

Honor Code/Student Conduct

- [Harvey Mudd College Honor Code](#)
  - [Student Conduct System](#)
  - [Student Conduct Process](#)
- [Appeals](#)
  - [Maintaining Records](#)
  - [Sanctioning](#)

Harvey Mudd College Honor Code

“All members of ASHMC are responsible for maintaining their integrity and the integrity of the College community in all academic matters and in all affairs concerning the community.”  
–ASHMC Constitution

Every dues-paying student at Harvey Mudd College is a member of Associated Students of Harvey Mudd College (ASHMC). ASHMC members are bound by the Harvey Mudd College Honor Code and are expected to maintain proper conduct at all times in both academic and extracurricular activities.

A. Standards of Conduct

- Harvey Mudd College is an inclusive community of faculty, staff and students. Students entering the community are assumed to have an earnest purpose. Diligent pursuit of this purpose is enhanced by standards of conduct agreed upon by the community. These standards are:
1. Thoughtful respect for the rights of others;

2. Honesty and integrity in both academic and personal matters;

3. Responsible behavior both on and off campus;

4. Appropriate use of campus buildings and equipment, and;

5. Compliance with College regulations and policies.

Any student with visiting guests accepts responsibility for those guests’ behavior, and the guests are responsible for observing the regulations of Harvey Mudd College and other colleges in the Claremont community. Any person who has been invited, either explicitly or implicitly, to one of the colleges in the Claremont community by a member of ASHMC is defined to be a guest of that member.

When students visit another Claremont college, they are responsible for observing the regulations of both that college and Harvey Mudd College. Students are reminded that they are at all times subject to federal, state and local laws. Students believed to violate these standards of conduct shall be reported to the Judiciary Board or Disciplinary Board Chair, who will initiate the procedures stated in the Student Conduct Process.

B. Reporting Violations of the Honor Code

- Each member of ASHMC is responsible for observing the Honor Code and abiding by the Standards of Conduct.
1. Any member of ASHMC who commits an Honor Code violation shall self-report to one of the student conduct chairs. By doing so, they agree that they have committed the act for which they are self-reporting and that the act is a violation of the Standard of Conduct.

2. Any member of the Harvey Mudd community who observes an Honor Code violation shall report the violation to one of the student conduct chairs stating the offense and the names of all parties involved.

3. If a student conduct chair is advised that a person (or group of people) has/have committed a violation the Reporting Party will act as a Reporting Party unless the involved person(s) self-report. It is not the responsibility of the student conduct chairs or the Honor Board to elicit self-reports from members of the student body.

Student Conduct System

The student conduct system exists to adjudicate violations of the Honor Code through peer accountability. The student conduct system is a model of shared governance amongst faculty, administration and students; it upholds the Standards of Conduct that guide our campus. HMC faculty and administration value the student conduct system and agree to report cases of suspected misconduct to one of the student conduct chairs. The faculty, administration and students agree to accept all findings by these boards, except in the case that there are grounds for appeal.

The primary purpose of the student conduct system is to educate students while correcting behavior that does not meet the Standards of Conduct for the HMC community. The goal of the student conduct system is to help students learn from their mistakes while helping them to understand the consequences of their actions and how their actions may have negatively impacted the HMC community.

Cases involving discrimination, harassment or sexual misconduct will not be handled by the student conduct process. Instead, they will be referred to the College’s Title IX coordinator, who will initiate procedures as outlined in Section A of College Policies.

The student conduct system is comprised of the Judiciary Chair, the Disciplinary Chair and the Honor Board.

I. Judiciary Board (JB) Chair

The JB Chair oversees violations of the Honor Code that are primarily academic in nature or that pertain to ASHMC Constitution and policies. The vice president for student affairs/ dean of students serves as the advisor to the JB Chair. If the JB Chair is accused or is otherwise unable to carry out their duties, members of the community shall report cases to the DB Chair, who shall assume the duties for the duration of the case. Should both chairs be unable to carry out their duties, members of the community shall report cases to the ASHMC president.

II. Disciplinary Board (DB) Chair

The DB Chair oversees violations of the Honor Code that are primarily related to College policy or social responsibility. The assistant vice president for student affairs serves as the advisor to the DB Chair. If the DB Chair is accused or is otherwise unable to carry out their duties, members of the community shall report cases to the JB Chair, who shall assume the duties for the duration of the case. Should both Chairs be unable to carry out their duties, members of the community shall report cases to the ASHMC president.

III. The Honor Board

Representatives of the Honor Board are selected to serve for both Judiciary and Disciplinary hearings. The Honor Board consists of six student members elected from each of the junior and senior classes and four student members elected from the sophomore class. In addition, four members of the first-year class shall be elected during the fall semester and serve during the spring semester. For Disciplinary hearings, two staff members from the Division of Student Affairs will be designated to serve on the hearing board. No person can serve as a member of the Honor Board while on judicial or disciplinary probation. If a board member is a Reporting Party or Responding Party in a JB, DB or Appeals Board case, they may - at the discretion of the student conduct Chair handling the case - be suspended from the board for the duration of the time the charge is lodged. If a board member is investigating a case when suspended, another board member from the same class will replace them as investigator.

IV. Appeals Board

An Appeals Board may be convened to revisit a case previously heard. It is empowered to affirm or amend any decision of the original JB or DB hearing body if there are appropriate grounds for appeal as specified in Section I.3. An Appeals Board will be chaired by the Chair who did not preside over the original case and will be comprised of two faculty members from the Honor Code Committee, two Honor Board members not involved with the original hearing, and two staff members. Members of the Appeals Board must disqualify themselves from a case if they feel that they have a particular bias toward any involved parties.

V. Interpretation

- A. The JB Chair shall convene the Honor Board to interpret any clause of the ASHMC Constitution, as it pertains to any specific situation, within two weeks (excluding vacation and final exam periods) of receiving a request to do so by any member of the Harvey Mudd College community.
- B. The DB Chair shall convene the Honor Board to interpret any clause of non-academic College policies and regulations (with the exception of the Discrimination, Harassment and Sexual Misconduct Policy) as it pertains to any specific situation, within two weeks (excluding vacation and final exam periods) of receiving a request to do so by any member of the Harvey Mudd College community.

Student Conduct Process

I. Jurisdiction Within the Student Conduct System

- A. Upon receiving charges of an alleged violation or a self-report, the Chair who receives the charges or self-report will determine whether there are grounds for a conduct process. The Chair will then decide which student conduct Chair has the appropriate jurisdiction in the case, discussing this with the other Chair if there is any ambiguity. In some rare circumstances, the Chairs may determine, in consultation with the Vice President of Student Affairs/Dean Of Students and the Assistant Vice President of Student Affairs, that a violation may be handled through an administrative hearing process.
- B. In the event that the violation involves infractions related to both academic and College policies, both the JB Chair and DB Chair will hear the case together, chaired by the JB Chair. In the event that a joint hearing is held, the following procedures shall be employed:
  - 1. Each member of the board has one vote. Neither the DB nor the JB Chair has a vote.
  - 2. A three-fourths vote is required to make a determination. A simple majority is required to make a decision on sanctioning.
- C. In the case that jurisdiction is contested by the chairs, the student members of the Honor Board shall discuss the jurisdiction. Jurisdiction shall be determined within seven days by a simple majority that requires quorum of two-thirds.
- D. If there is no majority consensus on the proper jurisdiction, a joint hearing will occur as outlined in Section I.A.

II. Rights of Charged Students

Students charged with a violation of the Honor Code have the following rights:

- A. The right to be notified in writing of any charge or complaint made against them and to be informed of the policy (or policies) alleged to have been violated
- B. The right to be informed of the sanction(s) to be applied if the student agrees the allegations are accurate in a Settlement Agreement with a student conduct chair
- C. The right to have an Honor Board hearing
- D. The right to request an administrative hearing process with student affairs staff member(s) on the basis of extraordinary circumstances
- E. The right to question the selection of the student conduct chair or Honor Board members on the basis of a conflict of interest or demonstrated bias
- F. The right to have an advisor. The advisor may not be legal counsel, but a member from the Harvey Mudd College community selected by the respondent. The advisor may only counsel the student, not speak with the student conduct chair, Honor Board, Reporting Party or witness(es) during a hearing. The role of an advisor is to:
  - A.
    - 1. advise the Responding Party on the presentation of a response to the allegations;
    - 2. accompany the Responding Party at any student conduct meetings/hearings;
    - 3. ensure that the Responding Party(s) is aware of their rights and responsibilities throughout the student conduct process
    - 4. explain the student conduct hearing procedures in order to most effectively make the Respoding Party(s) aware of the equitability of any settlement or procedural decision
    - 5. advise the Responding Party in the preparation of any appeal
  - B. The right to appeal the decision of the Honor Board if there are grounds for appeal as specified in Appeals I.C
  - C. The right to not be twice put at risk of punishment for the same offense, unless the Appeals Board has referred the case back to the original body for rehearing

III. Judiciary and Disciplinary Hearing Procedures

- A. Selection of Hearing Representatives

For a Judiciary hearing or joint Judiciary-Disciplinary hearing, the JB Chair selects from the Honor Board two representatives from each of the sophomore, junior and senior classes in the fall to compose the Hearing Board, and one member to act as recorder. In the spring, the JB Chair selects two representatives from the first-year, sophomore, junior and senior classes to compose the Hearing Board and one member to act as recorder.

- 2. For a Disciplinary hearing, the DB Chair selects from the Honor Board two representatives from each of the junior and senior classes and one member to act as recorder. The Chair also selects one sophomore and one first year, if in the spring. Two staff members from the Division of Student Affairs will also sit on the board. Each member shall have one vote, except the Chair and the recorder who shall have no vote.
  - 1. Hearing Board members may ask that they themselves be disqualified if they feel they have a conflict of interest or should not participate due to extraordinary circumstances.
  - 2. All Hearing Board members must be present for any official action. If a member is disqualified, the Chair shall find a replacement from the remaining Honor Board members of that class, or, if an Honor Board member from the disqualified member’s class is not available, from the member’s constituency. If a member is unable to attend, they shall select a proxy from the remaining Honor Board members; if one is not available, a proxy shall be selected from that representative’s class.
  - 3. A member’s failure to attend an Honor Board meeting without a valid excuse, as determined by the Hearing Board, shall be reviewed by the Hearing Board. Any action felt necessary by the board shall be taken.
  - 4. In all cases where a majority vote of the board is required, a majority of all members, including abstentions, is required.
    - A. Determination of Hearing
      - 1. Once the proper jurisdiction has been determined as described in Section I, the appropriate Chair will determine whether the case should immediately proceed to a hearing. The Chair must make this determination within 48 hours of the determination of jurisdiction.
      - 2. If the Chair received a self-report, but the Chair determines that the Responding Party has sufficient previous Judiciary and/or Disciplinary violation(s) or sanctions relevant to the new case, then the Chair shall immediately initiate the hearing process.
      - 3. If the Chair received a self-report, and the Chair determines that the Responding Party does not have any previous violations or sanctions relevant to the new case, then the Chair has the option of pursuing a Settlement Agreement prior to initiating the hearing process.
      - 4. If the case pertains to multiple Responding Parties, only some of whom are eligible for Settlement Agreements, then the Chair may split the case into several distinct cases as necessary.
    - B. Settlement Agreements
      - 1. If the Chair determines a Responding Party is eligible to resolve the violation(s) by means of a Settlement Agreement, the Chair shall notify the rResponding Party and outline the Settlement Agreement procedure.
      - 2. The Chair shall draft a Settlement Agreement to which the Responding Party agrees. Any Settlement Agreement shall be mindful of precedent and shall respect the rights of the Responding Party. If the Reporting Party is a faculty member who has charged the student with an Honor Code violation in their class, the faculty member should agree to the terms of the Settlement Agreement before it is presented to the student. Both the Chair and Responding Party must sign the Settlement Agreement within seven days of the notification of the Responding Party. If a Settlement Agreement is used for a case resolution there will be no hearing.
      - 3. If a Settlement Agreement has not been reached seven days following the notification of the Responding Party, the Chair shall initiate the hearing process.
      - 4. If at any time the Chair feels that a Settlement Agreement cannot be reached, the Chair may initiate the hearing process. The Responding Party may at any time request that the hearing process be initiated. The Chair must initiate the hearing process within 24 hours of receiving this request.
      - 5. To ensure consistency with precedent, all Settlement Agreements should be anonymously reviewed by the Honor Board before they are finalized.
    - C. Initiation of Hearing

1. Once a Chair has determined a hearing will take place, the Chair shall select hearing board members. Once the hearing members have been selected, the Chair will notify them of the case, perserving anonymity of all parties and ask whether any of them wishes to be disqualified from the case. For those who are not disqualified, the Chair will verbally provide the student members of the board with the names of the Responding Party(s) and the Reporting Party(s) and ask whether any of them wishes to be disqualified.
2. The Chair shall notify the Responding Party(s) of the hearing and specific charges in writing within 48 hours of the initial self-report or charge notice. The notification should include mention of the Responding Party’s rights, including the right to an advisor. The Chair should include a list of all members eligible for selection as investigators, advisors or members of the Hearing Board.
3. The Chair shall notify the Reporting Party(s) of the hearing and specific policy violations the responding party is being charged with. The Chair should include a list of all members eligible for selection as investigators, advisors or members of the Hearing Board.
4. The Responding Party(s), within 48 hours of receiving notice from the Chair, shall designate their choice of advisor and investigator from among the elected junior and senior class members of the board. The advisor and the investigator may not be the same person. The Responding Party(s) must also request the disqualification of any board member(s) to whom they object.
5. The Reporting Party(s), when relevant, shall also request the disqualification of any board member(s) to whom they object within 48 hours of receiving notice from the Chair.
6. The Chair, within 48 hours of the Responding Party’s designation of an investigator, shall select a second investigator so as to ensure one junior and one senior investigator. If the Responding Party(s) do(es) not pick an investigator within 48 hours, the chair shall select both investigators, one from each class. If an advisor has not yet been selected for the Responding Party(s), the Chair shall also select an advisor from the junior or senior classes at that time.
7. Within seven days of notifying the REsponding Party(s) in writing, the investigators shall set a hearing date in conjunction with the chair. The hearing date shall not be fewer than seven nor more than 21 days from the notification, excluding vacation and final exam periods.
8. The designated investigators are responsible for investigating the charges, collecting evidence, obtaining statements from witnesses and presenting materials to the board. The investigators will present their views of the alleged violation(s).
  - a. Any evidence, including written statements from investigators, witnesses, Responding Party(s) or Reporting Party(s), shall be made available to the Chair at least 72 hours before the hearing and shall be made available to all Responding Party(s) and Reporting Party(s) at least 48 hours before the hearing.
9. In the event that the investigators and hearing Chair agree that the testimony of a witness is necessary, they may compel the witness to make a statement, provided that the witness is not a Responding Party in the case.
10. Prior to the hearing, the investigators may negotiate a Settlement Agreement between the Responding Party(s) and the Reporting Party(s). However, if the Responding Party has previous Judiciary and/or Disiplinary violations or sactioins relevant to the case, then a Settlement Agreement shall not be an option.
  - a. Any Settlement Agreements must be signed by all Responding Party(s), Reporting Party(s) and investigators and delivered to the appropriate Chair within 48 hours of the time when the settlement was reached.
  - b. If a Settlement Agreement is reached prior to a hearing, then there will be no hearing for the case.
11. If the investigators feel that there is insufficient evidence to proceed, they must present an argument for dismissal to the Honor Board, which will then vote to dismiss the case. A three-fourths majority is required to dismiss the case.

D. Hearing Procedures

1. All involved parties shall be heard. In the case of self-reports, the burden of proof rests upon the investigators who are responsible for presenting their views of the alleged violations to the Hearing Board. The Hearing Board shall use “clear and convincing” evidence as the burden of proof during a hearing. “Clear and convincing” evidence is more rigorous than “preponderance of evidence” but less rigorous than “beyond a reasonable doubt.” Thus, the evidence must be prevailing and persuasive.
2. The Chair shall appoint a recorder to take notes during the hearing and shall see that an audio or video record be made. The recorder shall be approved by a majority of the board (prior to the hearing) and shall neither have a vote nor be present for deliberations.
3. Each member of the Hearing Board shall have one vote. The Chair, investigators and recorder shall have no vote.
4. The board shall keep in mind the rights of charged students as outlined in Section II.
5. The admissibility of evidence shall follow the standards outlined in Section III.G.2.
6. Procedural decisions on the hearing shall be made by the Chair, unless overruled by a simple majority of the board.
7. All Responding Party(s), Reporting Party(s) and Hearing Board members must be present at the hearing. Failure to attend a hearing without a valid excuse, as determined by the board, shall be reviewed by the Hearing Board. Any action felt necessary by the board shall be taken.
8. The formal hearing shall be closed unless mutually agreed upon by the Responding Party(s), the Reporting Party(s) and the Chair of the Hearing Board.
9. The hearing may be recessed and continued by a majority vote of the board.
10. Any witnesses who cannot attend the hearing may submit written statements.

E. Chronology of Hearing

1. The Chair shall verbally outline the order of hearing procedures for the participants and shall summarize the charges. The Responding Party(s) may enter a plea at that time.
2. The investigators shall provide an uninterrupted joint summary of the events related to the alleged violation.
3. The Responding Party(s) shall be allowed to make an uninterrupted statement of the events.
4. The Reporting Party(s) shall be allowed to make an uninterrupted statement of the events.
5. The Responding Party(s) may call witnesses to make their statements.
6. The Reporting Party(s) may call witnesses to make their statements.
7. After each witness has presented testimony, they may be questioned by any participant in the hearing.
8. The Reporting Party(s) may question the Responding Party(s), and the Responding Party(s) may question the Reporting Party(s).
9. Hearing Board member may ask questions to the Responding Party(s) and the Responding Party(s) may question the Reporting Party(s).
10. The Reporting Party(s) may make a closing statement, which may include a suggested sanction. If the Reporting Party is a faculty member who has charged the student with an Honor Code violation in their class, the faculty member should suggest any academic sanctions they believe to be appropriate for the violation.
11. The Responding Party(s) may make a closing statement, which may include a suggested sanction.
12. When the board, the Responding Party(s) and the Reporting Party(s) have no further questions or remarks, all non-board members and the recorder shall be excused.

F. Deliberations

1. Deliberations shall be closed.
2. The board shall consider all admissible evidence and materials presented during the hearing. The board shall accord to such materials any weight as it shall determine based upon the character of the materials and the manner in which they were obtained. No new facts regarding the present suspected violation may be introduced during deliberations.
  - a. The Chair must receive evidence and materials at least 72 hours before the hearing in order for them to be admissible.
  - b. Admissible materials must pertain directly to the charges in question. Evidence of prior violations or suspected violations as well as anonymous testimony and hearsay are not admissible unless such evidence pertains directly to the current charges.
  - c. During deliveries, the hearing board members may obtain information if it is considered by the hearing Chair to be common knowledge, or information of a non-confidential nature that was readily accessible to the Reporting Party and Responding Party at least 72 hours prior to the hearing.
  - d. The Chair has the final discretion over the admissibility of evidence and materials. In the event of a joint hearing where the Chairs disagree, the Chair presiding over the hearing may make the final determination.
  - e. The Responding Party(s) shall have the right to review all confidential materials pertaining to the case with the exception of confidential materials pertaining to other cases that were consulted by the Chair.
3. If the board requires a clarification of the record of the formal hearing, the appointed recorder may be consulted. All deliberations must be temporarily suspended during that time.
4. Agreement of three-fourths of the voting members of the hearing board shall be required to find the Responding Party(s) responsible for an Honor Code violation.

- a. For Judicial hearings, five of six board members must agree in the fall and six of eight must agree in the spring, after first-year representatives have been selected.
- b. For Disciplinary hearings, six of seven Hearing Board members must agree in the fall and six of eight must agree in the spring, after first-year representatives have been selected.
- 5. If the Responding Party is found responsible, the Chair shall inform the board of any prior Judiciary and/or Disciplinary violations and sanctions in the Responding Party’s record to be used in determining sanctions for the current incident. The Chair shall also inform the board of sanctions given in similar incidents. Sanction(s) shall be set by a simple majority of the board.
- 6. The board shall keep confidential all information from the deliberation period, except the hearing findings and sanction(s).

G. Report Findings

- 1. The hearing case file should include the recorder’s transcript, a copy of all evidence and materials presented, the majority opinion and the audio or video recording. The case file should be stored in the student conduct files, housed within the Division of Student Affairs.
- 2. The board shall produce a majority opinion document of the case and deliver it to the Chair within seven days of reaching a decision. The majority opinion document should outline the key factors that the board weighed in making its decision. This will serve to instruct future boards and Chairs on how the Honor Code should be applied.
- 3. The board shall also produce a summary of the case, including the case’s resolution. The Chair shall anonymize the summary and release it publicly.
- 4. If the Responding Party is found responsible of offenses that compromise the integrity of any elected ASHMC position that they hold, the Chair shall then meet with the respondent to recommend their resignation from the position.
- 5. A summary of all cases during the preceding semester shall be transmitted to the Harvey Mudd College community at the beginning of each semester.

5. Administrative Hearing Process

- 1. In the case of an Administrative Hearing, two DSA staff shall be chosen by the Vice President for Student Affairs /Dean Of Students (VPSA/DOS) or Assistant Vice President For Student Affairs (AVPSA) to serve as hearing officers. The VPSA/DOS and AVPSA will not serve as hearing officers for Administrative Hearings.
- 2. If there is a complainant, the VPSA/DOS or AVPSA will meet with the complainant to discuss the incident and/or alleged violations. If it is not appropriate for the complainant to attend the hearing, the VPSA/DOS or AVPSA should obtain a written statement from the complainant.
- 3. If there are relevant witnesses (as cited by the respondent and/or complainant), the VPSA/DOS or AVPSA will meet with them and obtain written statements.
- 4. The respondent should submit a statement and any relevant evidence no less than 24 hours prior to the scheduled hearing, except in the case of extreme time pressure where another timeline may be negotiated.
- 5. These statements and any other relevant evidence will be made available to the respondent and complainant (if applicable) no less than 24 hours prior to the hearing, except in the case of extreme time pressure.
- 6. The respondent, the two hearing officers, and the VPSA/DOS or AVPSA will be present at the hearing. The relevant Chair will be available outside the room (or by phone) for procedural questions. The complainant should only be present when producing relevant information, similar to a witness role in a typical hearing. However, DSA may decide that it is more appropriate for the complainant to be represented by a dean, specifically in the case of extreme time pressure or relevant concerns to mental health.
- 7. Hearing chronology
  - The VPSA/DOS or AVPSA will outline the hearing procedures for the participants and summarize the charges.
  - The VPSA/DOS or AVPSA shall present a summary of the evidence.
  - The respondent shall be allowed to make an uninterrupted statement of the events.
  - The complainant shall (if present) be allowed to make an uninterrupted statement of the events. Otherwise, the VPSA/DOS or AVPSA shall read a statement from the complainant.
  - The respondent may call witnesses to make their statements.
  - The complainant (if present) may call witnesses to make their statements.
    - Note that witnesses should, if called, only be present to give their statements and be questioned.
    - After giving their statement, a witness may be questioned by any participant in the hearing.
    - If it is not appropriate or feasible for witnesses to attend the hearing, the VPSA/DOS or AVPSA may collect and present written statements from witnesses.
  - The hearing officers may question the respondent.
  - The hearing officers may question the complainant (if present).
  - The complainant (if present) may make a closing statement, which may include a suggested sanction. If the complainant is not present, they may choose to give a written closing statement to the VPSA/DOS or AVPSA.
  - The respondent may make a closing statement, which may include a suggested sanction.
  - When the board, the respondent, and the complainant have no further questions or remarks, all present shall be excused except the hearing officers and the VPSA/DOS or the AVPSA.
  - The hearing officers shall deliberate and decide a result and, if relevant, a sanction. The VPSA/DOS or AVPSA shall be present for advisement purposes, and the relevant chair shall be available to provide information on precedent.
  - The respondent shall be notified of the hearing officers’ decision and any sanctions in writing.
- 8. After the hearing has concluded, the hearing officers will write a rationale for the hearing outcome to submit to the relevant Chair.

Appeals

I. Right to Appeal

- A. The right to appeal is granted to the Responding Party(s), the Reporting Party(s) and the College. The appeal must be in writing and must be directed to the Chair who did not preside over the original hearing. The appellant(s) must file the appeal within 10 calendar days of the release of the original decision to the appellant(s) by the hearing board, except in the case of new evidence.
- B. The Appeals Board is empowered to affirm or amend any decision of the original hearing body.
- C. There are specific grounds for an appeal that must be met for the appeal to be considered. The grounds for appeal are as follows:
  - 1. Procedural error: A substantial procedural error, possibly affecting the outcome of the original case, is grounds for appeal.
  - 2. New evidence: New evidence is grounds for appeal if the appellant can prove that the new evidence could not have reasonably been discovered earlier than it was and might have affected the outcome of the original case. In this event, the Appeals Board will refer the case back to the original hearing body for rehearing.
  - 3. Unjust punishment: A disparity between the harshness of the penalty imposed and the seriousness of the violation is grounds for appeal in certain limited cases. First, only the more severe penalties of withdrawal from a course, on-record probation, suspension, expulsion, loss of housing privileges or penalties of similar magnitude may be appealed for this purpose. Secondly, a review will only be granted if it can be reasonably shown that the penalty imposed was not proportional to the violation.

II. Appeals Board

- A. Appeals Board Composition

1. An Appeals Board may be convened to revisit a case previously heard. It is empowered to affirm or amend any decision of the original JB or DB hearing body if there are appropriate grounds for appeal as specified in Section I.3. Appeals Boards will be chaired by the Chair who did not preside over the original case and will be comprised of two faculty members from the Honor Code Committee, two Honor Board members not on the original Hearing Board and two staff members.
  2. Members of the Appeals Board must disqualify themselves from a case if they feel that they have a particular bias toward any involved parties. In this event, they are no longer considered voting members of the board for the remainder of the case. In the event that one or more members are disqualified, members will be replaced from their constituency to allow the board enough members to reach a decision. The disqualified member must select a replacement from their constituency, and the remaining board members must approve the replacement by simple majority.
  3. Multiple appeals for the same case shall only be considered in the event of new evidence. In the event that multiple appeals are filed for the same case, only members of the original hearing board will be disqualified from the Appeals Board. A member of the Appeals Board may sit for more than one appeal of the same case.
- B. Appeals Board Procedures
1. Upon receiving a statement of appeal, the appropriate Chair has three days to notify the Chair of the original hearing body, the Responding Party(s) and the Reporting Party(s) of the appeal.
  2. The Chair of the original hearing body, within three days of the presentation of the statement of appeal, shall submit a written statement to the Appeals Board Chair giving the reasons for the original hearing body’s decision. The Appeals Board Chair shall transmit this statement to the appellant(s) within two days of receipt.
  3. The appellant(s) will have three days to file a response to the statement from the Chair of the original hearing body with the Appeals Board Chair.
  4. Within seven days of receiving the appellant’s response, the Appeals Board Chair shall determine whether the grounds for appeal as stated in Section III.I.3 have been met and whether it will accept the case for review. This decision will be based solely on the written statement of appeal, the written decision of the original hearing body, the statement from the hearing body Chair and the appellant’s response to this statement.
  5. If the Appeals Board Chair decides to accept the appeal, the Appeals Board Chair shall request in writing a copy of the case file from the original hearing body. The Chair of that body has three days to comply with this request.
  6. If the appeal is accepted, the case will proceed to an Appeals Hearing and the Appeals Board Chair will appoint two members of the Honor Board who did not serve on the original hearing board, two staff members, and two faculty members to hear the case.
  7. Decisions of the board to overturn or otherwise alter a previous decision shall be by vote of four of its five members. All other decisions, including decisions whether to accept a case for review, shall be by a vote of three of its five members. If a voting member is absent, the number of votes required shall not change.
  8. If the appeal is accepted, the case will proceed to an Appeals Hearing and the Appeals Board Chair will appoint members of the Honor Board who did not serve on the original hearing board to hear the case.
  9. Decisions of the board to overturn or otherwise alter a previous decision shall be by vote of four of its six members. All other decisions shall be by vote of three of its six members. If a voting member is absent, the number of votes required shall not change.
  10. All decisions made by the Appeals Board must follow the regulations for the Honor Board.
  11. The Chair shall transmit copies of the Appeals Board’s decision to the Responding Party(s), the Reporting Party(s), the original hearing body and the vice president for student affairs/ dean of students.
  12. An anonymous summary of the decision shall be released by the board to the Harvey Mudd College community.
  13. All findings of the Appeals Board are final. In rare cases, additional appeals may only be requested if substantial new evidence has been discovered which is deemed by the chair to be likely to have a substantial impact on the outcome of the case

C. Chronology of the Appeals Board Hearing

1. The Chair shall verbally outline the order of hearing procedures for the participants and shall summarize the charges and the grounds on which the appeal was accepted.
2. The Chair will provide an uninterrupted summary of the original hearing, as written by the Chairchair which presided over the original hearing.
3. The Responding Party(s) shall be allowed to make an uninterrupted statement of their appeal.
4. The Reporting Party(s) shall be allowed to make an uninterrupted rebuttal.
5. Appeals board members may ask the Reporting Partyand the Responding Partyr questions.
6. The Responding Party(s) may make a closing statement, which may include a suggested modification to the sanctions if the appeal is accepted.
7. The Reporting Party(s) may make a closing statement, which may include a suggested modification to the sanctions if the appeal is accepted.
8. When the board, the Responding Party(s) and the Reporting Party(s) have no further questions or remarks, all non-board members shall be excused.

Maintaining Records

- I. Maintaining Records
- A. Case files shall be retained by the Division of Student Affairs.
  - B. Case files shall be confidential but remain available for examination by the JB and DB Chairs.
  - C. Disciplinary case files shall be destroyed five years after the Responding Party’s graduation or withdrawal from the College.
  - D. Judiciary case files shall be retained indefinitely.
  - E. Anonymous written summaries and majority decisions shall be retained indefinitely.

Non-academic Graduation Requirement

Once a student has been accused of wrongdoing in a complaint that has been accepted for a hearing by the Judicial Board, the Disciplinary Board, the Appeals Board, the Title IX coordinator, or any officer of the College, that student shall not receive a bachelor of science degree\* until the complaint has been resolved to the satisfaction\*\* of the appropriate board, committee or officer.

\*A student shall be deemed to have received a degree only after the Chair of the Harvey Mudd College Board of Trustees has conferred the degrees in the annual graduation ceremony; thus, for purposes of this regulation, board of trustees approval does not, by itself, constitute the granting of the degree. \*\* “Resolved to the satisfaction...” shall include satisfying all penalties assessed.

Sanctioning

**Sanctions**  
Sanctions imposed by the student conduct process may range from warnings to recommendations to the Division of Student Affairs for suspension or expulsion. The most severe penalties of failure of a course, on-record probation, suspension or expulsion must be recommended to the vice president for student affairs/ dean of students for review and implementation. Failure to comply with assigned sanctions is a violation of the Standards of Conduct and will be adjudicated accordingly.

One or more of the following sanctions may be recommended during the student conduct process:

- Warning:** This sanction is given when a student is responsible for a violation that does not warrant severe action. When a student acknowledges responsibility or is found responsible, a warning is put on the student’s student conduct record in the DSA office until graduation. A warning is intended for a student to learn from the experience and reflect on the importance of their behavior and its impact on the Harvey Mudd College community.
- Fines:** A student or residential community may be required to pay fines associated with violations of policies such as fire code, parking, pets and official residence hall closing/ opening times, or to rectify unfair financial gain
- Restitution:** A student or residential community may be required to pay the costs for replacement, repair or special cleaning of any College property damaged by the student or community.
- Relocation of Residence:** A student may be sanctioned to relocate from a current residence hall room to another room on campus or to live off campus. This sanction is given primarily in cases that involve disrespect for the community in which the student resides. Relocation arrangements will be made specifically with the assistant dean for residential

life.

**Loss of Social Privileges:** For a designated period of time, a student may not attend any College-sponsored social events, such as events sponsored by ASHMC. Under this sanction, a student loses all guest visitation privileges. The purpose of this sanction is to provide the student with time for reflection on the responsibility related to enjoying the privilege of attending social events and having visitors on campus. Specific questions about which events are prohibited will be addressed by the JB or DB Chair.

**Loss of Visitation:** For a designated period of time, a student may not have any guests on HMC property.

**Community Service:** A set number of hours of community service may be assigned to a student. Upon completion of the service commitment, the student must have the supervisor sign a verification of community service form, which the student must then return to the JB or DB Chair.

**Substance Abuse Assessment:** A student may be referred to a resource, either on campus or in the local community, that will conduct a substance abuse assessment by a health professional.

**Educational Sanctions:** A student may be required to complete workshops or attend programs on campus or in the local community on topics related to the violation, such as alcohol awareness. Students may be required to write a reflection paper, complete a module, make a presentation or complete a special project intended for learning from their behavior.

**Academic Sanctions:** The JB Chair and/or the Honor Board may assign academic sanctions to a student. Any academic sanctions will be assigned in consultation with the professor of the course in which the Honor Code violation occurred. Possible academic sanctions include additional assignments, no credit for the original assignment/exam, a failing grade for the original assignment/exam, a reduced final grade for the course, a failing grade for the course, withdrawal from a course and/or the inability to take self-scheduled exams in the course.

**Probation Level I:** Probation Level I is given when a student is responsible for a violation that is of a serious nature. It is stressed to a student that this is a time for reflection and contemplation about what they have done and what it means to live and abide by the Honor Code. If a student is found responsible for an Honor Code violation while on probation, this additional offense may result in a more severe sanction.

**Probation Level II:** Probation Level II is the highest sanction a student may be issued and still actively attend the College. This sanction is given when a student is found responsible for a violation of a very serious nature but, in the Chair’s/board’s judgment, should be allowed to continue their coursework at HMC. Probation II may entail a loss of social privileges for the length of the sanction, as well as appropriate educational assignments and/or sanctions to fit the violation based on the decision of the Honor Board. Students on Probation II may lose the privilege of membership in campus clubs or organizations, the ability to study abroad, the ability to hold a campus leadership position or the ability to participate in intercollegiate athletics. If the student is found responsible for any other violation while on Probation II, this violation may activate a sanction of suspension or expulsion.

**Interim Suspension:** In certain circumstances, the president may impose an interim College suspension prior to a student conduct hearing. Further, the vice president for student affairs/ dean of students may, in certain circumstances, impose an interim residence hall suspension prior to a student conduct 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 a credible threat of disruption or of interference with the normal operation of the College.
2. During the interim suspension from the College imposed by the president, the student shall be denied access to the campus (including classes) and all other College activities or privileges for which the student might otherwise be eligible as the president may determine to be appropriate.
3. During interim suspension from the residence halls imposed by the vice president for student affairs/ dean of students, the student shall be denied access to the residence halls and other College activities for which the student might otherwise be eligible as the vice president for student affairs/ dean of students may deem appropriate.
4. Interim suspension from campus or the residence halls will be followed with speedy access to a hearing for the suspended student(s).

**Suspension:** This sanction is given when a student is found responsible for a violation of an extremely serious nature or a repeat violation of the Honor Code. It may be immediate or take effect during the subsequent semester. If immediate, the student must leave campus within 24 hours unless they formally appeal the decision. A student who chooses to appeal should continue attending classes during the appeal process. Continued class attendance, however, shall have no effect upon the outcome of the appeal. Once the sanction has been served, the student is free to return to HMC. If a student chooses to take classes while serving this sanction, no credits will be transferable back to HMC.

**Expulsion:** This sanction is given when a student is found responsible for a violation that is of the most severe nature. This sanction is given when it is found that the student grossly neglected the importance of the Honor Code. The student must leave campus within 24 hours unless they formally appeal the decision. A student who chooses to appeal should continue attending classes during the appeal process. Continued class attendance, however, shall have no effect upon the outcome of the appeal. A student who receives the sanction of expulsion may not return to HMC’s campus for any reason, including alumni events.

Definitions

An “**advisor**” is a member of the Harvey Mudd College community selected by the Responding Party who can advise the Responding Party as they prepare a response to the allegations for the hearing. An advisor may accompany a Responding Party to all meetings and hearings. An advisor educates the Respoonding Party about the student conduct process.

A “**charge**” is an allegation of a potential violation of the Honor Code.

A “**reporting party**” is any person who submits information indicating that a student may have violated the Honor Code.

A “**Responding Party**” is a person who has self-reported or has been charged with violating the Honor Code.

The “**Harvey Mudd College community**” consists of current students, faculty and staff members.

A “**Hearing Board**” consists of the voting members that have been selected from the Honor Board and in Disciplinary hearings, Student Affairs.

The term “**responsible**” means that a student has been found responsible for violating the Honor Code.

The term “**not responsible**” means that a student has been found not responsible for violating the Honor Code.

A “**sanction**” is a penalty imposed upon a student after the student has either self-reported or been found responsible for a violation of the Honor Code.

The “**student conduct Chairs**” are the Judiciary Board Chair and Disciplinary Board Chair.

The term “**writing**” refers to a written letter or an email.