

	Colorado School of Mines Student Code of Conduct	
	Responsible Administrative Unit: Dean of Students Office	Policy Contact: Dean of Students deanofstudents@mines.edu

The information in this document is intended to provide general information and guidelines to members of the Mines community and is not intended to, nor does it, create an express or implied contract between the Colorado School of Mines and its students. Mines reserves the right to change or eliminate any of the language herein at its discretion and without notice.

SECTION 1: PREAMBLE

Colorado School of Mines is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. Within the Dean of Students Office, the mission of the Conduct program is intended to be an educational and restorative experience fostering student growth and development through intentional conversation and reflection. Students will work to understand the impact of their actions, and when possible, reduce or repair harm through educational outcomes. Staff will treat students with care and respect through equitable procedures, while balancing needs of the Mines community. The conduct process is not meant to be punitive; rather it exists to protect the interests of the community and to support behavior that reflects the values of Colorado School of Mines.

A community exists on the basis of shared values and principles. These values help form the *Student Code of Conduct*, which students are expected to uphold and abide by throughout their time as a member of the Mines community. By enrolling at Colorado School of Mines and joining this community, students agree to the expectations of academic performance and personal behavior required by the School through the *Student Code of Conduct*. Each student bears the responsibility for their personal behavior and is asked to further promote the values and principles of Mines by holding other members of the Mines community accountable to the *Student Code of Conduct* as well. These standards are embodied within a set of core values that include integrity, social justice, respect, community, and responsibility.

Within Mines, entities (such as student organizations, Facilities, Parking Services, etc.) have developed policies that outline standards of conduct governing their constituents and that sometimes provide procedures for sanctioning violations of those standards. This *Student Code of Conduct* does not replace those standards, but instead the *Code* describes expectations of student behavior and describes the conduct process.

When students fail to exemplify the values and principles of Mines by engaging in violations of the expectations listed in Section 5 below, campus conduct proceedings are used to assert and uphold this *Student Code of Conduct*. Assigned outcomes are intended to challenge students' moral and ethical decision-making and to support students bringing their behavior into alignment with our community expectations. When a student is unable to conform their behavior to community expectations, the student

conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is separate and quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice of the allegations, information of the conduct procedures, and an opportunity to present information with an objective decision-maker. A student will not be found in violation of a Mines policy without information showing that it is more likely than not that a policy violation occurred (preponderance of evidence) and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

SECTION 2: JURISDICTION

A. Access to the Student Code of Conduct

Students are provided a copy of the *Student Code of Conduct* annually in the form of a link to the Colorado School of Mines website. Hard copies are available upon request from the Office of Student Life on the second floor of the Student Center. Students are responsible for reading, understanding, and following the provisions of the *Student Code of Conduct*.

B. Applicants and Admissions

As an applicant to Mines for undergraduate and graduate education, Mines may inquire about conduct which occurred prior to admission to Mines, in compliance with the legal limitations on inquiries about an applicant's criminal and disciplinary history pursuant to Colorado Senate Bill 19-170 (the Ensuring Access to Higher Education Act), as codified in C.R.S. § 23-5-106.5. Therefore, Mines will inquire only about the following conduct on the application for student admission:

- An applicant's prior convictions for stalking, sexual assault, and domestic violence;
- An applicant's prior convictions, within five years before submitting the application, for assault, kidnapping, voluntary manslaughter, or murder;
- An applicant's prior disciplinary history at another academic institution for stalking, sexual assault, and domestic violence;
- Any criminal charges pending against the applicant; or
- An applicant's education records related to academic performance

In compliance with C.R.S. § 23-5-106.5(2)(b), Mines will notify applicants on the application that the applicant is not required to disclose any information contained in sealed records and has the right to appeal in the Admissions process. Based on the disclosed information required in the Admissions process, a student may be admitted, admitted with conditions, or denied admission. All applicants have an obligation to report any updates or other changes to their prior response to the criminal and disciplinary inquiry on the admissions application before the first day of their first term of attendance. These applicants are required to immediately notify the [Office of Admissions](#) of the changes and submit the required documentation. Failure to report changes that should have been disclosed may result in an allegation of a violation of the *Student Code of Conduct* and would follow listed Conduct Procedures in Section 6.

C. Admitted Students and Continuing Education

For the purposes of student conduct, Mines considers an individual to be a student when an offer of admission has been extended and thereafter, as long as the student has a continuing educational interest in Mines. The *Student Code of Conduct* and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, and all Mines-affiliated student organizations. Each student shall be held responsible for their conduct from the acceptance of the offer of admission

through the awarding of a degree. This includes conduct that occurs before classes begin or after classes end and during break periods between terms of enrollment. It further includes conduct that occurred while a student, but discovered after a degree is awarded.

D. Continued Jurisdiction

The *Student Code of Conduct* may also be applied to members of the Mines community for the misconduct of their guests. The *Code* may also be applied to resident non-students, campers and high school bridge/extension/dual-credit and continuing education programs by contractual agreements. Visitors and guests of Mines may seek resolution of violations of the *Student Code of Conduct* committed against them by members of the Mines community.

The *Student Code of Conduct* and the student conduct process apply to behaviors that take place on the campus, on Mines premises, at official Mines functions and activities, and may apply off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial Mines' interest. A substantial Mines' interest is defined to include:

- Any situation where it appears the student's conduct may present a danger or threat to the health or safety of themselves or others; and/or
- Any situation that impinges upon the rights, property or achievements of self or others or breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of Mines.

In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, Mines may invoke conduct procedures and should the former student be found responsible, Mines may revoke that student's degree.

The *Student Code of Conduct* may be applied to behavior conducted online, via email, or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats, and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of a policy violation is posted online. Mines does not routinely search for this information but may take action if and when such information is brought to the attention of a Mines official. However, most online speech by students not involving Mines networks or technology will be protected as free expression and not subject to this *Code*, with two notable exceptions:

- A true threat, defined as "a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals"; and
- Speech posted online about Mines or its community members that causes a significant on-campus disruption.

There is no time limit on reporting violations of the *Student Code of Conduct*; however, the longer someone waits to report alleged violations, the harder it becomes for Mines officials to obtain information and witness statements and to make determinations regarding alleged violations. Though anonymous complaints are allowed, doing so may limit Mines' ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Dean of Students and/or Mines Public Safety.

E. Concurrent Violation of the Law

Alleged violations of federal, state and local laws may be investigated and addressed under the *Student Code of Conduct*. When an alleged offense occurs, the School's conduct process will proceed regardless of any criminal complaint that may arise from the same incident. Students should be aware that the student conduct process is dissimilar from criminal and civil court proceedings regarding the standard of proof and due process. Students should also be aware that campus conduct proceedings are conducted independently from any criminal or civil court proceedings that are scheduled. Proceedings under this

Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Dean of Students or designee. Determinations made or sanctions imposed under this *Student Code of Conduct* will not be subject to change because criminal charges were dismissed, reduced, or resolved in favor of the criminal defendant.

When federal, state, or local authorities charge a student with a violation of law, Mines does not routinely request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also being processed under the *Student Code of Conduct*, Mines officials may generally advise off-campus authorities of the existence of the *Student Code of Conduct* and of how matters are typically handled within the Mines community. Mines will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of students found responsible for a policy violation (provided the conditions do not conflict with behavioral expectations, campus policies, or assigned sanctions).

SECTION 3: DEFINITIONS

1. **Assigned Outcome:** an assigned disciplinary status and/or educational outcome required by a student to complete if they are found responsible for any policy violation(s).
2. **Campus Housing:** all residence halls and apartments located on the Mines campus. For this document, campus housing does include the Mines-owned fraternity and sorority chapter houses.
3. **Case Resolution Manager:** a Mines official or faculty member authorized to determine if a student has violated the *Student Code of Conduct* and impose sanctions upon any student found responsible for violating the *Student Code of Conduct*.
4. **Due Process:** students being provided with notice of allegations, notice of student conduct process, and an opportunity to present information before an objective decision-maker prior to any conduct decision being made.
5. **Faculty Member:** any person hired by Mines to conduct classroom or teaching activities or who is otherwise considered by Mines to be a member of its faculty.
6. **Impacted Party:** any student or community member that is the victim of or negatively impacted by a student's misconduct.
7. **Member of the Mines Community:** any person who is a student, faculty member, administrator, staff member or any other person employed by Mines or volunteers for Mines. The Dean of Students shall determine a person's status in each situation.
8. **Mines:** Colorado School of Mines
9. **Mines Activity:** any meeting, event, program, conference, or other function hosted, sponsored, marketed, or paid for by a Mines student, employee, department, or organization in an effort to conduct Mines business or affect a substantial Mines interest.
10. **Mines Official:** any person employed by Mines, performing assigned administrative or professional responsibilities.
11. **Mines Premises:** all land, buildings, facilities, and other property owned, used, or controlled by Mines (including adjacent streets and sidewalks).
12. **Official Function:** any meeting, event, program, conference, or other function hosted, sponsored, marketed, or paid for by a Mines student, employee, department, or organization in an effort to conduct Mines business or affect a substantial Mines interest.
13. **Policy:** the written regulations of Mines as found in, but not limited to, the *Student Code of Conduct*, Student Catalog, Residence Life Handbook, the Mines policy web page, the Mines computer use policy, and the Graduate and Undergraduate Bulletins.
14. **Reporting Party:** any person who submits a charge alleging a student violated the *Student Code of Conduct*.
15. **Responding Party:** any student accused of violating the *Student Code of Conduct*.

16. **Student:** all persons taking courses at Mines, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. This includes persons who withdraw after allegedly violating the *Student Code of Conduct*, who are not officially enrolled for a particular term but who have a continuing relationship with Mines, or who have been notified of their acceptance for admission.
17. **Student organization:** refers to any number of persons who have complied with [Mines' requirements](#) and are officially recognized by the School.
18. **Values:** guidance for the behavioral expectations expected of Mines' students. They include integrity, community, respect, social justice, and responsibility.

SECTION 4: STUDENT CODE AUTHORITY

The Vice President of Student Life, acting on behalf of the President of the Colorado School of Mines, will designate appropriate individuals or entities to serve as Case Resolution Managers and administer the Colorado School of Mines student conduct process. The responsibilities of these Case Resolution Managers are defined as follows:

1. The Dean of Students is hereby designated by the Vice President of Student Life as the representative of Colorado School of Mines in all student conduct matters, unless otherwise indicated below. As the senior conduct administrator, they develop policies for the administration of the student conduct system and procedural rules for administrative conduct meetings. The Dean of Students is responsible for monitoring student compliance with all disciplinary conditions and sanctions imposed through the conduct process and maintains all official student disciplinary records. The Dean of Students will submit periodic reports regarding student conduct to the Vice President of Student Life and other Mines officials. The Dean of Students also serves as the Appeal Review Administrator for all Academic Misconduct Appeals and may assist in Appeal Reviews for student conduct matters.
2. The Assistant Director of Community Standards is designated by the Dean of Students to assist with all student conduct matters as a senior conduct administrator. This individual will assist the Dean of Students in maintaining the administration of the student conduct system and will assist in matters involving students living on and off-campus. The Assistant Director of Community Standards is also designated to assist with Appeal Reviews for student conduct matters.
3. The Director of Residence Life and other professional Residence Life staff members are hereby designated by the Dean of Students to assist with student conduct matters involving students who live in campus housing or for violations taking place in campus housing. The Director of Residence Life may also work on other student disciplinary matters cases, as referred by the Dean of Students. The Associate Director and Assistant Directors in Residence Life are also designated to assist with Appeal Reviews for student conduct matters.
4. The Director of Student Activities, Involvement, and Leadership (SAIL), and other professional SAIL staff are hereby designated by the Dean of Students to assist with student disciplinary matters involving student organizations and for organization violations taking place in fraternity and sorority chapters. These individuals may also work on other student disciplinary matters, as referred by the Dean of Students.
5. The President of the Colorado School of Mines designates all faculty members with the responsibility of providing an academic environment free of academic misconduct. Should a faculty member become aware of such behavior, the faculty member has the authority and responsibility to follow the procedures outlined in the School's [Academic Integrity Policy](#) to resolve the issue.
6. Mines is committed to providing equal access to a learning and work environment free from Sexual Misconduct and Discrimination. Mines has designated a Title IX Coordinator who is responsible for coordinating responses to allegations of sexual misconduct, which includes responding and investigating reports of alleged behavior outlined in [Title IX Policies](#).

Decisions made by any of the Case Resolution Managers are final, pending the appeal processes outlined below in Section 7.

SECTION 5: BEHAVIORAL EXPECTATIONS AND CORE VALUES

The Student Code of Conduct intends to explain both the rights and responsibilities of Mines community members. Mines students are responsible for understanding the behaviors described in the following subsections as inappropriate for the Mines community and in opposition to the core values set forth in this document. These expectations and rules apply to all students at Mines. Any student found to have committed or attempted to commit the following misconduct is subject to the sanctions outlined in Section 6: Student Code of Conduct Procedures.

Value – Integrity: Mines students exemplify honesty, honor, and a respect for the truth. Behavior that violates this value includes, but is not limited to:

1. **Falsification.** which may include but is not limited to:
 - a. Furnishing false information to any Mines official, faculty member, or office;
 - b. Forgery, alteration, or misuse of any Mines document, record, or instrument of identification;
 - c. Violations of positions of trust within the community; and
 - d. Election tampering.
2. **Academic Misconduct.** All forms of Academic Misconduct outlined in the [Academic Integrity Policy](#), including but not limited to dishonesty, plagiarism, falsification, tampering, cheating, impeding, and course-specific rules.
3. **Unauthorized Entry.** Unauthorized use, misuse, and/or entry of Mines parking permits, equipment, and/or facilities.
4. **Unauthorized Access.** Unauthorized access to any Mines premises or unauthorized possession, duplication or use of access control items (keys, Blastercards, etc.). Additionally, any behavior, such as propping doors or manipulating locks, which assists in the unauthorized entry into Mines' facilities, is prohibited. It is expected that students will report lost access control items in a prompt manner.
5. **Theft.** Intentional and unauthorized taking of Mines property or the personal property of another, including goods, services, and other valuables.
6. **Collusion and Trust.** Abuse of the student conduct system, including but not limited to:
 - a. Failure to obey notice from a Mines Case Resolution Manager to appear for a meeting.
 - b. Falsification, distortion, or misrepresentation of information before a Mines Case Resolution Manager.
 - c. Initiation of a *Student Code of Conduct* proceeding in bad faith.
 - d. Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
 - e. Influencing or attempting to influence another person to commit an abuse of the *Student Code of Conduct*.
 - f. Failure to comply with the sanction(s) imposed under the *Student Code of Conduct*.

Value - Community: Mines students build and enhance their community. Behavior that violates this value includes, but is not limited to:

7. **Disruptive Behavior.** Disruption or obstruction of teaching, research, administration, conduct proceedings, or other Mines activities, including its public service functions on or off campus, or other authorized non-Mines activities when the conduct occurs on campus.
8. **Rioting.** Causing, inciting, or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction to property.

9. **ITS (Information and Technology Solutions) and Acceptable Use.** Unauthorized or other abuse of computer facilities and resources, including but not limited to:
 - a. Unauthorized entry in to, use, reading, or changing the contents of a file, for any purpose.
 - b. Unauthorized transfer of a file.
 - c. Use of another individual's identification and/or password.
 - d. Use of computing facilities and resources to interfere with the work of another student, faculty member, or Mines Official.
 - e. Use of computing facilities and resources to send obscene or abusive messages.
 - f. Use of computing facilities and resources to interfere with normal operation of the Mines computing system.
 - g. Use of computing facilities and resources in violation of copyright laws.
 - h. Any violation of the [Mines Information Technology Policies](#).
10. **Trademark.** Unauthorized use or misuse of official Mines trademarks, logos, branding, and images.
11. **Damage/Destruction.** Intentional, reckless, and/or unauthorized damage or destruction of Mines property or the personal property of another. This includes all forms of vandalism.
12. **Weapons.** Possession of firearms, explosives, other weapons, or dangerous chemicals on Mines premises, or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
13. **Tobacco.** The production, sale, distribution, use and sampling of all tobacco and nicotine products and paraphernalia, including e-cigarettes, electronic vaping devices, personal vaporizers, or electronic nicotine delivery devices, as prohibited by [Mines Smoking and Vaping policy](#).
14. **Fire Safety.** Violation of local, state, federal, or campus fire policies including, but not limited to intentionally or recklessly causing a fire which damages Mines or personal property, or which causes injury, failure to evacuate a building during a fire alarm, improper use of fire safety equipment, or tampering with or improperly engaging a fire alarm or fire detection/control equipment.
15. **Wheeled Devices.** Skateboarding, rollerblading, roller-skating, bicycling or similar wheeled use inside Mines buildings, residence halls, on tennis courts, or on the pedestrian plaza. Students are expected to keep community members and facilities free of damage when engaging in wheeled activities.

Value – Social Justice: Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing university community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:

16. **Discrimination.** Any act based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the Mines' educational program or activities. Please reference the [Policy Prohibiting Unlawful Discrimination](#).
17. **Harassment.** Any unwelcome conduct based on actual or perceived status including sex, gender, race, color, age, creed, national or ethnic original, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, or other protected status. Please reference the [Policy Prohibiting Unlawful Discrimination](#).
18. **Retaliation.** Any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participating individual, or supporter of a participating individual, in a Student Code of Conduct proceeding or other protected activity.

Value – Respect: Mines students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

19. **Harm to Persons.** Any form of physical harm caused intentionally or recklessly where the health or safety of a person or persons is endangered.
20. **Sexual Harassment, Sexual Assault, Stalking, And Interpersonal Violence.** Please reference the [Policy Prohibiting Sexual Harassment, Sexual Assault, and Interpersonal Violence](#).
21. **Hazing.** Any act by which a person recklessly endangers the mental or physical health or safety of an individual, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation into, affiliation with or as a condition for continued membership in a group or organization, regardless of the willingness to participate. Except that “Hazing” does not include customary athletic events or other similar contests or competitions, or authorized training activities conducted by members of the armed forces of the state of Colorado or the United States.

Hazing includes, but is not limited to:

- Forced and prolonged physical activity;
- Forced consumption of any food, beverage, medication or controlled substance, whether or not prescribed, in excess of the usual amounts for human consumption or forced consumption of any substance not generally intended for human consumption;
- Prolonged deprivation of sleep, food or drink.

Value – Responsibility: Mines students are given and accept a high level of responsibility to self, to others, and to the community. Behavior that violates this value includes, but is not limited to:

22. **Drugs.** Use, possession, manufacturing, sale, or distribution of marijuana, heroin, narcotics, prescription medications, or other controlled substances except as expressly permitted by law.
NOTE: *Although possession and use of marijuana consistent with the requirements of the Colorado Constitution is not a crime in the State of Colorado, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, the use and/or possession of marijuana continues to be prohibited while a student is on Mines owned or controlled property, and/or attending any function authorized or supervised by Mines and/or in state owned or leased vehicles.*
23. **Alcohol.** Use, possession, manufacturing, sale, or distribution of alcoholic beverages (except as expressly permitted by Mines regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age. Facilitating, arranging, or participating in any extreme alcohol consumption activity that constitutes, facilitates, or encourages competitive, rapid, or excessive consumption of alcohol when such activity occurs on campus, in the housing of any student organization or group, or in connection with a Mines activity is prohibited.
24. **Public Exposure.** Includes deliberately and publicly exposing one’s intimate body parts, public urination, public defecation, and public sex acts.
25. **Unauthorized Recording.** Includes but is not limited to any unauthorized use of electronic or other devices to make an audio or video record of any person without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. Secretly taking pictures of another person in a gym, locker room, or restroom is also prohibited.
26. **Health and Safety.** Any actions that create health and/or safety hazards or harm members of the Mines community, including but not limited to, dangerous pranks or hanging out of or climbing from/on/in windows, balconies, roofs, etc.
27. **Failure to Comply.** Failure to comply with directions of Mines officials or law enforcement officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so.

28. **Other Policies.** Violation of any Mines policy, rule, or regulation published in hard copy or available electronically on any of the Colorado School of Mines websites. This includes violations of rules listed in the Residence Hall Handbook.
29. **Violations of Law.** Violation of any federal, state or local law.
30. **Arrest.** Failure to accurately report an off-campus arrest by any law enforcement agency for any crime to the Dean of Students within seventy-two hours of release.
31. **Threatening Behavior.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
32. **Intimidation.** Implied threats or acts that cause a reasonable fear of harm in another.
33. **Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally.

SECTION 6: STUDENT CODE OF CONDUCT PROCEDURES

A. Reporting

Any member of the Mines community may [file a report](#) involving a student for violations of the *Student Code of Conduct*. A report will be directed to the Dean of Students' office and submitted as soon as possible after the incident takes place. If a report is filed by Residence Life staff, a report will be directed to Residence Life Professional Staff designated as Case Resolution Managers. Once a report is created and directed to the appropriate staff member, the Case Resolution Manager will follow conduct procedures described below.

B. Amnesty for Health and Safety Intervention

The health, safety, and general welfare of Colorado School of Mines students are of the utmost concern to the faculty, staff, students, and administration. The following Amnesty Policy has been established to reduce barriers related to seeking help during medical emergencies due to fear of potential policy violations, and to encourage students to seek medical attention in all situations when someone's health or safety is believed to be endangered, or if someone is the victim of violence, including but not limited to domestic violence, dating violence, stalking, sexual assault, or assault.

1. **Policy Guidelines.** All students are strongly encouraged to immediately seek emergency medical attention in circumstances when they reasonably believe any individual's health and/or safety is or appears to be in jeopardy. Where a student(s) or a student organization seeks emergency medical attention on behalf of themselves or another, or report in good faith that they witnessed or are the victim of a crime or significant violation of Mines' policies (e.g., sexual misconduct), Mines will treat any use of alcohol or prohibited substances by either the Reporting Parties or the students receiving medical attention as a health and safety matter, not as a conduct incident.
2. **In a health and/or safety related emergency,** students are expected to:
 - Contact emergency officials by calling 303.273.3333 or 911;
 - Remain with the individual(s) requiring treatment and cooperate with emergency officials; and
 - Meet and cooperate with appropriate Mines administrative staff after the incident.
3. When members of *student organizations* seek emergency medical attention under this policy, the organization may also receive amnesty from violations of the policies on alcohol and prohibited substances.
4. At times, students may be hesitant to report the occurrence of a sexual assault to Mines officials because they are concerned that they themselves, or witnesses to the misconduct, may be found responsible for other policy violations (e.g., alcohol violations). It is the stance of Mines that the importance of dealing with alleged sexual misconduct or sexual assault outweighs any adjudication of such violations. Accordingly, in these cases, a student who makes a complaint of sexual misconduct or sexual assault, or students named as witnesses to such an incident, will not

be referred to the conduct process. Please reference the [Policy Prohibiting Sexual Harassment, Sexual Violence, and Interpersonal Violence](#).

5. Students may be hesitant to report the occurrence of hazing to Mines officials because they are concerned that they themselves, or witnesses to the misconduct, may be found responsible for other policy violations (e.g., alcohol violations), or are afraid of retaliation and/or loss of membership. It is the stance of Mines that the importance of dealing with alleged hazing concerns outweighs individual policy violations of a Reporting Party. In these cases, a student who makes a complaint of hazing will not be referred to the conduct process.
6. There are no restrictions to the number of times this Amnesty Policy may be used, and doing so repeatedly will not result in disciplinary action. However, a student or student organization may be held responsible for a Code of Conduct violation if it is determined that the individual or group is repeatedly invoking the amnesty policy to avoid responsibility for flagrant policy violations.
7. *Additional Expectations.* Students or student organizations that receive amnesty under this policy may be required to complete educational and/or counseling program(s) that are meant to support students and their organizations and connect them with other community services and resources that may be beneficial. These programs and services will be tailored to the specific circumstances and needs of those involved. In instances where students or student organizations fail to complete any required educational and/or counseling program(s), the protections offered by this policy may be voided and conduct follow-up from the Dean of Students or their designees may occur.
8. *Policy Limitations.* The Amnesty Policy applies to violations of policies relating to the use of alcohol and prohibited substances, but does not preclude Mines from taking conduct process actions to address other serious or flagrant violations of Mines policy including, but not limited to, violence (including but not limited to domestic violence, dating violence, stalking, sexual assault, or assault), harassment, serious property damage, hazing, or the manufacture, sale, or distribution of prohibited substances. The Policy cannot be invoked to preclude or prevent action by police or other legal authorities. However, in cases where there have been other violations of Mines policy, calling for assistance for an individual in need of help may be considered a mitigating factor in any conduct process arising out of such violations (and failure to seek assistance may be considered an elevating factor in any such conduct process). Students and student organizations that do not immediately seek emergency medical attention in response to a health and/or safety emergency may be referred to the Code of Conduct process.

C. *Interim Suspension*

In certain circumstances, the Vice President for Student Life or designee may impose an interim suspension or residence hall suspension prior to the Administrative Conduct Meeting.

1. Interim suspension may be imposed:
 - a. to ensure the safety and well-being of members of the Mines community and/or preservation of Mines property;
 - b. to ensure the student's own physical or emotional safety and well-being; or
 - c. if the student poses an ongoing threat of disruption of, or interference with, the normal operations of Mines.
2. During the interim suspension, a student will lose access to the residence halls and/or to the campus (including classes) and/or all other Mines activities or privileges for which the student might otherwise be eligible, as the Vice President for Student Life or designee may determine to be appropriate.
 - a. The interim suspension does not replace the regular campus judicial process. However, the student should be notified in writing of this action and the reasons for the suspension. The notice should include an option for the student to request a meeting to show why their continued presence on the campus does not pose a threat.

- b. The interim suspension does not replace the regular conduct process which will proceed on the normal schedule, up to and through an appeal, if required.

D. Investigations

The Case Resolution Manager may take the following steps to investigate a potential Student Code of Conduct violation to meet the needs of a Reporting and/or Impacted Party and Responding Party.

1. Initiate any necessary remedial actions on behalf of an Impacted Party (if needed).
2. Determine the identity and contact information of the Reporting Party, whether that person is the Reporting Party, Impacted Party, or a Mines representative.
3. Meet with the Reporting Party (if needed) to finalize the report. If the Reporting Party and/or Impacted Party is reluctant to pursue the complaint, the Case Resolution Manager will determine whether the complaint should still be pursued and whether sufficient information could support the complaint without the participation of the Reporting Party. The Case Resolution Manager will notify the Reporting Party of whether Mines intends to pursue the complaint regardless of their involvement and inform any Impacted Party of their rights in the process and option to become involved if they so choose.
4. Conduct a preliminary review to identify an initial list of all policies that may have been violated, to review the history of the parties involved, to understand the context of the incident(s) and any potential patterns, and the nature of the complaint. If there is insufficient information through the initial review to support any list of policy violations, the case can be closed.
5. Interview all relevant parties and witnesses and summarize the information they are able to share.
6. Obtain all documentary evidence and information that is available.
7. Obtain all physical evidence that is available.
8. Meet with the Responding Party to understand their perspective following the Administrative Conduct Meeting, outlined in the next part of this section.
9. Complete the investigation promptly by analyzing all available evidence.
10. Make a finding based on a preponderance of the evidence standard.
11. Share the findings and update the Reporting Party on the status of the investigation and the outcome.

A Case Resolution Manager may also determine if the charges have merit and/or can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Case Resolution Manager, such as mediation. Such disposition shall be the final decision of Mines and there shall be no subsequent proceedings.

E. Administrative Conduct Meetings

During an investigation of a report, a Case Resolution Manager will meet with the Responding Party. All administrative conduct meetings, or "meetings" shall be administered by a Case Resolution Manager, following the guidelines below.

1. The Responding Party will be notified by the Case Resolution Manager by phone, e-mail, or in person that a meeting will take place. In addition, an email sent to Mines' email of the Responding Party's will describe the alleged policy violation(s) against them and set a date and time for the meeting. Meetings should be scheduled within fifteen (15) business days after the Case Resolution Manager has been notified of an alleged conduct violation. Any deviation from this time frame requires proper notification to all parties involved by the Case Resolution Manager conducting the meeting and should only be used/enacted for unusual circumstances or scheduling conflicts.

2. The Responding Party has several rights throughout the process leading up to and during the meeting:
 - a. The Responding Party will be able to review any documentation associated with the incident, except any material that is deemed to be private information of other involved individuals. During the meeting, the Responding Party will have the opportunity to share their perspective from the incident.
 - b. The Responding Party may provide additional materials (pertinent records, exhibits, and written statements) to the Case Resolution Manager to support their perspective of the incident. The Responding Party will be allowed to review and respond to any reports the Case Resolution Manager considers the basis for the alleged policy violations.
 - c. The Responding Party has the option to be joined by an advisor or support person of their choosing, at their own expense. Such advisor may be an attorney, friend, family member, or other supportive individual. Since direct interaction with the student(s) involved is essential to the educational relationship with Mines, the advisor is limited in counseling the student and may not act as a representative of the student, speak on the student's behalf, or participate directly in any meeting. The advisor may not serve in a dual role in the meeting, meaning the advisor may not also serve as a witness. The Case Resolution Manager holding the meeting should be notified of an advisor's presence before the meeting takes place, and the Case Resolution Manager may consult with or choose to have Mines' Legal Counsel, in a similar advisory capacity, present at a meeting.
 - d. The Responding Party may be permitted to ask for relevant witnesses to be involved. The Case Resolution Manager will make the final decision whether a witness will be allowed to provide information related to the matter. If allowed, the Case Resolution Manager will arrange to meet with the witness(es) and obtain information related to the case. Witnesses will provide information to and answer questions from the Case Resolution Manager.
 - e. The Responding Party may request reasonable accommodations through the Case Resolution Manager by emailing or calling them directly in advance of the meeting. Their contact information will be in your meeting invite.
3. Administrative conduct meetings are considered private educational interactions between the student and Mines. All meetings are considered closed to anyone not directly involved in the case. Admission of any other individuals to the meeting is at the discretion of the Case Resolution Manager.
4. If requested by the Responding Party or determined by the Case Resolution Manager to be appropriate, one verbatim record, such as a recording, will be made. This recording will be the property of Mines. If a recording is made, a student wishing to obtain a copy of the recording must submit a request to the Dean of Students via mail, e-mail, or in-person (deanofstudents@mines.edu). Once the request has been received, the Dean of Students will provide the student with a copy.
5. If information presented in the meeting creates additional need for clarification or investigation, or to accommodate scheduling conflicts with key witnesses, the Case Resolution Manager may reschedule the meeting.
6. If the meeting involves more than one Responding Party from the same incident, the Case Resolution Manager may allow the meeting concerning each student to be conducted jointly or separately.
7. The Case Resolution Manager may make accommodations related to concerns for the personal safety, well-being, and/or fears of confrontation of the student, victims, and/or other witnesses during any conduct meeting.
8. Formal rules of process, procedure, or evidence as established and applied in the civil or criminal justice system do not apply to the meeting.

F. Assigned Outcomes

The following assigned outcomes may be applied to any student found responsible for violating the Student Code of Conduct.

1. Assignment of Conduct Status

- **Warning** – A notice given orally or in writing to the student that the student's behavior is unacceptable and may have violated institutional policies, and that continuation or repetition of the misconduct may be cause for more severe disciplinary standings.
- **Probation** – Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions (such as suspension or expulsion) if the student is found to violate any institutional regulation(s) during the probationary period.
- **Suspension** – Separation of the student from Mines for a definite or indefinite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Suspension for an indefinite period of time pending the fulfillment of certain conditions before readmission will be considered. Returning to Mines after suspension, a student may be put on probation for a year or longer.
- **Expulsion** – Permanent separation of the student from Mines. Expulsion shall be used in cases of misconduct considered by the Vice President of Student Life or Dean of Students to involve severe or repeated violation of the Student Code of Conduct. The student must vacate Mines premises at a time determined by the Vice President of Student Life or Dean of Students. The student may not attend classes and will be considered a trespasser unless given specific written permission by the Vice President of Student Life or Associate Dean of Students to enter the Mines premises.
- **Revocation of Admission and/or Degree** – Admission to or a degree awarded from Mines may be revoked for fraud, misrepresentation, or other violation of Mines standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

2. Assignment of Other Outcomes

- **Loss of Privileges** – Denial of specified privileges for a designated period of time. This may include ineligibility to represent Mines in a student organization, hold an elected or appointed office at Mines, to represent Mines in a study abroad program, living in on-campus housing, attending conferences, or representing Mines at an official function, event or intercollegiate competition as an athlete, manager, etc.
- **Restitution** – Compensation for loss, damage, or injury. This is not a fine, but rather a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
- **Community Service** – Service to Mines or members of the campus community.
- **Discretionary Sanctions** – Work assignments, essays, service to Mines, or other related discretionary assignments.
- **Behavioral Requirement** – Activities designed to change behavior including things such as academic counseling, substance abuse screening, etc.
- **Educational Program** – Requirement to attend, present, and/or participate in a program related to the violation.
- **Restorative Options** – Activities designed to center the impact of harm based on involvement in a policy violation. This may include participation in an Impact Circle, Restorative Circling, and other activities focused on repairing harm.
- **Parental Notification** – Parents may be notified of disciplinary decisions when a student under the age of 21 is found responsible for engaging in a policy violation involving alcohol, drugs, sexual harassment, or use of violence.

- **Housing Suspension** – Separation of the student from campus housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- **Housing Termination** – Permanent separation of the student from campus housing and termination of the housing contract.
- **No Contact Orders** – Avoidance of any and all contact with identified members of the Mines community. This includes all personal interaction, email, text messaging, phone calls, and social media contact. It also includes refraining from all forms of third-party contact on the student's behalf.
- **Withholding a Degree** – Mines may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.

More than one of the outcomes listed above may be assigned for any single violation.

Other than expulsion, suspension, revocation or withholding of a degree, assigned outcomes will not be made part of the student's permanent academic record, but will become part of the student's conduct record. During the semester immediately preceding a student's graduation, the student's conduct record may be expunged of disciplinary actions other than those violations that involved violence towards another person or resulted in suspension, expulsion, housing termination, or revocation or withholding of a degree, by a request to the Dean of Students. Cases involving the imposition of assigned outcomes other than housing termination, suspension, expulsion, or revocation or withholding of a degree shall be expunged from the student's confidential record ten years after the incident occurred.

Many of the sanctions listed above may be imposed upon student groups and organizations. Additionally, an assigned outcome of deactivation may be applied to groups and organizations. Deactivation is the loss of all privileges, including Mines recognition, for a specified period of time.

G. Notification of Outcomes

The outcome of the conduct proceedings will be shared with the responding student and become part of a student's conduct record. This record is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. The information may be shared with other Mines officials that have a need to know as determined by the Dean of Students. The information will also be shared when the student gives permission for the information to be shared, or if the information is requested through a court order or subpoena, or as permitted or required by law

As allowed by FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or non-forcible sex offense, Mines will inform the Reporting Party and/or alleged Impacted Party of the final results of the proceedings regardless of whether Mines determines a violation was committed. Such release of information may only include the accused student's name, the violation the student is responsible for, and the outcomes assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, the rationale for the outcome may also be shared with the Impacted Party in addition to the finding and sanction(s).

In cases where Mines determines through the student conduct process that a student violated a policy that would constitute a "crime of violence" or non-forcible sex offense, Mines may release the accused student's name, the violation committed, and the outcomes assigned (if applicable) publicly and/or to any third party. FERPA defines "crimes of violence" to include:

1. Arson,
2. Assault offenses (includes stalking),
3. Burglary,
4. Criminal Homicide—manslaughter by negligence,
5. Criminal Homicide—murder and non-negligent manslaughter,

6. Destruction/damage/vandalism of property
7. Kidnapping/abduction,
8. Robbery,
9. Forcible sex offences, and
10. Non-forcible sex offences.

H. *Failure to Complete Assigned Outcomes*

Assigned outcomes are designed for and, at times with, students with the intention that they are educational outcomes aimed at assisting a student in changing and/or learning from their incident and behavior. All students, as members of the Mines community, are expected to complete their assigned conduct outcomes within the timeframe specified by their Case Resolution Manager. Failure to follow through on assigned outcomes by the date specified, whether by refusal, neglect or any other reason, may result in additional assigned outcomes and/or action through the Conduct Process. In such situations, a hold may be placed on a student's account until a sanction is satisfactorily completed. This determination will be made by a Case Resolution Manager.

SECTION 7: APPEAL PROCESS

This appeal process applies to requests for appeals related to violations of the *Student Code of Conduct*. However, grade appeals, residency appeals, academic misconduct appeals, appeals related to discrimination complaints, sexual harassment, sexual violence or interpersonal violence complaints, and appeals related to research misconduct are handled through separate processes. An appeal request will only be considered if it includes the specific aspect of the decision being appealed, the grounds for an appeal, and the rationale that supports the selected grounds.

1. *Appealable Decisions*. Not all decisions can be appealed. An appeal is not appropriate for the simple reason that one disagrees with the decision. Alleged due process violations may be appealed, however, these appeal decisions are limited to correcting the process errors.
2. *Grounds for an Appeal*. The four items listed below are the only acceptable reasons for an appeal. Except when required to explain and support an appeal based on new information, an appeal is limited to a review of the investigation record of the administrative conduct meeting and supporting documents for one or more of the following purposes:
 - a. **New Information:** To consider information or other relevant facts sufficient enough to alter a decision because the information and/or facts were not known to the person appealing at the time of the original administrative conduct meeting.
 - b. **Appropriateness of Assigned Outcomes:** To determine whether the assigned outcomes were appropriate for the violation(s) of the Student Code of Conduct the Responding Party was found responsible to.
 - c. **Due Process:** To determine whether the conduct process respected the due process rights of the student involved. This can include how the administrative conduct meeting and process was conducted, if the student was provided a reasonable opportunity to prepare and provide their perspective, and if the prescribed conduct process was followed. Minor process deviations that do not materially affect the outcome are not a basis for requesting an appeal.
 - d. **Unsupported Decision:** To determine whether the decision reached regarding the Responding Party was supported using the preponderance of evidence standard to establish that a violation of the *Student Code of Conduct* occurred.
3. *Submitting an Appeal Request*. Decisions reached by a Case Resolution Manager may be appealed by the Responding Party. In cases dealing with intimidation, assault, or harassment, the Impacted Party may also appeal. The individual may file an appeal by completing a [Student Conduct Appeal Request Form](#) and submitting it to the Dean of Students Office via email, mail, or in-person by the date stated in the original decision letter (typically within seven business days of the date of the decision notification). This form is available online and in person at the Dean of

Students Office. It is the obligation of the person making the appeal to complete the form in its entirety and provide any and all materials they wish to have considered at the time of the appeal request submission. If the appeal request form is not received within the required time frame, the original decision is final and no further appeal will be allowed.

4. *Appeal Review.* Within five (5) business days of the appeal request being received, the Vice President of Student Life or designee will review the written request form to determine if it has identified acceptable grounds for an appeal and whether the appeal has been filed by the appeal deadline. Following the review, the Vice President of Student Life or designee will make one of the following decisions:
 - a. **Deny the Appeal:** The appeal and supporting information do not establish an acceptable basis for appeal or the appeal request form was not submitted by the appeal deadline. If the appeal is denied, the decision is considered final.
 - b. **Allow the Appeal to Proceed:** The appeal and supporting information submitted meet one or more of the grounds for appeal and the appeal request was submitted by the appeal deadline.

The Vice President of Student Life or designee will notify the individual submitting the appeal (and any other involved parties) in writing of the decision to deny or allow the appeal.

5. *Appeal Process.* All pertinent information regarding the incident and appeal, including but not limited to, the Responding Party's conduct record, the appeal request, and other information submitted by the student or Case Resolution Manager, will be reviewed by the Vice President of Student Life or designee. If needed, the Vice President of Student Life or designee may gather additional information and/or arrange for meetings with the involved parties. The Vice President of Student Life or designee may extend the original timeline by notifying all parties involved and informing each of the new timeline. This notification must take place prior to the original stated completion date.
6. *Outcome of Appeal.* Typically within fifteen (15) business days of receiving the notification allowing the appeal to proceed, the Vice President of Student Life or designee will review all information related to the case, make one of the following decisions, and communicate their decision:
 - a. **Affirm the Decision:** The information supports the original decision. No changes are made to the decision of responsibility or assigned outcomes and the decisions are final.
 - b. **Reverse the Decision:** The information does not support the original decision. The decision of responsibility will be changed to "Not Responsible." This option is not available when the Responding Party is only appealing the severity of assigned outcomes or the imposition of conditions. Instead, the assigned outcomes may change.
 - c. **Return the Matter for Further Consideration:** Additional review and consideration should be made by the original Case Resolution Manager that could include increasing or decreasing the assigned outcomes or addressing additional issues that arose through the appeals process. The Vice President of Student Life or designee should provide information on items to be reconsidered and recommendation for appropriate assigned outcomes to the original Case Resolution Manager.

If a case is returned to the original Case Resolution Manager for further consideration, reconsideration will take place and a decision will be communicated in writing to the parties within five (5) business days of the matter being returned. The decision is then final and cannot be appealed again.

7. *Assigned Outcomes and Conditions during a Pending Appeal.* Throughout the entire appeal process, all parties must continue to comply with all conditions and/or assigned outcomes of the original decision. However, the Responding Party may request to continue to attend classes and/or live in student housing while the appeal is pending. These requests must be in writing and addressed to the Vice President of Student Life or designee via email. All requests will be

reviewed and decided upon within three (3) business days. Notification of the decision will be sent to the Responding Party. Such approvals are within the discretion of the Vice President of Student Life or designee and may include alternative protective measures.

SECTION 8: INTERPRETATION AND REVISION

1. Any question of interpretation or application of the Student Code of Conduct can be referred to the Dean of Students.
2. The Student Code of Conduct will be reviewed at least every two years, or as needed by the Dean of Students Office. Review History:
 - Updated May 2015 (formatting and dates)
 - Updated August 2016 (personnel titles, topics titles, hyperlinks)
 - Updated May 2017 (personnel titles)
 - Updated January 2018 (updated amnesty policy)
 - Updated April 2018 (online students included)
 - Updated November 2018 (complete review)
 - Updated September 2020 (procedures added to address sexual misconduct falling outside of Title IX)
 - Updated August 2022 (complete review)

SECTION 9: REFERENCES AND LINKS

- Admissions Contact Page: <https://www.mines.edu/admissions/contact-2/>
- SAIL Organizational Information Page: <https://www.mines.edu/student-activities/organizations/>
- Academic Integrity Policy: <https://catalog.mines.edu/policiesandprocedures/>
- Office of Institutional Equity and Title IX Policies: <https://www.mines.edu/institutional-equity-title-ix/policies-procedures/> (including Discrimination and Harassment)
- Information Technology Policies: <https://www.mines.edu/policy-library/information-technology/>
- Smoking and Vaping Policy: <https://www.mines.edu/policy-library/university-smoking-and-vaping-policy/>
- Code of Conduct Reporting Tool: https://cm.maxient.com/reportingform.php?COSchoolofMines&layout_id=0
- Student Conduct Appeal Form: <https://www.mines.edu/policy-library/wp-content/uploads/sites/87/2019/07/Student-Appeal-Request-Form.pdf>