aid effective the date the second probation is imposed.

Student Grievance Policy

The purpose of the Student Grievance Policy is to provide an opportunity for a student to seek redress for an action by a member of the faculty, administration, staff or department. Unless the grievance alleges discrimination (see above), the Student Grievance Policy does not apply to decisions rendered by individuals, the Campus Judicial Committee, or an ad hoc appeals committee resulting from violations of the Code of Conduct. Furthermore, this is not the appropriate procedure to follow when appealing an academic decision, such as a final grade. Appeals of academic decisions are explained in the College Catalog.

Cogswell College is committed to maintaining a stimulating environment for work, study, and recreation for its students, faculty, administration, and staff. The College will not tolerate any behavior by students, staff or faculty members that constitutes sexual or other unlawful harassment, discrimination, or other inappropriate action.

Steps Toward Redress

Level One. When there is a grievance, the student should bring the complaint to the attention of the person against whom the student has a grievance, the "respondent." Informal discussion between persons directly involved in a grievance is an essential first step in attempting to informally resolve the dispute and should be encouraged. One exception to this requirement is in the case of alleged discrimination or harassment.

Level Two. If a satisfactory solution is not reached at Level One or if the student legitimately is apprehensive about pursuing Level One, the grievance should be taken to the Dean of the College or the Dean of Students. At this time the Dean of the College or the Dean of Students will inform Human Resources of the complaint. If the Dean of the College or the Dean of Students is the individual against whom the student is grieving, the grievance should be presented to Human Resources.

If the Dean or Human Resources is unable to promote a resolution to the matter within what he/she determines to be a reasonable period of time, he/she may endorse a petition to the Campus Judicial Committee. No grievance may be filed with the committee without a signed statement from the Dean or Human Resources that he/she

was unable to bring about a reasonable solution to the grievance. The signature of the Dean or Human Resources should not be taken as an indication of that person's opinion of the complaint.

Level Three. Three members of the Campus Judicial Committee shall satisfy itself first that it has a general understanding of the basic facts of the dispute. When a case is being decided by the Judicial Committee, three (3) Judicial Committee members will be chosen based on availability and impartial relations with the complainant and respondent. The committee shall follow the procedures outlined below. All other rights applicable to the student are available equally to the respondent.

Any written grievance filed with the Campus Judicial Committee or his/her designee must be given simultaneously to the respondent.

Decision of the Campus Judicial Committee

1. The Campus Judicial Committee shall transmit its written recommendation within five (5) calendar days after the hearing to the President.
2. The recommendation shall include:
 - a. A statement of the grievance;
 - b. The dates levels one, two, and three were satisfied;
 - c. Summary of the information presented at the hearing; and
 - d. Findings and rationale for the recommendation.
3. The committee's recommendation may include, but is not limited to, a verbal or written warning, probation, suspension, or termination.
4. After reviewing the recommendation, the President shall decide as follows:
 - a. Affirm and seek implementation of the committee's recommendation;
 - b. Refer the case with additional information back to the committee with his/her recommendation.
5. If the case is referred back to the committee, the committee, after reviewing the recommendation of the President, shall re-visit and if in agreement revise its recommendation to the President.
6. The President shall implement, after affirming or modifying, the final recommendation of the committee.
7. The decision of the President is final and binding on the student and the college and shall be communicated in writing to all appropriate persons.

CLASSROOM BEHAVIOR

While Cogswell Polytechnical College is committed to the fundamental principles of freedom of speech, including controversial positions taken in the classroom, all types of speech and behavior must be balanced with principles of appropriate classroom behavior. It is ultimately the faculty member who controls the classroom, and if a situation develops in which, in the opinion of the faculty member, the class is being disrupted, the faculty member has the right to ask a student to leave the class. Resolutions under this policy may also be dealt with through the College's Judicial Procedures.

Generally, disruptive behavior is any behavior that interferes with the instructor's ability to conduct the class, or the ability of other students to profit from the instruction. Such behavior may take various forms, and can be dependent upon many factors including class size, subject matter, and the relationship between faculty and students. Disruptive behavior may be viewed on a continuum ranging from the isolated incidents of mildly

annoying or irritating behavior, to more clearly disruptive, dangerous, and/or violent behavior that should not be tolerated.

Examples of disruptive behavior may include the following:

- Persistent speaking without permission
- Inappropriate use of electronic devices, cell phones, or laptop computers
- Threats of any kind and/or harassment
- Poor personal hygiene
- Sleeping in class
- Entering class late or leaving early (without permission)
- Disputing authority and arguing with faculty and other students
- Physical disruptions or physical altercations

Faculty Rights and Responsibilities

Cogswell respects the right of instructors to teach and the right of students to learn. To ensure these rights, faculty are encouraged to set clear guidelines at the start of each semester in order to keep disruptions to a minimum, and to hold students accountable to a clear and known standard. To this end, faculty members have the prerogative:

- To establish and implement academic standards;
- To establish and enforce reasonable behavior standards in each class;
- To involve other appropriate offices when a classroom disruption arises;
- To address students on problematic behavior and articulate expectations
- To make a determination about an appropriate response or outcome, within the scope of that faculty member's class, excluding permanent removal from class.
- To document any incidents and outcomes.