

Preamble

The Carroll Code of Student Conduct (Carroll Code) outlines the written expectations for student behaviors and student conduct procedures for students enrolled at Carroll College in Helena, Montana. Specifically, the Carroll Code provides definitions, authority, jurisdiction, interaction with law enforcement, expectations for student conduct, student conduct procedures, sanctions, appeals and interpretation and revision of the code.

The Carroll Code has been established to reflect the mission, vision and values of Carroll College as a Catholic, diocesan, residential, liberal arts college with pre-professional programs. This document reflects a respect for the sacredness of the individual person. The Carroll Code further seeks to develop parameters for student conduct within the contexts of living in a community and learning in and out of the classroom. The Carroll Code promotes responsible and healthy decisions by students that support the development of the individual and their responsibility to the community.

Failure to comply with the Carroll Code may result in sanctions including separation of the student from the college.

Article I: Definitions

1. The term "College" means Carroll College located in Helena, Montana.
2. The term "student" includes all persons taking courses at the College, either full-time or part-time, pursuing undergraduate studies. Persons who withdraw after allegedly violating the Carroll Code, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered "students." The Carroll Code applies at all locations of the College.
3. The term "faculty member" means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
4. The term "College official" includes any person employed by the College, performing assigned administrative or professional responsibilities.
5. The term "member of the College community" includes any person who is a student, faculty member, College official or any other person employed by the College. A person's status in a particular situation shall be determined for students by the College Registrar and for employees by the Director of Human Resources.
6. The term "College premises" includes all land, building, facilities, and other property in the possession of or owned, used, or controlled by the College.
7. The term "organization" means any number of persons who have complied with the formal requirements for College recognition.
8. The term "Student Conduct Board" means any person or persons authorized by the Vice President for Student Life to determine whether a student has violated the Carroll Code and to recommend sanctions

that may be imposed when a violation has been committed.

9. The term “Student Conduct Administrator” means a College official appointed by the Vice President for Student Life to impose sanctions upon any student(s) found to have violated the Carroll Code. The Vice President for Student Life may authorize the same Student Conduct Administrator to impose sanctions in all cases.
10. The term “Appellate Board” means any person or persons authorized by the Vice President for Student Life to consider an appeal from a Student Conduct Board’s determination as to whether a student has violated the Carroll Code or from the sanctions imposed by the Student Conduct Administrator.
11. The term “shall” is used in the imperative sense.
12. The term “may” is used in the permissive sense.
13. The term “policy” means the written regulations of the College as found in, but not limited to, the Carroll Code, Community Living regulations, the Acceptable Use Policy for the College web page and computer use, the Student Handbook and the Academic Catalog.
14. The term “cheating” includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff; (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
15. The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
16. The term “Complainant” means any person who submits a charge alleging that a student violated the Carroll Code. When a student believes that she/he has been a victim of another student’s misconduct, the student who believes she/he has been a victim will have the same rights under the Carroll Code as are provided to the Complainant, even if another member of the College community submitted the charge itself.
17. The term “Accused Student” means any student accused of violating the Carroll Code. A student group or organization sanctioned or recognized by the College may also be accused under the Carroll Code.

Article II: Student Code Authority

1. The Vice President for Student Life is the person designated by the College President to be responsible for the administration of the Carroll Code.
2. The Vice President for Student Life shall develop policies for the administration of the student conduct system and procedural rules for the conduct of Student Conduct Board hearings that are consistent with the provisions of the Carroll Code.
3. The Student Conduct Administrator shall determine the composition of Student Conduct Boards and Appellate Boards and determine which Student Conduct Board, Student Conduct Administrator and Appellate Board is authorized to hear or decide each matter.

4. Decisions made by a Student Conduct Board or Student Conduct Administrator are final and binding, pending the outcome of the appeal process.

Article III: Jurisdiction

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

Article IV: Violation of Law and College Discipline

1. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Carroll Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation or criminal arrest and prosecution. Proceedings under the Carroll Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Vice President for Student Life.
2. As a general rule, it is in the College's interest to resolve disciplinary matters

as soon as possible. The more serious the alleged violation, the more pressing the need for timely action by the College. The College may agree, to delay its procedures for a limited period of time if law enforcement officials demonstrate to the College a concrete, nonspeculative way that College procedures will harm their investigation or process in a specific case.

3. Determinations made or sanctions imposed under the Carroll Code are not subject to change because criminal charges arising out of the same facts are dismissed, reduced or resolved in favor of or against the criminal law defendant.
4. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Carroll Code, the College may advise off-campus authorities of the existence of the Carroll Code and how such matters are typically handled within the College community. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions).
5. Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

Article V: Expectations for Student Conduct

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article VI(B):

1. Acts of dishonesty, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty.
 - b. Furnishing false information to any College official, faculty member, or office.
 - c. Forgery, alteration, or misuse of any College document, record or instrument of identification.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises.
3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, or other conduct which threatens or endangers the health or safety of any person.
4. Sexual contact without consent, sexual intercourse without consent, sexual assault and sexual harassment.
5. Actions taken against another because of hatred, bias or discrimination against their race, creed, color, sex, age, religion, national origin, marital status, sexual orientation, or disability.
6. Attempted or actual theft of or damage to property of the College or property of a member of the College community or other personal or public property, on or off campus.
7. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
8. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
9. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College premises.
10. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College web site.
11. Violation of any federal, state or local law.
12. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.
13. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by College regulations), or public intoxication. Alcoholic beverages may not, in any circumstances, be used by, possessed by or distributed to any person under 21 years of age.
14. Illegal or unauthorized possession of firearms, explosives, other weapons, facsimiles of weapons (e.g. paint guns), or dangerous chemicals on College premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
15. Participating in an on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of the College or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled or normal activities within any campus building or area.
16. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or

at College sponsored or supervised functions.

17. Conduct that is disorderly, lewd, or indecent; 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 or members of the College community. Disorderly conduct includes but is not limited to any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his/her prior knowledge, or without his/her consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, shower or restroom.
18. Theft or abuse of computer facilities and resources, including but not limited to:
 - a. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Use of another individual's identification or password.
 - d. Use of computing facilities and resources to interfere with the work of another student, faculty member, or College official.
 - e. Use of computing facilities and resources to send obscene or abusive messages.
 - f. Use of computing facilities and resources to interfere with normal operation of the College computing system.
 - g. Use of computing facilities and resources in violation of copyright laws.
 - h. Any violation of the college's Acceptable Use of Computing and Network Resources Policy.
19. Abuse of the Student Conduct system, including but not limited to:
 - a. Failure to obey the notice from a Student Conduct Board or College official to appear for a meeting or hearing as part of the Student Conduct process.
 - b. Falsification, distortion, or misrepresentation of information in the Student Conduct process
 - c. Disruption or interference with the orderly conduct of a Student Conduct proceeding.
 - d. Institution of a Student Conduct proceeding in bad faith.
 - e. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct process.
 - f. Attempting to influence the impartiality of a member of a Student Conduct Board prior to, or during the course of, the Student Conduct Board process.
 - g. Harassment (verbal or physical) or intimidation of a member of, or a participant in, a Student Conduct Board prior to, during, or after a Student Conduct proceeding.
 - h. Failure to comply with the sanction(s) imposed under the Carroll Code.
 - i. Influencing or attempting to influence another person to commit an abuse of the Student Conduct process.
20. Students are required to engage in responsible social conduct that reflects credit upon the College community and to model good citizenship in any community.

Article VI: Conduct Code Procedures

A. Charges and Student Conduct Board Hearings

1. Any member of the College community may file charges against a student for

- violations of the Carroll Code. A charge shall be prepared in writing and directed to the Director of Community Living. Any charge should be submitted as soon as possible after the event takes place. The Director of Community Living will request a written response from the Accused Student and written statements from any witnesses known to have knowledge of the incident. Both the Complainant and the Accused Student will be provided with copies of each other's written statements and any witness statements and will be given an opportunity to respond in writing. All written statements and responses will be provided to the Student Conduct Board.
2. The Student Conduct Administrator may conduct an investigation to determine if the charges can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings. If the charges can not be disposed of by mutual consent, the Student Conduct Administrator may later serve in the same matter or as member of a Student Conduct Board panel. If the student admits violating institutional rules, but sanctions are not agreed to, subsequent process shall be limited to determining the appropriate sanction(s).
 3. All charges shall be presented to the Accused Student in written form. A time shall be set for a Student Conduct Board hearing, which will be not less than five nor more than fifteen calendar days after the Accused Student has been notified. Maximum time limits for scheduling of the Student Conduct Board hearing may be extended at the discretion of the Student Conduct Administrator.
 4. Student Conduct Board hearings shall be conducted by a Student Conduct Board according to the following guidelines (except as provided by Article VI(A)(7) below):
 - a. Student Conduct Board hearings normally shall be conducted in private.
 - b. The Complainant, Accused Student and their advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Board hearing at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Board hearing is at the discretion of the Student Conduct Board or its Student Conduct Administrator.
 - c. In Student Conduct Board hearings involving more than one Accused Student, the Student Conduct Administrator may permit the Student Conduct Board hearing concerning each student to be conducted either separately or jointly.
 - d. The Complainant and the Accused Student have the right to be assisted by an advisor they choose, at their own expense. The Complainant and the Accused Student are responsible for presenting his or her own information, and therefore, advisors are not permitted to participate directly in any Student Conduct Board Hearing before a Student Conduct Board. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.
 - e. The Complainant, the Accused Student and the Student Conduct Board may arrange for witnesses to present pertinent information to the Student Conduct Board. The College will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the Complainant or Accused Student at least two school days prior to the Student Conduct Board hearing. Witnesses will provide information to the

- Student Conduct Board. Questions may be suggested by the Accused Student and Complainant to be answered by each other or by other witnesses. At the discretion of the chairperson of the Student Conduct Board, the questioning may be conducted by the Student Conduct Board instead of by the Complainant or the Accused Student. This method may be used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved by the chairperson of the Student Conduct Board.
- f. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted for consideration by a Student Conduct Board at the discretion of the chairperson.
 - g. All procedural questions are subject to the final decision of the chairperson of the Student Conduct Board.
 - h. After the portion of the Student Conduct Board hearing in which all pertinent information has been received, the Student Conduct Board shall deliberate and determine (by majority vote if the Student Conduct Board consists of more than one person) whether the Accused Student has violated each section of the Carroll Code which the Accused Student is charged with violating.
 - i. The Student Conduct Board's determination shall be made on the basis of whether it is more likely than not that the Accused Student violated the Carroll Code.
 - j. Formal rules of process, procedure, and technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct proceedings.
5. There shall be a single verbatim record, such as a tape recording, of all Student Conduct Board hearings (not including deliberations). Deliberations shall not be recorded. The record shall be the property of the College.
 6. If an Accused Student does not appear before a Student Conduct Board Hearing, the information concerning the charges shall be presented and considered even if the Accused Student is not present.
 7. The Student Conduct Board may accommodate concerns for the personal safety, well-being, or fears of confrontation of the Complainant, Accused Student, or other witnesses during the hearing where and as determined in the sole judgment of the Vice President for Student Life to be appropriate.

B. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Carroll Code:
 - a. Warning—A notice in writing to the student that the student is violating or has violated the Carroll Code.
 - b. Probation—A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate the Carroll Code during the probationary period.
 - c. Loss of Privileges—Denial of specified privileges for a designated period of time.
 - d. Fines—Previously established and published fines may be imposed.
 - e. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and monetary or material replacement.
 - f. Discretionary Sanctions—Work assignments, essays, service to the College,

- denial of credit for an assignment or a course or other related discretionary sanctions.
- g. Residence Hall Suspension—Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - h. Residence Hall Expulsion— Permanent separation of the student from the residence halls.
 - i. College Suspension—Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - j. College Expulsion—Permanent separation of the student from the College.
 - k. Revocation of Admission or Degree—Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the admission or degree, or for other serious violations committed by a student prior to graduation.
 - l. Withholding Degree—The College may withhold awarding a degree otherwise earned until the completion of the process set forth in the Carroll Code, including the completion of all sanctions imposed, if any.
2. More than one of the sanctions listed above may be imposed for any single violation.
 3. Other than College Expulsion or Revocation of or Withholding a Degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than Residence Hall Expulsion, College Suspension, College Expulsion, or Revocation of or Withholding a Degree, upon application to the Student Conduct Administrator. Cases involving the imposition of sanctions other than Residence Hall Expulsion, College Suspension, College Expulsion, or Revocation of or Withholding a Degree shall be expunged from the student's record three years after final disposition of the case.
 4. In situations involving both an Accused Student and a Complainant Student, the records of the process and of the sanctions imposed, if any, shall be considered to be the educational records of both the Accused Student and the Complainant Student because the educational career and chances of success in the academic community of each may be impacted.
 5. The following sanctions may be imposed upon groups or organizations:
 - a. Those sanctions listed above in Article VI (B)(1)(a)-(e); and
 - b. Deactivation. Loss of all privileges, including College recognition, for a specified period of time.
 6. In each case in which a Student Conduct Board determines or it is admitted that a student, group or organization has violated the Carroll Code, the sanction(s) shall be determined and imposed by the Student Conduct Administrator. In cases in which persons other than, or in addition to, the Student Conduct Administrator have been authorized to serve as the Student Conduct Board, the recommendation of the Student Conduct Board shall be considered by the Student Conduct Administrator in determining and imposing sanctions. The Student Conduct Administrator is not bound by or limited to sanctions recommended by the Student Conduct Board. Following the Student Conduct Board hearing, the Student Conduct Board and the Student Conduct Administrator shall advise the Accused Student, group or organization and the Complainant in writing of the determination made and of the sanction(s)

imposed, if any.

C. Interim Suspension

In certain circumstances, the Vice President for Student Life, or a designee, may impose an interim College or Residence Hall Suspension prior to the Student Conduct Board hearing.

1. Interim Suspension may be imposed only:
 - a) to ensure the safety and well-being of members of the College community or preservation of College property;
 - b) to ensure the student's own physical or emotional safety and well-being; or c) if the student poses an on going threat or disruption of, or interference with, the normal operations of the College.
2. During the Interim Suspension, a student shall be denied access to the residence halls and to the campus (including classes) and all other College activities or privileges for which the student might otherwise be eligible, as the Vice President for Student Life or a designee may determine to be appropriate.
3. The Interim Suspension does not replace the regular Student Conduct process, which shall proceed on the normal schedule, up to and through a Student Conduct Board hearing, if required.
4. The student will be notified in writing of an interim suspension and the reasons for it. The notice will include the time, date and place of a subsequent meeting with the Vice President for Student Life or designee at which the student may show cause why the Interim Suspension should be discontinued or modified.

D. Appeals

1. A decision reached by the Student Conduct Board or a sanction imposed by the Student Conduct Administrator may be appealed by the Accused Student or Complainant to the Vice President for Student Life, or an Appellate Board appointed by the Vice President for Student Life, within

five (5) school days of the date on which the decision is sent by the Student Conduct Administrator. Such appeals shall be in writing and shall be delivered to the Student Conduct Administrator or his or her designee.

2. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the Student Conduct Board hearing and supporting documents for one or more of the following purposes:
 - a. To determine whether the student Conduct Board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the Complainant a reasonable opportunity to prepare and present information that the Carroll Code was violated, and giving the Accused Student a reasonable opportunity to prepare and present a response to those allegations. Deviations from designated procedures will not be a basis for upholding an appeal unless significant prejudice results.
 - b. To determine whether the decision reached regarding the Accused Student was based on substantial information, that is, whether there were facts in the case that, if believed, would be sufficient to establish that a violation of the Carroll Code occurred.
 - c. To determine whether the sanction imposed was appropriate for the violation of the Carroll Code which the student was found to have committed.
 - d. To consider new information, sufficient to alter a decision, but only if the new information was not known to the person appealing at the time of the original Student Conduct Board hearing and could not have been discovered by the appellant if sought with reasonable diligence.

3. If an appeal is upheld by the Vice President for Student Life or the Appellate Board s/he has appointed, the matter shall be returned to the original Student Conduct Board and Student Conduct Administrator to allow reconsideration of the original determination or sanction. If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

Article VII:

Interpretation and Review

- A. Any question of interpretation or application of the Carroll Code shall be referred to the Vice President for Student Life or his or her designee for final determination.
- B. The Carroll Code shall be reviewed annually under the direction of the Vice President for Student Life.

Acknowledgments

The framework for the Carroll Code of Student Conduct was cited in the best practices model offered in “Navigating Past the ‘Spirit of Insubordination’: A Twenty-First Century Model Student Conduct Code with a Model Hearing Transcript,” by Edward Stoner and John Lowery, 31 *Journal of College and University Law* 1 (2004).

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Modification

Carroll College reserves the right to modify the procedures and the substantive provisions of the Carroll Code of Student Conduct at any time.