

Student Rights & Responsibilities

The purpose of Trinity Lutheran College is to create an intentional learning environment that challenges servant leaders to thoughtfully, faithfully and actively challenge the world. Trinity seeks to challenge and impact God's world by holistically educating students in an environment that is at the same time an academic community and a community of faith. To that end, we are committed to providing a biblically-centered foundation that encourages community members to grow as whole persons: physically, intellectually, socially, emotionally and spiritually.

Students, as members of this community, are free to rigorously pursue intellectual inquiry and faith formation within the context of a Christ-centered community of scholars. Students enjoy freedom of academic inquiry based on the conviction that all truth is God's truth. Students have the right to be treated with respect and have the right to due process.

As a private institution, Trinity has the right to institute standards for behavior, including those that govern academic integrity and personal conduct. Students are expected to be servant leaders as modeled by Jesus Christ and respect the worth and dignity of all. By choosing to enroll at Trinity, students knowingly and willingly agree to the policies and ethos that the institution endorses in the Academic Catalog and Student Handbook.

Student Records and Confidentiality

Certain items of information about individual students are fundamental to the educational process and must be recorded. Data concerning students is used only for clearly defined purposes and is safeguarded to avoid violations of personal privacy. In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), Trinity Lutheran College is

responsible for the effective supervision of access to and/or release of official information about its students.

FERPA allocates three specific rights to students regarding the educational records held by educational agencies or institutions. Student at Trinity Lutheran College have the right to:

- Inspect their own educational records.
- Request corrections me made to records if information was recorded inaccurately.
- Restrict the access of others to personally identifiable records*.
(*with exceptions as listed by FERPA)

Trinity Lutheran College is committed to protecting the right of privacy of all individuals about whom it holds information, records, and files. Access to student records is restricted to the student concerned, to parents of a dependent student, to others with the student's written consent, to officials within the College, and to a court of competent legal jurisdiction. If a student believes that their rights under FERPA have been violated, they may contact the Dean of Students.

Further information regarding FERPA can be found at www.ed.gov/policy/gen/guid/fpco/ferpa/index.html

Student Code of Conduct

The Trinity community honors safety and respect for the individual as well as the community. Students are expected to:

- Uphold federal, state and local laws.
- Act with integrity.
- Behave in a manner that is respectful to, and ensures the safety of self, the Trinity community, and others.

As a Christian community with clear sense of mission, we hold one another accountable to community standards of behavior that allow every member of this community to thrive.

The Trinity Lutheran College Student Code of Conduct shall apply to conduct that occurs on College premises (Campus Center, Trinity Apartments and Trinity Garage), Trinity-sponsored

programs or activities, including athletic events, and to off-campus conduct that adversely affects the Trinity community, poses a threat to the safety of persons or property, or damages the institution's reputation or relationship with the greater community. In addition, Trinity Lutheran College, in collaboration with the communities of the Everett area, may respond to student violations of community-based laws and ordinances designed to protect civility and quality of life. The Dean of Students shall decide whether the Code of Conduct shall be applied to conduct occurring off-campus on a case-by-case basis.

There is to be no possession, manufacturing, consumption, or distribution of alcohol by students on campus or at college events, unless it is for sacramental purposes in a sanctioned college worship service (or except as expressly permitted by the Administration). Alcoholic beverages may not be used, possessed, manufactured or distributed by any person under twenty-one years of age.

Beyond use of alcohol that is clearly harmful, Christian communities in different contexts and eras have held different positions relating to the proper use of alcohol. We recognize the complex role that alcohol plays in our culture, particularly among young adults. In addition to the legal issues, alcohol use by persons under 21 has been shown to have adverse effects on health and development. Our community is also attuned to the dangers alcohol poses to those who struggle with addiction. Out of respect and compassion for our entire community, use of alcohol by students on campus, and particularly in the Trinity Apartments, is prohibited. In the spirit of Christian freedom, we further expect all members of the Trinity community to exercise moderation and respect for others regarding alcohol use in other situations as we seek to model responsible Christian leadership in the world. Therefore, public drunkenness by any student of any age will not be tolerated.

There is to be no possession, consumption or distribution of illegal drugs or mood-altering substances or controlled medication without a prescription. Possession, consumption or distribution of marijuana is not permitted on campus.

In our effort to be a Drug Free Community, the unlawful manufacturing, distribution, dispensing, possession, or use of controlled substances or any illegal drug while one is a student at Trinity Lutheran College is strictly prohibited. The possession of drug paraphernalia (including but not limited to pipes, hookahs, bongos, hypodermic needles for non-medical conditions, rolling papers) is prohibited on campus. Students in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion and referral for

prosecution. In addition to Trinity Lutheran College sanctions, Washington State and Federal laws provide for fines and/or imprisonment for the illegal use of drugs. Moreover, an individual student convicted of any offense under Federal or State law involving the possession or sale of a controlled substance will lose eligibility to receive any grant, loan or work assistance beginning on the date of conviction and ending on a date specified by whether it was a first or second conviction.

There is to be no tobacco use on campus.

Per Washington State law, there is to be no smoking inside any building nor outside any entrance within 25 feet. The possession and use of e-cigarettes and vaporizers for “vaping” are prohibited in all campus buildings regardless of substances in the device.

There is to be no cohabitation on campus.

Human sexuality is an incredibly complex issue that touches on all areas of life. Attitudes relating to sexuality and marriage in Christian communities and in the wider culture have been changing over the past century. Trinity Lutheran College affirms the Christian understanding that sexuality is created by God and that sexual union is most appropriately expressed in a covenant relationship of marriage. While we recognize the complexity of relationships present in our community, we also understand that sexual activity outside of marriage can be detrimental to the entire community, particularly among those sharing life together in communal housing, and so we prohibit cohabitation on campus. We understand the term “cohabitation” to include genital sexual contact outside marriage, and/or the spending of a night together by two or more people engaged in a romantic or sexual relationship or encounter.

There is to be no violent or destructive behavior or other conduct that threatens or endangers the safety or emotional well-being of one’s self or any other person.

Christian community is founded on the understanding that human beings are created in the image of God and deserve to be treated with respect and care. As such, we hold one another accountable to the good of the entire community and do not tolerate violence or destructive behavior of any kind. This prohibition includes, but is not limited to, fighting, vandalism, any behavior that results in destruction or loss of property (including theft), hazing of any kind, or disruption of community life. It also includes, but is not limited to, physical abuse, verbal abuse, threats, or intimidation as well as behaviors including assault, sexual assault, harassment

or other forms of sexual misconduct. To this end, no weapons or explosives of any kind (guns, knives, swords, fireworks, etc.), may be possessed on campus, including the Trinity Apartments.

Trinity Lutheran College will not tolerate harassment, be it through direct behavior or creating a hostile environment. This applies to harassment based on, but not limited to:

- Gender**
- Sexual Orientation**
- Religious Belief**
- Race or ethnicity**
- Culture**
- Organizational affiliation**
- Age**
- Abilities**
- Socioeconomic Status**
- Political Ideologies**
- Marital status**

In addition to enforcing policies stated in this Code of Conduct, Trinity will cooperate with appropriate law enforcement agencies in the event a member of the college community is in violation of federal, state, or local laws.

Sexual Misconduct

Trinity Lutheran College is committed to providing an environment in which students can work, live, and study free from all types of sexual misconduct. Trinity Lutheran College prohibits any discrimination in education and employment on the basis of gender. Sexual misconduct has a serious negative impact on the quality of the education experience. When an allegation of sexual misconduct is brought to the administration, and a Respondent is found to have violated this policy, Trinity will issue sanctions which are commensurate with the violation and which reflect Trinity's determination to prevent and correct sexual misconduct to the fullest extent possible. All members of the community are expected to conduct themselves in a manner that does not infringe upon the rights of others, whether on or off campus. The Sexual Misconduct Policy has been developed to reaffirm these principles

and to provide recourse for those individuals who believe they may have experienced or witnessed sexual misconduct.

The College will work to prevent and eliminate sexual misconduct by providing a multi-faceted educational program to promote awareness of acceptable and non-acceptable behaviors.

The College reserves the right to take whatever measures - including immediate measures pending investigation and review - that it may deem necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Measures may include, but are not limited to, Trinity no contact orders, modification of living arrangements and class schedules, suspension from campus and/or reporting to the local police. The College reserves the right to impose sanctions ranging from warning to expulsion depending on the severity of the offense. In keeping with the Student Rights and Responsibilities, the College will consider the concerns of both the Complainant and the Respondent throughout the conduct process.

This policy is intended to meet the requirements of applicable federal and state law. If this policy is inconsistent with any applicable law, it is the College's intent to follow applicable law.

Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent (as Trinity defines it in this policy) and/or by force, intimidation, coercion or manipulation. As defined by the College, the term sexual misconduct includes non-consensual intercourse, non-consensual sexual contact, sexual harassment, sexual exploitation, and sexual intimidation. Sexual misconduct can be committed by a person upon another regardless of gender, and it can occur between people of the same or different sex. It can occur between strangers or acquaintances, including people involved in a current or previous intimate or sexual relationship. Sexual misconduct may vary in its severity and consists of a range of behavior.

Trinity Lutheran College uses the following definitions in this policy:

Sexual Activity:

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making someone touch another person with or on any of these body parts; any other intentional bodily contact in a sexual manner.
- Intercourse (anal, oral, or vaginal), however slight, with any object.
- In the context of this policy, Sexual Activity may also include the conduct preliminary to or involved in Sexual Harassment, Sexual Exploitation and Sexual Intimidation.

Complainant: The person complaining of Sexual Misconduct.

Respondent: The person accused of Sexual Misconduct.

Consent: Consent is permission explicitly granted by an individual who is physically and mentally capable of providing it. It is the responsibility of the person who wants to engage in the sexual activity to insure that he or she has the valid Consent of the other to engage in the activity.

Trinity Lutheran College further defines Consent to include the following:

- Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as Consent. Consent can be given by words or actions, as long as those words or actions create clear and mutually understandable permission regarding the conditions of sexual activity.
- Consent to one form of sexual activity cannot imply Consent to other forms of sexual activity, even within the same intimate situation. Previous relationships or Consent cannot imply Consent to future sexual acts.
- Consent cannot be procured by use of physical force, threats, intimidating behavior, or coercion.

Some individuals are unable to give Consent by reason of incapacity or physical helplessness (as defined below). It is a violation of this policy to engage in sexual activity with someone you know to be, or should have known to be, incapacitated or physically helpless.

Incapacity: For the purpose of this policy, Incapacity is a condition existing at the time of the incident which prevents a person from understanding the nature or consequences of the sexual act(s) whether that condition is produced by the influence of a substance, or from some other cause. Incapacity is a state where one cannot make a rational, reasonable decision because he/she lacks the ability to understand the who, what, when, where, why or how of the sexual interaction.

The use of alcohol or drugs can prevent an individual from giving valid Consent, even if the person appears to agree to sexual activity in the moment. Incapacity may also result from the influence of substances commonly known as "date rape" drugs. Possession, use and/or distribution of any "date rape" substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of Trinity policy. More information about these substances can be found at www.rainn.org. Incapacity may also result from, without limitation, developmental disability, mental disorder, chemical dependency, and/or age.

Physical Helplessness: Physical Helplessness refers to a person who is asleep, unconscious or for any other reason is physically unable to communicate, verbally or non-verbally, valid Consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get Consent from another. When someone makes clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive if Consent is not voluntarily or freely given, or if the individual giving it is not capable of doing so.

Non-Consensual Sexual Intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another regardless of gender, without Consent.

Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a person upon another regardless of gender, without Consent.

Sexual Harassment is gender-based verbal or physical conduct that unreasonably interferes with or deprives someone of educational access, benefits or opportunities. There are three types of Sexual Harassment:

- Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently/objectively offensive that it alters the conditions of education, employment, or residence from both a subjective (the Complainant's) and an objective (reasonable person's) viewpoint.
- Quid Pro Quo Sexual Harassment exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and submission to or rejection of such conduct results in adverse educational or employment action.
- Retaliatory Harassment is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or Sexual Misconduct.

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other Sexual Misconduct offenses.

Sexual Intimidation involves, without limitation, threatening another person with a sex act against them, stalking (including cyber-stalking), and/or engaging in indecent exposure.

Trinity Lutheran College also prohibits Retaliation against any person who complains about sexual misconduct, any witness who testifies in a Review Meeting related to allegations of sexual misconduct, or anyone who engages in any similarly protected activity. Retaliation is an adverse action taken against another for reporting a complaint or supporting another's complaint.

Counseling and Support Services for Complainants

Trinity Lutheran College provides a professional counselor who provides a safe and private place for individuals who have questions or concerns about sexual misconduct, intimate partner violence, or stalking. The counselor is obligated by law to keep reports confidential except for situations where the safety of an individual may be involved, at which point reporting becomes mandatory. The Counselor provides the following: emotional support,

arranges referrals for medical care, discusses formal reporting options, assists in safety planning (including obtaining Protection Orders), and provides referrals to counseling and support groups on and off campus. The Trinity Counselor can be reached at 206-659-875 or by emailing counseling@tlc.edu. The Trinity Counseling Center is located on the 3rd floor in Room 322.

Other confidential support options are: Campus Pastor Erik Samuelson 510-759-1146, the off-campus Providence Intervention Center for Assault and Abuse 24-hour Crisis Hotline: 425-252-4800, or the National Sexual Assault Hotline: 1-800-656-HOPE or online hotline at <http://rainn.org> available 24/7.

Counseling and Support Services for Respondents

Respondents may seek confidential assistance from: Trinity counselors in the Trinity Counseling Center (email counseling@tlc.edu), the Campus Pastor (510-759-1146), or from their health provider.

Trinity Lutheran College encourages all members of the community to report any incidents of Sexual Misconduct or Retaliation, regardless of the alleged offender's identity or position. Reports may be made to the following campus officials: Dean of Students, Human Resources, Director of Residence Life, Resident Assistants, or the Director of Facilities and Security. Students may also make a report to local law enforcement officials by calling 911. Campus officials will assist with reporting to law enforcement if requested. Please note: it is important to preserve evidence for the proof of a criminal offense. The College will take incidents of Sexual Misconduct seriously when reported, and the College will investigate any such allegations and resolve them through administrative procedures.

A report will be handled discreetly, but information will be shared as necessary with investigators, witnesses, and the Respondent. This group of people will be kept as small as circumstances permit to maintain privacy to the extent reasonably possible.

If the Respondent is a Trinity staff or faculty member, reports generally will be processed by Human Resources and will be investigated through the Employee Process.

Complainants or witnesses may be hesitant to report to College officials because they fear that they themselves may be charged with policy violations, such as illegal drinking at the time of the incident. To encourage reporting, the College will primarily focus on the issue of Sexual Misconduct. While other potential policy violations cannot be completely overlooked, the

College will typically address these situations by focusing on educational resources for the Complainant or witness.

There is no time limit on making a complaint that this policy has been violated; however, it may be difficult to substantiate the allegations made in a complaint brought after significant time has passed. Therefore, prompt reporting of complaints is strongly encouraged.

The College will process allegations of violations of this policy in substantially the same manner as it does allegations of other College policies, and thus students are referred to the Student Rights and Responsibilities Process. The College recognizes, however, the significant impact Sexual Misconduct allegations and experiences may have on the lives of students. Trinity endeavors to approach all such situations with respect and concern for all involved, to review allegations without prejudgment or bias, and to provide a process that is as fair as it reasonably can be. Bearing in mind the emotionally charged atmosphere surrounding such incidents, Trinity takes seriously the need to:

- Take immediate action to preserve the safety and well-being of all involved until a review meeting of the allegations can be held.
- Make available support services for Complainants and Respondents during and, to the extent it is consistent with Trinity's role as an educational institution, after the review process is concluded.
- Preserve privacy to the extent it is reasonably possible to do so, balancing the privacy of the participants and Trinity's determination to prevent and correct Sexual Misconduct.
- Investigate any such allegations promptly.
- Balance the desirability of early resolution against the time needed for students to adequately prepare for review meetings.
- Listen to and hear the Complainant's allegations and the Respondent's response to them. Thoughtfully consider and make a decision based on fact-based information that is credible and relevant.
- When a Respondent is found responsible for a violation of this policy, issue sanctions which are commensurate with the violation and which reflect Trinity's determination to prevent and correct Sexual Misconduct to the fullest extent possible.

- Educate students that Trinity Lutheran College prohibits Retaliation against a student that has reported a violation of this policy or testified in a review meeting, and provide an appropriate mechanism to report such Retaliation if it occurs.

Attempted Violations: Attempts to engage in any of the prohibited behaviors outlined in this policy may be treated by the College as a violation of this policy.

College as Complainant: As necessary, the College reserves the right to initiate a complaint, to serve as Complainant, and to initiate conduct proceedings without a formal complaint by the alleged victim of misconduct.

False Reports: The College will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. Any false reports will be addressed using the Student Rights and Responsibilities Process.

Sanction Guidelines: Trinity Lutheran College takes allegations of Sexual Misconduct very seriously and will sanction those found Responsible for violating its Sexual Misconduct policy accordingly. Any student who is found to have violated the Sexual Misconduct policy will be subject to disciplinary action up to and including suspension and/or expulsion. Students should read the Student Rights and Responsibilities Process for information about sanctions.

Notification of Outcomes: The outcome of a review meeting is part of the educational record of the responding student, and is protected from release under a federal law, FERPA. However, the College observes the legal exceptions as follows:

- Complainants and Respondents in Sexual Misconduct incidents will be informed of the outcome and sanctions of the review meeting, in writing. Students who bring any sort of Sexual Misconduct complaint against faculty or staff may or may not be informed of the outcome and sanction, because FERPA does not apply; or
- The College may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a College policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The College will release this information to the Complainant in any of these offenses regardless of the outcome.

Adapted from The National Center for Higher Education Risk Management Model Campus Sexual Misconduct Policy, 2010.

Student Conduct Philosophy and Principles

Trinity Lutheran College views the conduct process as a learning experience that helps students to understand their responsibility both to themselves and their living learning community. We strive to learn from one another in an educational environment that holds mutual respect for individuals and community in high regard and self-responsibility for behaviors. Behavior that conflicts with established standards, policies and guidelines may be referred for conduct proceedings.

Integrity Initiative

Students who have violated College behavioral expectations or student handbook policy are encouraged to quickly and voluntarily “come in” to acknowledge their missteps and seek the advice and counsel of his/her Resident Director or the Dean of Students. This will allow a truly repentant student to voluntarily discuss his or her violation and may keep judicial action to a minimum. In many cases, a “come in” meeting will only result in rehabilitative strategies.

If a student chooses to avoid accountability, then members of the Residence Life staff or the Dean of Students will assume the responsibility to confront and call in anyone falling short of community expectations.

The Responsibility to Help Each Other

With Matthew 18:15-17 as our guide, we believe that personal growth and maturity is encouraged most when each member of the College community accepts responsibility to care enough about others to confront them when appropriate. This responsibility to confront one another in a loving manner should flow out of natural relationships with friends, peers, faculty and staff. When encouraging students to come forward seeking help, remember that sincere effort will be made by the College staff to bring healing, wholeness and reconciliation.

If a student is having difficulty with an issue in his/her life, even if it involves a violation of the Student Code of Conduct, he/she is strongly encouraged to seek help from some member of the campus community. If adopted by all members of our community, this approach would enable the majority of inappropriate behaviors to be corrected on a personal, rather than judicial, level.

Communication with Parents or Guardians

In that each parent plays a uniquely supportive role in their student's lives, students will be encouraged at all levels of the accountability process to share information with their parents or guardians. The Federal Educational Rights and Privacy Act (FERPA) places specific limitations on student education record information College employees may share with parents or guardians. In many cases, the student retains the right to disclose or not disclose education record information to their parents or guardians. However, College employees may disclose education record information without written prior consent from the student to parents

1. if the student is claimed as a dependent by the parents for income tax purposes
2. if the student is experiencing a health or safety emergency
3. if the student (as long as they are under 21) has violated any law or policy concerning the use or possession of alcohol or a controlled substance
4. if the disclosure is in connection with a judicial proceeding conducted by the College against their student who is an alleged perpetrator of a crime of violence

The complete College [FERPA policy](#) is available in the registrar's office.

Fairness, Consistency and Predictability

If the judicial process is to remain trustworthy, it is important that those involved strive for fairness, consistency and predictability. *Fairness* speaks to the appropriateness of the sanctions to the violation. The principle of *consistency* acts as a guide when handling a student who has curried more or less favor with various members of the faculty or the staff. *Predictability* speaks to the reputation of the judicial process. While students may not always enjoy the process, our goal is that students ultimately are able to respect the experience whatever the outcome.

Confidentiality

Confidentiality is another essential element of a trustworthy judicial process. Whenever possible, the Judicial Board will protect the identity of the third party who may have provided the Board with information regarding the student in attendance at the Judicial Board hearing. The information shared by a student during a Judicial Board hearing is used only for

investigatory or mandated reporting purposes, and is otherwise held in the strictest of confidences.

Students who make decisions to violate the community expectations and Student Code of Conduct are held accountable for their actions through a process that is intended to be redemptive and restorative with the care the development of each person in mind.

Process

Trinity Lutheran College Judicial Officers

The following employees are trained to lead varying levels of the judicial process:

1. The **Dean of Students** serves as the Chief Judicial Officer for the College. As such, all levels of non-academic adjudication are managed through this office, including non-traditional students. The Dean is also the Chair of the Judicial Board and is responsible for the annual training of Judicial Board members.
2. The **Director of Residence Life** manages all second-tier campus violations and will also serve as a secondary Judicial Board chair as needed. Assignment of judicial cases to the appropriate Resident Director is also the responsibility of this office.
3. The **Resident Director** manages all first-tier judicial violations.
4. The **Academic Dean** manages all academic accountability and also serves as Chair of the Administrative Judicial Board.

Judicial Board

The Judicial Board, chaired by the Dean of Students, will consider *third-tier* violations of the Student Handbook and student appeals regarding findings or sanctions.

Judicial Board Members:

- Dean of Students (Chair)
- Faculty member
- Staff member
- TSG President

Faculty and Staff members are assigned to serve on the Judicial Board on a rotating basis. The Director of Residence Life may also chair Judicial Board hearings when the Dean of Students is not available.

A committee member should not serve on a Judicial Board when the *summoned student* is currently enrolled in a course the member is teaching, is designating the member's academic department as the student's major area of study, is an academic advisee of the member, or is in a structured mentor relationship with the student.

Administrative Judicial Board

The Administrative Judicial Board will consider student appeals to judicial action issued by the Judicial Board. Meetings are initiated as needed by the chair. All decisions by the Administrative Judicial Board are final.

Administrative Judicial Board Members (two members shall constitute a quorum):

- President
- Academic Dean (Chair)
- Faculty Board Chair

Judicial Sanction Options

The following sanctions may be imposed for violation of the Code of Conduct (not subject to this order):

Notification of parents: The college may notify the student's parents of disciplinary actions with the student's consent and without the student's consent if the student is dependent upon her/his parents as defined by the Internal Revenue Act.

Warning: A written statement that the student has violated college policy and that further violations within a given time frame will result in more serious sanctions. The warning will be included as part of the student's disciplinary record. During the warning period, the student may lose the privilege of holding an office in a student organization.

Restitution: Payment for damages done or expenses incurred as a result of a student's actions. Restitution may be required to the college, to a specific department, or a specific individual, as deemed appropriate by the hearing officer.

Confiscation: Articles or substances (e.g., alcoholic beverages and/or containers, weapons, illegal materials) that violate the Code of Conduct and/or governmental statute may be taken into the custody of the college or turned over to law enforcement authorities as appropriate. The college retains the right to decide whether such articles will be returned to the owner, destroyed by the college, or turned over to law enforcement officials. In the case of stolen property, it will be returned to the person from whom it was stolen if that person can be identified and located.

Service Assignment: An assignment to perform a task or service for the college, for a college sponsored organization, or for an approved community group.

Disciplinary Education: Performance of an educational activity in response to a violation of the Code of Conduct. Educational sanctions may include:

- A formal apology (in writing or in person)
- A public presentation on a designated topic (usually 10-15 minutes long)
- A research paper on a designated topic (usually 7-10 pages)
- Educational dialogs with appropriate college officials. Often there will be a minimum number of sessions stipulated. While the content of the sessions will remain confidential, the college official will provide the Dean of Students information on the student's attendance and progress.
- Enrollment in an off-campus course (e.g., alcohol/drug assessment, anger management)
- Other

Loss of Privileges: Removal of privileges for a designated period of time. Privileges that may be revoked include:

- Living in one's room of choice
- Living in one's apartment building of choice

- Living on campus
- Holding elective or appointive office in campus organizations
- Participating in campus organizations
- Operating a college-owned or rented motor vehicle
- Participation in intercollegiate athletics
- Other

Fines: Charges payable to the college for selected policy violations.

Housing reassignment: Students may be reassigned to a different housing placement or be removed from College housing on a temporary or permanent basis.

Judicial Status Definitions

Provisional Citizenship Probation: Students who are placed on Provisional Citizenship Probation have likely violated one or more *first tier* Student Handbook policies. This functions as a warning status and is in effect for one semester. Violations committed while on probation **are** grounds for acceleration to Full Citizenship Probation.

Suspension: Separation of the student from the college for a specified period of time.

- Temporary suspension will last a minimum of three days and a maximum of two weeks.
- Final suspension will last a minimum of the remainder of the current semester, with all academic work forfeited for the semester. The student may reapply for readmission to the college after the suspension period.

In either case, the student must vacate campus within 24 hours of the original notification of suspension. A request for review by the Appeals Board will not automatically extend this time.

A suspended student is prohibited from attendance at any classes, social or athletic events, or other functions, or visiting college grounds or buildings. Exceptions may be made for the purpose of carrying out business with the college upon request of and granting of explicit permission from the Dean of Students.

Requests for readmission (following a suspension) will be considered only if the student indicates how the specific requirements or conditions of the suspension have been fulfilled and what changes have occurred in the student's life to warrant reconsideration. Requests for re-admission prior to the expiration of the suspension should include any reasons that support a reconsideration of the matter. Prior to re-admission following a term(s) of suspension, the student should complete the following:

- Submit a written appeal for re-admittance to the Dean of Students that details compliance with the terms of the suspension and all plans for reconciliation. The appeal will be considered by the Dean of Students in conjunction with the Academic Dean.
- Schedule a meeting with the Dean of Students to review the appeal determination.
- If appeal is approved, follow the reapplication and admissions procedures.

Dismissal: Permanent separation from Trinity Lutheran College.

- The student must vacate campus within 24 hours of notification of expulsion. A request for review by the Administrative Judicial Board will not automatically extend this time.
- The student is not eligible for readmission to the College.
- The expulsion will be recorded in both the records of Student Life and the Registrar.
- Parents/guardians will be notified of the final decision to dismiss the student.

Repeat violations: In the case of repeated violations or violations in deliberate disregard of a specific warning, the student will be subject to more serious sanctions.

Status and Sanction Guidelines

While certainly not an exhaustive list, this table provides a set of possible status & sanction assignments for some of the more common community handbook violations. Each decision is considered on an individual basis, taking into account the attitudes and unique circumstances surrounding each incident. A student's attitude toward any College employee during the judicial process will be considered when making final decisions regarding status and sanctions. Grace will be a part of the judicial process as Student Life personnel and Judicial Boards consider the students' current attitude as well as past behavior.

First Tier Violations

Examples of specific behaviors Resident Directors would respond to include (but are not limited to):

Violation:	Possible Status:	Possible Sanction:
Candles (any open flame)	None	Written warning, \$50 fine, community service, restitution
Conflict/Disruption	None	Letter of apology, disciplinary education, restitution
Disruptive language	None	Written warning, \$ 50 fine, community service, letter of apology
Littering	None	\$50 fine
Pets/animals	None	Written warning, \$50 fine, Restitution
Vandalism	Provisional Citizenship Probation	Restitution, community service
Quiet hours	None	Written warning, \$50 fine community service
Roof access	None	\$100 fine
Tampering with fire equipment	Provisional Citizenship Probation	\$50 fine
Tobacco on campus (first offense)	None	Written warning, online educational program, research report, \$50 fine
Unapproved overnight guests	None	Written warning, loss of visitation (day or days), \$25 fine/person/day

*Students with first tier violations appeal to: Director of Residence Life

Second Tier Violations

Examples of specific behaviors the Director of Residence Life would respond to include (but are not limited to):

Violation:	Possible Status:	Possible Sanction (s):
Alcohol on campus (1st offense)	Provisional Citizenship Probation	Parent notification by student (if under 21), \$100 fine, community service, counseling, participation in online educational program, substance abuse assessment
Inappropriate sexual behavior	Provisional Citizenship Probation to Suspension	Counseling, housing reassignment, disciplinary education
Marijuana use	Provisional Citizenship Probation	Parent notification by student (if under 21), \$100 fine, counseling, substance abuse assessment, educational program
Repeat offenses	Provisional Citizenship Probation	Depending on offenses, appropriate sanction TBD.
Theft	Full Citizenship Probation	Restitution, research or presentation, loss of housing
Tobacco (second offense)	Full Citizenship Probation	Mentoring, fine (\$50) substance educational program
Unapproved overnight guests (2nd offense)	Provisional Citizenship Probation	Loss of visitation, community service, \$25 fine/person/day

*Students with second tier violations appeal to: Dean of Students

Third Tier Violations

Examples of specific behaviors the Dean of Students and the Judicial Board would respond to include (but are not limited to):

Violation:	Possible Status:	Possible Sanction:
Alcohol (third offense) or providing alcohol to under 21	Full Citizenship Probation, Suspension or Dismissal	Loss of Housing privilege, Parent notification by student (if under 21), \$100 fine, community service, counseling, substance abuse assessment
Assault	Full Citizen Probation, Suspension or Dismissal	Apology letter, restitution, social restrictions, loss of leadership position, community service
Drug use and/or distribution	Full Citizen Probation, Suspension or Dismissal	Substance Abuse assessment, substance counseling, restitution
Drunkenness	Full Citizen Probation, Suspension or Dismissal	Substance Abuse assessment, substance counseling, restitution
Harassment	Full Citizen Probation, Suspension or Dismissal	Apology letter, restitution, social restrictions, loss of leadership position, community service
Hazing	Full Citizen Probation, Suspension or Dismissal	Psychological assessment, community service, letter of apology, social restrictions
Inappropriate sexual behavior	Provisional Citizenship Probation to Suspension	Counseling, housing reassignment, disciplinary education
Marijuana use and/or distribution	Full Citizen Probation, Suspension or Dismissal	Loss of housing privilege, Substance Abuse assessment, substance counseling
Repeat offenses	Full Citizenship Probation, Suspension or Dismissal	Depending on offenses, appropriate sanction TBD.
Sexual assault or Sexual predation**	Full Citizenship Probation Suspension or Dismissal	Counseling, disciplinary education, psychological assessment, social restrictions
Threats to campus safety	Provisional Citizenship Probation to Suspension or Dismissal	Psychological assessment, community service, letter of apology, social restrictions
Weapons	Provisional Citizenship Probation to Suspension	Community Service, research report

*Students with third tier violations appeal to: Administrative Judicial Board

**Sexual Predation is a form of sexual assault involving coercion or manipulation--emotional, social, or by means of alcohol or other substances.

Records

The Director of Residence Life is responsible for the accurate recording and tracking of judicial records pertinent to each case or will assign those responsibilities to the appropriate staff member. The appropriate employee will prepare and facilitate all written communication with the student. Records should reveal a clear path of logic between behavior and consequences and are recorded within the Conduct Coordinator software. After completion of the hearing process, all material unnecessary to retain as record of the hearing will be shredded and discarded to protect individual privacy.

Student Development Judicial Board

1. After the hearing the student will receive a letter from the Board chair as it relates to specific details involving violations of student conduct and judicial action.
2. A copy of the letter of notification will be filed within the student's judicial records.
3. If the status indicates a student suspension or dismissal, form 1A will be placed in the student's academic file referencing the student judicial record in the Student Development office.

Student Judicial Rights

The following is a list of students' rights within the judicial process:

1. **Fair and respectful treatment.** Students are members of the Trinity community and should be afforded fair and respectful treatment throughout the judicial process.
2. **Attend or not attend a meeting.** A student summoned to respond to an alleged behavior violation has the right to present his/her case before the appropriate Student Life personnel or Judicial Board. Should the student forfeit the right to appear at his/her own judicial hearing (either by advance notice or by failing to appear), the right to question the allegation(s) is also forfeited, and a determination (e.g. responsibility for behavior and issued status and/or sanctions) will be made without the student's voice

being heard. By not attending a judicial hearing the student also waives the right to appeal the determination for appeal rationale "6a" (below).

3. **Present a Defense.** In response to a confrontation regarding an alleged behavior violation the student may present a defense, including the presentation of witness testimony.
4. **Access to records.** In compliance with federal law, the College allows students access to all reports and documentation that are part of their educational record.
5. **Support.** A student may request one person to attend any of the judiciary Boards for personal support. This individual must be a Trinity Lutheran College faculty or staff member and may not address the Board or Board members regarding the student behavior in question throughout the duration of the judicial process. It is expected that the employee would consider all conversation, information or materials related to the judicial matter in question as *confidential* between the student and the Board members.
6. **Judicial letter of finding.** Each student who has been issued a judicial sanction by the Judicial Board should receive a letter that states the type of incident or behavior which he/she has violated, the judicial status (if indicated), and a list of all sanctions. The letter may be written in the form of a contract to be signed by the student and the Judicial Board chair. Additionally, any appeal decisions will be communicated to the student in writing.
7. **Findings review.** Each student will be invited to review the judicial letter of finding with the Dean of Students. This meeting is not mandatory but encouraged. A printed copy will be given to the student at this meeting, as well as sent via email. If the student chooses not to attend the review, they will only be sent the letter via email.
8. **Appeal.** Students should be informed of their right to appeal and to whom they would be appealing during their hearing or in their *judicial letter of finding*. Appeals regarding judicial decisions should be submitted in writing to the Assistant to the Deans. All appeals must be made within three business days of receiving written notification of the decision. Appeals will be accepted for consideration only for one or more of the following situations:

- a) New information is available that was not available during the original hearing and could possibly alter the Board's response.
- b) Due process was not followed as described in the published judicial process documentation.
- c) The decisions, sanctions or restrictions were not consistent with the student community handbook or its associated student development or academic policy (e.g. housing manuals, motor vehicle policy, academic catalogue, etc.).