

Name of Policy: Student Code of Conduct
Source: Student Affairs
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Form to Complete: N/A

**Policy:**

The Kansas City Art Institute (KCAI) is committed to creating and maintaining an environment where individual and institutional responsibility combine to promote each student’s development. Students are encouraged to help create an environment that stimulates both their educational and social development. With that freedom comes a responsibility to respect others. All individuals at KCAI are considered adults, and it is assumed they will maintain standards of conduct appropriate to membership in the college community. The college accepts and retains students on the condition that they observe these standards. The Student Code of Conduct is applicable to all students and recognized student organizations, to conduct both on and off campus, before, during and between semesters. A student is defined as an individual who is accepted until the time of graduation, but does not include time periods in between acceptance and graduation when a student is not enrolled for a semester or more.

Individuals enrolled solely as Continuing and Professional Studies (CPS) students at KCAI are expected to uphold the standards of behavior outlined in this code. Additional guidelines for behavior may be provided by CPS. Individuals who violate these standards are subject to action at the discretion of the Director of Continuing and Professional Studies or their designee. Such action may include restricting and/or dismissing students from CPS programs, classes, and activities.

UNACCEPTABLE CONDUCT

All students at KCAI are charged with the obligation to conduct themselves in a manner compatible with the college’s function as an educational institution; consequently, conduct which interferes with that function may be prohibited regardless of whether such conduct is specifically sanctioned or proscribed by the provisions of the Student Code of Conduct, and KCAI reserves the right to address conduct it deems inappropriate though it may not be specified below. The following list of behaviors is intended to represent the types of acts that constitute violations of The Student Code of Conduct. Although the list is extensive, it is not all-inclusive.

1. Causing physical harm to one's self or another person on or off college premises, at college-sponsored activities, or causing reasonable belief of such harm.
2. Stealing, misusing, or damaging property of the college or others, and/or theft of services belonging to the college or others. Possession of stolen property on college premises, at college-sponsored activities, or off campus.
3. Academic misconduct, such as cheating and plagiarism, furnishing false information; forgery, alterations, or unauthorized use of college documents, records, identification, or property. Violations of this nature will be address through the Academic Honesty Policy and Procedures.
4. Littering or dumping trash on college grounds or common areas.
5. Possession, use, or storage of weapons, firearms (including toy or artificial firearms), fireworks, paint-guns, pellet guns, knives, swords, incendiary devices, martial arts equipment, or other dangerous weapons and explosives on college property, or at college sponsored activities without KCAI authorization.
6. Failure to comply with the directions given by college officials who are acting in the performance of their duties, including but not limited to: Resident Assistants, Dean of Student Affairs, Assistant Dean of Students, Instructors, Security Guards, etc.
7. Verbally threatening or abusive behavior directed at college officials, or other members of the KCAI community who are acting in the performance of their duties.
8. Initiating, or causing to be initiated, fire, any false report of fire, warning or threat of fire, explosion or other emergency on college premises, or at college-sponsored activities. Any students wishing to use fire for academic or artistic purposes must get permission from faculty, and Security before fire is used.
9. Interfering with normal college or college-sponsored activities, including but not limited to studying, teaching, college administration, security, fire, police, or emergency services.
10. Violating the terms of any disciplinary sanction imposed in accordance with this code.
11. Disruptive behavior, or disorderly conduct that prevents the orderly conduct of business, education, or living, in the Living Center, dining areas, areas of student activity, administration areas, or classrooms. Examples include, but are not limited to; inappropriate/offensive language, public intoxication, being under the influence of drugs, involvement in lewd, indecent, or obscene behavior on college premises, or at college-sponsored activities, a consistent pattern of disruptive behavior(s) that require excessive faculty/staff intervention, etc.
12. Interfering with the freedom of expression of others on college premises, or at

college-sponsored activities.

13. Unauthorized presence in, entry into, or use of college facilities, or premises.
14. Unauthorized duplication of any keys to KCAI buildings or facilities.
15. Actions that are not committed on college property, but that impact the security, or reputation of the college community, or the integrity of the educational process of KCAI.
16. Smoking in prohibited areas, and/or facilities.
17. The possession or use of hookahs is prohibited on campus.
18. The use of electronic cigarettes, or cigars, in buildings is prohibited on campus.
19. The use or possession of medical marijuana is prohibited on college property.
20. The use or possession of hover boards on college property.
21. Bringing animals into campus buildings (other than authorized service and assistance animals). Animals on campus must be leashed, accompanied, and managed so as not to offend, or endanger individuals (i.e. no excessive barking or tying up of animals). Owners are responsible for cleanup, any damage, and other actions of their animals.
22. Driving a vehicle in any area, other than paved campus roadways, without prior permission.
23. Parking in unauthorized, reserved spaces, or fire lanes. Parking on-campus without a valid parking sticker.
24. Unauthorized taking of food out of the dining hall, or transferring food from the dining hall to any individual who has not paid for that food.
25. Bringing non-student guests, including, but not limited to: parents, significant others, siblings, children, etc., into studios, or labs (except for end of semester shows), without prior approval from the Department Chair and Vice President for Academic Affairs or Executive Vice President for Academic Affairs.
26. The recording of conversations, meetings, and/or lectures with audio, video-recording, or photographic devices including, but not limited to cellular telephones, and other electronic devices, is prohibited unless all parties are informed in advance, are agreeable to the recording taking place, or the recording is otherwise permitted by a specific policy, or procedure, such as when recording in class is allowable as a reasonable accommodation.
27. Inappropriate use of electronic media (voice mail, E-mail, social media, etc.) to send

inappropriate, annoying, and/or obscene messages, or communications. KCAI reserves the right to remove inappropriate, and/or injurious content from the KCAI Facebook “class of pages”.

28. Misrepresentation of oneself, or of an organization, to be an agent of the college.
29. Failure to maintain reasonable control of areas for which a student is responsible, including assigned Living Center rooms, studio spaces, off-campus apartments, houses, or other similar locations.
30. Attempting to commit and/or complicity in any action prohibited by the Student Code of Conduct.
31. Attempting to run/running a commercial business on campus.
32. Posting advertisements, flyers, posters, etc., in unauthorized areas, including doors and windows, is prohibited on campus. Postings may only be attached to approved bulletin boards on campus property.
33. Violation of other published college regulations, policies, or federal, state, and local laws. Such regulations and policies may include the anti-hazing policy, campus academic departmental safety manuals and policies, sexual misconduct, sex discrimination and sexual harassment policy, discrimination and harassment (related to protected class) policy, computer policy, controlled substance and drug, and alcohol policies, Living Center Guide, as well as other college regulations and policies.

#### INTERIM RESTRICTIONS

After an allegation of misconduct is received, but before a final resolution of the matter, the Dean of Student Affairs, and/or Assistant Dean of Students may impose interim restrictions upon students up to and including an interim suspension. An interim suspension may be imposed if the Dean, and/or Assistant Dean in good faith believes that such interim sanctions are advisable to protect property or members of the college community, or to ensure safety and maintenance of order on the KCAI campus.

#### CODE VIOLATIONS

Inappropriate conduct by a student may be reported to Living Center Staff, Safety and Security, Dean of Student Affairs, Assistant Dean of Students, Instructors, or any other member of the college community, including another student. The Dean of Student Affairs and/or Assistant Dean will review the incident report and determine the appropriate course of action.

#### RISK ASSESSMENT

Several of the behaviors identified as Unacceptable Conduct raise issues that could impact the life, health, welfare, safety, or property of the KCAI community and its members. When

warranted, conduct included in items 1-3 may result in evaluations, team assessments, emergency removals, or involuntary or voluntary withdrawals.

When behavior indicates a significant life, health, welfare, safety, or property concern, KCAI will employ a team approach to determine the nature of the risk and any measures that can be taken to manage the risk. KCAI will make these determinations as the result of an individualized assessment. KCAI will first seek voluntary cooperation of an affected student, but, if necessary, will take involuntary action.

KCAI may conduct an assessment when one of the following items of Unacceptable Conduct is implicated:

1. Causing physical harm to any member of the KCAI community, on or off college premises, at college-sponsored activities, or threatening such harm.
2. Engaging, or threatening to engage, in behavior that poses an immediate danger to the life, health, welfare, safety or property of any member of the KCAI community.
3. Engaging in behavior that disrupts or interferes with normal KCAI operations or college-sponsored activities, including but not limited to studying, teaching, college administration, security, fire, police or emergency services, or behavior that consumes an inordinate amount of KCAI staff time and/or resources.

The purpose of the assessment is to inform decisions about the student's future participation in KCAI's programs and to assess the level of risk the student poses to the life, health, welfare, safety, or property of the KCAI community. KCAI will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices or procedures or, where applicable, the provision of auxiliary aids and services, will mitigate the risk.

#### Assessment

When a student is referred to the Dean of Student Affairs for behavior listed in items 1-3, above, the student is required to meet with the Dean of Student Affairs and the Dean of Student Affairs may include counselors in the meeting. If, following the meeting, the student agrees to have an evaluation, the Dean of Student Affairs will refer the student to a qualified professional. KCAI will incur the cost of the evaluation. If the student does not agree to a voluntary evaluation, KCAI may refer the student for an involuntary evaluation.

The Dean of Student Affairs will convene an Early Intervention Team (EIT) and the qualified professional will share the outcome of the evaluation with the Dean of Student Affairs and the EIT team. The EIT team will meet with the student and the student will have the opportunity to provide documents or other information related to the team's

assessment. If the student does not provide information or submit to a voluntary evaluation, KCAI will proceed with the documents or information KCAI has available, which may include the results of any involuntary evaluation. The team will consider what life, health, welfare, safety, or property concerns the student's behavior raises and whether the risks associated with those concerns can be managed by modifications, support measures, or accommodations. The team may consider the imposition of a behavioral contract, if appropriate, that may include, among other things, consultations with healthcare professionals or restrictions on participation in KCAI operations. If the team determines the student poses a risk to the life, health, welfare, safety or property of any member of the Institute community, and that the risk cannot be mitigated by modifications, support measures, or accommodations, the student may be required to take a medical leave or voluntary or involuntary withdrawal.

A student may use the appeal procedures below to appeal a decision made by the EIT.

#### Return requirements

Following a determination that an individual poses a risk to the life, health, welfare, safety, or property of any member of the KCAI community necessitating a medical leave or voluntary or involuntary withdrawal, KCAI may require as a precondition to a student's return that the student provide documentation that the student has taken steps to mitigate the previous behavior. KCAI may request records from the student and request permission to speak to a treating professional. The records and information that will be requested and required are determined on a case by case basis depending on what information is necessary to determine whether the student is able to return and fulfill the fundamental requirements of academic and residential life.

#### **KCAI Code of Conduct Procedures**

Student Code of Conduct proceedings do not follow formal criminal or civil court procedures, or formal standards of evidence, although evidentiary support is needed. Student Code of Conduct proceedings are officiated by the Assistant Dean of Students, and/or the Dean of Student Affairs.

In cases of alleged sexual misconduct, sex discrimination, and sexual harassment the process and guidelines for resolution will follow the KCAI Sexual Misconduct, Sex Discrimination, and Sexual Harassment Policy. This policy can be found online at <http://kcai.edu/campus-life/safety-security/>.

#### REPORTING PROCEDURES

Inappropriate conduct by a student may be reported to Living Center Staff, Security, Assistant Dean of Students, Dean of Student Affairs, Instructors, or any other member of the college community, including another student. All reports are then directed to Security in which an official report is made.

Reports of alleged violations are submitted in writing from Security to the Assistant Dean of Students, and/or the Dean of Student Affairs. Reports are accepted at anytime. No student, however, may be charged with an alleged violation if the report is made after one calendar year from the date that the alleged incident occurred or knowledge of the incident. This provision will apply except in incidents involving sexual misconduct, sex discrimination, sexual harassment, and violent crimes. Sexual misconduct, sex discrimination, sexual harassment, and violent crimes will be investigated unless it is impossible to do so based on the passage of time or the unavailability of evidence. Exceptions to this reporting timeline may be made at the sole discretion of the Assistant Dean of Students, and/or the Dean of Student Affairs. KCAI also reserves the right to review the conduct of a graduate.

### REVIEW OF REPORTS

The Assistant Dean of Students, and/or the Dean of Student Affairs will review all incident reports. Students have the right to review reports during the conduct process, but will not receive copies of the reports as they are internal documents. Examples of times when a student would be able to review a report would be during an incident review conference, hearing, or at a special meeting arranged with the Dean of Student Affairs and/or Assistant Dean of Students.

### PROCESSES

#### **Incident Review Conference and Investigation**

Upon determining that the alleged incident reported may be a violation of the Student Code of Conduct, KCAI will begin a full investigation. If deemed not a violation, the alleged incident will be dismissed.

Individuals involved in the alleged incident will meet with the Assistant Dean of Students, and/or the Dean of Student Affairs to receive notice of an investigation, and/or an Incident Review Conference to discuss the allegations and options for appropriate resolution, including the determination of the appropriate code of conduct proceeding. Based on the meeting, and/or Incident Review Conference, evidence, and severity of the allegation, the Assistant Dean of Students, and/or the Dean of Student Affairs will determine if the student will participate in an Administrative Hearing or Code of Conduct Board Hearing. Additionally, the Assistant Dean of Students, and/or the Dean of Student Affairs may determine that the Incident Review Conference will serve as the student's Administrative Hearing.

### NOTICE

Following the Incident Review Conference, KCAI will provide notice to the student of the determined code of conduct proceeding within ten business days (defined as Monday through Friday 8:30 a.m. to 5:00 p.m. when the college is in session). Notice will include the date, time, location, and type of the alleged unacceptable conduct, as well as the time, date, and location of the hearing. Notice will be hand delivered by Security personnel to the student in a class or studio, delivered to rooms in the Living Center, mailed via US postal service to the student's local or current address, and/or emailed to the student's official KCAI email account.

If after receiving notice, the student, and/or witnesses fail to appear at the designated time, the conference, or hearing, will be held in the absence of these parties by the Assistant Dean of Students, and/or the Dean of Student Affairs and the resolution, and appropriate sanctions, will be determined based on the available information. The student has the right to petition to reschedule, and/or participate remotely in the conference, and/or hearing. The petition must be submitted in writing via email or hand delivered letter to the Assistant Dean of Students, and/or the Dean of Student Affairs within two business days of receiving the notice to appear at the Incident Review Conference, Administrative Hearing, or Code of Conduct Board Hearing. The student waives the right to file a petition to reschedule, and/or participate remotely if not filed within two business days. Approval of the petition to reschedule, and/or to participate remotely is at the discretion of the Assistant Dean of Students, and/or the Dean of Student Affairs. Acceptable means of participation remotely include Skype, FaceTime, and/or phone.

### **Code of Conduct Review Proceedings**

#### ADMINISTRATIVE HEARING:

The Assistant Dean of Students, and/or the Dean of Student Affairs will conduct an Administrative Hearing. The student is responsible for presenting their own position, and may make a verbal, and/or written statement. The student and the administrators have the right to present witnesses. The student may have an advisor present, but they may only speak directly to the student and may not participate directly in the hearing. The Assistant Dean of Students, and/or the Dean of Student Affairs will determine if the student is allowed in the same room as the witnesses. Sanctions are determined by the Assistant Dean of Students, and/or the Dean of Student Affairs. In the event that the appropriate code of conduct proceeding is determined to be an Administrative Hearing, the Incident Review Conference may serve as the Administrative Hearing, and sanctions may be determined at the time of the conference. Administrative hearings may be appealed.

#### CODE OF CONDUCT BOARD HEARING:

The Assistant Dean of Students, and/or the Dean of Student Affairs will conduct the Code of Conduct Board Hearing, and the board includes three additional staff, and/or faculty members. The student is responsible for presenting their own position, and may make a verbal, and/or written statement. The student and the board have the right to present witnesses. The student may have an advisor present, but they may only speak directly to the student and may not participate directly in the hearing. The Assistant Dean of Students, and/or the Dean of Student Affairs will determine if the student is allowed in the same room as the witnesses. The board will decide if the student is in violation and, if necessary, will determine the appropriate sanctions. Code of Conduct Board Hearings may be appealed.

#### SANCTIONS

A student's history of inappropriate conduct, and the nature and/or severity of the incident are considered in determining appropriate sanctions. More than one sanction may also be imposed upon a student. Interim measures may be used during the investigation, and/or conduct proceeding, to ensure the safety and comfort of parties involved. If a student does

not comply with imposed code of conduct sanctions, holds may be placed on student accounts, and/or more serious sanctions may be imposed.

The following is a list of possible sanctions, but should not be regarded as all-inclusive:

#### Interim Measures:

Examples of interim measures may include reassignment of roommates/rooms, temporary suspension, changing of class schedules or sections, and academic accommodations, etc.

#### Warnings:

Written or verbal warnings may be issued to the student. A warning indicates that if the student is found in violation of the student code of conduct again, further code of conduct proceedings may occur, and more serious sanctions may be assigned.

#### Restitution and Monetary Fines:

Reimbursement for damage to college and/or personal property, services, and repairs may be a sanction. Monetary fines are possible sanctions for all code of conduct violations. If the student resides in the Living Center or other leased housing, restitution and fines may be deducted from the student's housing deposit.

#### Apologies:

Students found in violation may be asked to make apologies in writing, and/or verbally, to individuals, and/or others, involved in the incident.

#### Loss of Privileges:

The loss of privileges includes the denial of specific student privileges for a designated period of time.

#### Disciplinary Probation:

Probation is a specific period of time in which the student is expected to demonstrate acceptable behavior. In the event the student is found in violation of the student code of conduct while on disciplinary probation, additional sanctions may be imposed.

#### No Contact Order:

Students may be required to have no contact with another student specified by the Assistant Dean of Students, and/or the Dean of Student Affairs. This includes no talking, no virtual and social media communication, communication through others, possible reassignment of classes, etc. A no contact order may be permanent, and/or issued, pending the resolution of code of conduct proceedings.

#### Removal from the Living Center and/or Chequers Apartments and housing reassignment:

Expulsion from the Living Center, and/or Chequers Apartments, is the permanent removal of the student from campus-owned or leased housing, and termination of the room and board contract or lease agreement. Housing reassignment is the relocation of a student to another room, floor, or building. If the student is deemed a danger to the safety of others, the student may be removed from housing, or reassigned, pending the resolution of code of conduct proceedings. A student may be expelled from campus-owned or leased housing without being expelled from KCAI. A student may be held responsible for costs associated with the termination of a housing contract/lease agreement.

**Suspension:**

Suspension is the exclusion from classes and school property for a designated period of time. If the student is deemed a danger or potential danger to others, the student may be suspended pending the resolution of code of conduct proceedings. The opportunity for completion of coursework during the suspension is granted at the sole discretion of the Assistant Dean of Students, and/or the Dean of Student Affairs.

**Expulsion:**

Expulsion is the permanent removal of the student from the Kansas City Art Institute, and termination of student status. The expelled student does not have the opportunity for degree completion at KCAI.

**POST HEARING**

Following the determined code of conduct review proceeding, the student will be notified of the code of conduct resolution in writing within ten business days. Based on the information presented during the code of conduct review proceeding, the student will be notified of one of the following outcomes:

A. The student was found in violation. A notification letter will detail the type, date and location of the violation, the imposed sanctions, and the information regarding the appeal process.

Or

B. The student was found not in violation, and the charges have been dropped.

Notice will be hand delivered by Security personnel to the student in a class or studio, delivered to rooms in the Living Center, mailed via US postal service to the student's local or current address, and/or emailed to the student's official KCAI email account.

**APPEALS**

The student may appeal the resolution and sanctions within five business days of the issued resolution letter. The written appeal must be submitted by the student in writing via hand delivered letter to the Assistant Dean of Students, and/or the Dean of Student Affairs, or designee thereof. In cases of violent crimes (as defined by the Family Educational Rights and Privacy Act of 1974, as amended, and the U.S. Department of Education and Office of

Civil Rights) both the victim and the accused student may appeal the resolution. If the student receives the resolution letter via US mail, the request for appeal must be submitted within five business days of the postmarked letter. The student waives the right to appeal if not filed in writing within five business days.

The Assistant Dean of Students, and/or the Dean of Student Affairs, or designee thereof will consider the request for appeal and conduct the appeal review, if applicable. If the Assistant Dean of Students participated in the initial hearing, the Dean of Student Affairs will consider the appeal. If the Dean of Student Affairs participated in the initial hearing, the Assistant Dean will consider the appeal. If both the Dean and Assistant Dean participated in the initial hearing, a designee will be selected to consider the appeal.

A resolution will only be reversed or remanded if:

- A. A procedural error occurred that significantly impacted the outcome of the hearing
- B. New information is available that was unavailable at the time of the hearing that could substantially impact the original finding or sanction.
- C. The sanction is substantially disproportionate to the severity of the violation.

The written request for appeal must include:

- A. Name of the student.
- B. Time, date, and location of the violation.
- C. Type of violation.
- D. Resolution and sanctions.
- E. Reason for appeal (see reasons for reversal listed above).
- F. Supporting material, if applicable.

The Assistant Dean of Students, and/or the Dean of Student Affairs, or designee thereof will render a written decision to the student within five business days of the appeal. Notice will be hand delivered by Security personnel to the student in a class or studio, delivered to rooms in the Living Center, mailed via US postal service to the student's local or current address, and/or emailed to the student's official KCAI email account.

The Assistant Dean of Students, and/or the Dean of Student Affairs, or designee thereof may:

- A. Uphold the original resolution and sanctions.
- B. Uphold the original resolution and alter the sanctions.
- C. Dismiss original resolution and sanctions.

The decision of the Assistant Dean of Students, and/or the Dean of Student Affairs, or designee thereof is final and binding. There are no further appeals available.

### GENERAL PROVISIONS

A student is defined as an individual who is accepted until the time of graduation, but does not include time periods in between acceptance and graduation when a student is not enrolled for a semester or more.

Cell phones, cameras, recording devices, backpacks, purses, computers, etc. are not permitted in any student code of conduct proceeding without prior approval of the Assistant Dean of Students, and/or the Dean of Student Affairs.

The student may have an advisor present at any student code of conduct proceeding. An advisor is not permitted to participate directly in the hearing. The advisor cannot be an attorney or act as legal counsel for purposes of such proceedings, nor can the advisor create a conflict of interest (the advisor cannot be a witness, etc.). The advisor may not ask questions or contribute to the discussion. The advisor may only talk with the student.

Code of Conduct Incident Review Conferences and hearings may be recorded. Recordings will be available in the consideration of appeals. Deliberations are not recorded.

Determinations of code of conduct proceedings shall be made on the preponderance of evidence. Preponderance of the evidence is "such evidence as, when considered and compared with that opposed to it, has more convincing force and produces in your minds belief that what is sought to be proved is more likely true than not true." [Williams v. Eau Claire Pub. Sch., 397 F.3d 441, 446 (6th Cir. Mich. 2005)]

Any student code of conduct proceeding may be stopped at anytime at the sole discretion of the Assistant Dean of Students, and/or the Dean of Student Affairs.

In extenuating circumstances and/or in the event the timing of the alleged violation would necessitate an extension beyond the allotted time frames indicated in the policy, the Assistant Dean of Students, and/or the Dean of Student Affairs may approve an extension.

Documentation of the findings of student code of conduct violations will be placed in the student's disciplinary file but are not placed in the student's transcript.

Student records developed in connection with proceedings arising out of the student code of conduct, academic honesty and sexual misconduct policies are ordinarily retained for a period of ten (10) years after completion of the matter, or until the completion of any legal or administrative proceeding, whichever is later. Students may request to review their student file on such matters by submitting a written request to the Assistant Dean of Students, and/or the Dean of Student Affairs. Recordings are the property of the college and will not be duplicated. After the retention period has expired, the files are typically purged and destroyed according to KCAI document destruction protocols. In its discretion, KCAI may retain specific files or classes of files (such as files relating to suspension or expulsion decisions) for longer periods.

Students with disabilities are encouraged to disclose the existence and nature of their disability to the Office of Disability Services and Academic Support. Once the disability has been disclosed, the Disabilities and Academic Support Coordinator will work with the student to arrange the necessary accommodations. Arrangements should be made before

the process begins (before Incident Review Conference, Administrative Hearing, Code of Conduct Board Hearing, etc.).

Students with unresolved student code of conduct allegations and charges will not be permitted to graduate, and/or withdraw, from the college at the discretion of the Kansas City Art Institute. Students who are permitted to withdraw cannot be readmitted until the pending allegation and charge is adjudicated.