

RHODE ISLAND SCHOOL OF DESIGN CODE OF STUDENT CONDUCT POLICIES AND PROCEDURES

I. Purpose

As members of the RISD community, students are engaged in the concurrent pursuit of academic and artistic excellence and social responsibility. The purpose of this Code of Student Conduct is to establish standards for the ways in which the student community interacts in that pursuit, and policies, procedures and consequences for dealing with instances in which those standards are not met.

The Code is not a criminal code and does not operate like one. RISD's expectations for its student members are significantly higher than the bare minimum prescribed by law. Conduct that is legal may still be considered unacceptable within the RISD community.

The standards, policies, procedures, and consequences set forth in this Code are intended to serve as a component of RISD's educational mission – to guide students in their growth as members of the RISD and broader communities.

II. Statement of Rights

Every student enrolled at RISD has a right to conditions that are conducive to learning and favorable to the pursuit of higher education. These rights include the right to study; the right to a safe and healthy environment; the right to pursue grievances; reasonable and fair processes in resolving alleged violations of this Code; and a reasonable right to privacy.

Additionally, students have the right to inspect and review their education records in accordance with procedures prescribed in The Family Educational Rights and Privacy Act (FERPA), which is a federal law that protects the privacy of student educational records. For the full policy and terms, please see the annual FERPA Notice found at <https://policies.risd.edu/academic/ferpa-notice/>

III. Applicability

Students shall be responsible for their conduct from their admission through the actual awarding of their degree. This includes the academic year, semester break periods, and between enrollment periods.

The Code of Student Conduct shall apply to a student's conduct on-campus and also when the student is participating in a College academic or social, educational, cultural, or athletic RISD-sponsored program, off-campus. Student behavior that occurs on and off campus that violates the Code of Student Conduct

and/or adversely impacts the College and/or College community may be subject to the student conduct adjudication process.

The student conduct adjudication process may be initiated when a student's behavior allegedly violates both criminal law and the Code of Student Conduct. The Student Conduct adjudication process may be carried out prior to, simultaneously, or following a civil or criminal proceeding, at the discretion of the Director of Student Conduct and Community Standards. Agreements or findings under the Code of Student Conduct shall not be subject to change when criminal charges regarding the same acts that prompted the student conduct adjudication process, are dismissed, reduced, or resolved in favor of or against the criminal law defendant.

The Code of Student Conduct adjudication may be applied when a RISD student withdraws from the College during the initiation or continuation of the student conduct adjudication process and/or when RISD does not learn of an alleged violation until after the student graduates, withdraws, takes a leave of absence, or is otherwise absent from RISD, and the Code may be applied up to and including Commencement day.

Students continue to be subject to federal, state, and local laws while at RISD. While those laws are separate and independent from the Code and impose different standards, violations of federal, state, and local laws may also constitute violations of the Code. In such instances RISD may take action under the Code independently of any other legal proceeding involving the same conduct, and may impose consequences for violation of the Code even when such other proceedings are not yet resolved or are resolved in the student's favor.

International students on F -1 visas should be aware that violations of the Code of Student conduct can affect their immigration status in the United States as well as their eligibility for OPT. For questions regarding F-1 status, please see the International Student and Scholar Affairs (ISSA).

IV. Definitions

- A. "Student" refers to an individual who has paid an acceptance fee, registered, or entered into any other contractual relationship with RISD for any form of instruction, whether or not for credit. For purposes of the Code, "student" status begins at the time of payment, registration, or contractual agreement, even if the student has not yet arrived on campus or commenced instruction, and continues until such time as the student graduates or otherwise completes the relevant program, officially and permanently withdraws from RISD, or is expelled. A student who has taken a leave of absence, is on a medical leave, or has been suspended continues to be considered a "student" with respect to the Code of Student Conduct.
- B. "Campus" refers to all lands, buildings, and facilities owned, leased, operated, and/or used by RISD.

- C. “Members of the RISD community” refers to RISD students, faculty, staff, volunteers, and agents; visitors to the RISD campus; and people and entities within the boundaries of the RISD campus.
- D. “Preponderance of the Evidence” is the standard of proof used to decide all student conduct matters. Preponderance of evidence is a less rigorous standard than “beyond a reasonable doubt” and “clear and convincing” and means that “it is more likely than not” that the respondent(s) engaged in the alleged misconduct.

V. Student Conduct and Community Standards

RISD expects its students to conduct themselves in recognition that they are members of a community engaged in the concurrent pursuit of academic and artistic excellence and social responsibility – and therefore expected to comply not only with legal requirements, but also with additional, higher standards (listed in this Code) that enable and promote that pursuit. RISD expects that all students will treat each other, staff, and faculty with respect and civility at all times.

Equity and inclusion are central to our students’ art and design and liberal arts education and vital to the thriving of all members of our community. As a result, Rhode Island School of Design aspires to promote inclusion and opposes discrimination and the effects and impacts of bias (including, but not limited to racism, sexism, heterosexism, and ableism). We recognize this aspiration as ongoing and institution-wide, involving a collective commitment and accountability. Towards that end, all students must do the following:

A. Comply with all federal, state, and local laws applicable to their activities;

B. Comply with all general RISD rules and policies applicable to their activities, which include but are not limited to the policies found on RISD websites, documents (unless otherwise noted) and all policies that can be found at <http://policies.risd.edu> pertaining to the following::

- Academic Misconduct
- Alcohol and Substance Abuse
- Computer Use
- Consensual Relationships
- Dining Regulations
- Drone Policy
- Environmental Health and Studio Safety policies ("<http://info.risd.edu/EHS/>")
- Good Neighbor Policy
- Installation Site Policy
- Medical Cannabis Policy
- Posting Policy
- Protest Policy

- Policy Discrimination and Discriminatory Harassment Policy (<https://equitycompliance.risd.edu/procedures-2/>)
- Residence Life policies
- Service and Emotional Support Animal Policy
- Social Media Policy

C. Students are expected to not engage, or attempt to engage, in any other form of conduct that they reasonably should know is unacceptable within the RISD community. Representative, but not exclusive, examples of such unacceptable conduct include the following:

1. Interference with teaching, learning, and other activities – (a) Disrupting, obstructing, or interfering with the appropriate atmosphere for teaching and learning, other RISD-related activities, and other legitimate activities of other members of the RISD community, and (b) breaching the peace of other members of the RISD community.

It is important to note that legitimate criticism or other statements of opinion, expressed in a respectful manner, is not a violation of this provision. Determination of whether particular conduct violates this policy is made on a case-by-case basis, in light of all the known facts and circumstances.

2. Harm to others – a) Engaging in harassing, abusive, threatening, intimidating, endangering, fear-provoking, dishonest, deceptive, coercive, or harmful behavior toward others (including but not limited to verbal, written or through electronic means including social media posts, or statements or actions of bias or hate against any protected class/status) b) causing physical harm to another person on or off college premises, at college-sponsored activities, or causing reasonable belief of such harm.

For the purposes of this violation, harm to others is defined as verbal, written, online, and/or physical conduct that a reasonable person would determine to be severe, persistent, or pervasive, impacts educational opportunities and does not include constitutionally protected activity. Legitimate criticism or other statement of opinion, expressed in a respectful manner, is not a violation of this provision. Determination of whether particular conduct violates this policy is made on a case-by-case basis, in light of all the known facts and circumstances. The College may take action on conduct that it deems to be inappropriate, regardless of whether it rises to the level of a violation of law.

3. Sexual misconduct – Engaging in any form of sexual contact or conduct with another person, without that person’s effective consent (clear, knowing, and voluntary) is strictly forbidden. Effective consent is: conscious, informed, or voluntary, using words or actions that give permission for specific sexual activity. Informed consent; freely and voluntarily given; mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity is the standard of acceptable sexual activity at RISD. Sexual misconduct can occur between people of the same or different genders. For purposes of this provision, (a) it is the responsibility of the person seeking to initiate sexual contact or conduct to affirmatively obtain

such consent, not of the intended recipient of such contact or conduct to affirmatively deny such consent, and (b) valid consent cannot be obtained from a person whose ability to make decisions is obviously substantially impaired by alcohol, drugs, or other intoxicants or by mental or physical condition; who is unaware that the sexual contact or conduct is being committed; or who is compelled or coerced to grant consent by force, threat of force, deception, or supervisory or disciplinary authority.

Among the most serious types of sexual misconduct are sexual assault, domestic violence, dating violence, stalking, and sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when either (a) submission to such conduct is an explicit or implicit condition of employment or academic success, or (b) submission to or rejection of such conduct is used as the basis for an employment or academic decision, or (c) such conduct has the purpose or effect of either interfering with another's ability to participate in RISD's educational programs or employment opportunities, or creating an intimidating or hostile working or academic environment. Cases involving or including charges of sexual misconduct will be reviewed and determined under the separate "RISD Sexual Misconduct Procedures." :<http://titleIX.risd.edu>

4. Weapons – (a) Using, (b) displaying, or (c) possessing objects or substances whose primary purpose is to cause or threaten harm, inflict a wound, cause injury, or incapacitate and has no valid educational purpose is expressly forbidden. This includes but is not limited to firearms, pellet guns, ammunition, slingshots, billy clubs, metal knuckles, bludgeons, switchblade knives, bowie knives, explosives, dangerous chemicals such as tear gas or mace, instruments that launch projectiles, or any toy or model, even if otherwise permitted by law; or using any other objects or substances to cause or threaten harm.

5. Drugs, alcohol, and other harmful substances – (a) Using, possessing, and/or distributing drugs or drug paraphernalia, or other harmful substances in a manner that is prohibited by law or RISD policy, that is for purposes other than those for which they are intended, or that otherwise is potentially harmful to oneself or others is prohibited..

(b) Using, possessing, or distributing alcohol ,or other harmful substances in a manner that is prohibited by law or RISD policy, that is for purposes other than those for which they are intended, or that otherwise is potentially harmful to oneself or others.

As provided in RISD's "Good Samaritan" policy (<https://policies.risd.edu/student-life/good-samaritan-policy/>) students who voluntarily and proactively seek help regarding their own use of such substances or for that of others ordinarily will not be charged for such use under this provision.

6. Harm to property/theft – (a) Stealing, (b) destroying, (c) damaging, or (d) misusing the property or services of others, or (e) possessing or using others' property or services without their authorization. Students who find items left unattended are expected to take those items to RISD Public Safety at their earliest convenience.

7. Unauthorized entry – (a) Entering or remaining in RISD buildings, facilities, or other premises, without, or in excess of, appropriate authorization from RISD or (b) possessing, duplicating, or using keys or key cards to any RISD buildings, facilities or other premises, without, or in excess of, appropriate authorization from RISD. This includes but is not limited to: classrooms, administrative offices, administrative buildings, balconies, fire escapes, and roofs of RISD owned or leased properties. (c) Trespassing or attempting to gain unauthorized access to non-RISD owned private property.

8. Failure to comply/non-compliance– (a) Failing to comply with the instructions or warnings of RISD officials who are acting in accordance of their duties, obstructing them in the course of performing their duties, or (b) refusing to provide them with identification when requested; or (c) failing to comply with the terms of any consequences imposed under the Code or any behavioral contracts entered into under or apart from the Code is prohibited. This includes but is not limited to RISD staff and faculty, RISD Public Safety, Residence Life Staff including Resident Advisors, and or any other persons acting on behalf of the college.

9. Dishonest conduct – (a) Furnishing false information or (b) making a false report to RISD officials, or (c) falsifying, altering, or misusing RISD records, (d) any violation of the Academic Code of Student Conduct, (e) Using or possessing a RISD ID other than one’s own (f) Creating recordings of any meetings, class lectures or critiques without the express consent of the meeting holder and participants, instructor, lecturer, guest critic or other persons who are being sought to be recorded is considered to be a violation of this Code..

10. Interference with Code administration –(a) Interfering with participation or administration of the Code or (b) retaliating against anyone for participating in the administration of the Code is forbidden. A choice by a community member to not participate in any part of the student conduct process will not delay the progress of resolving alleged violations through the student conduct system.

VI. Procedures

Because the purposes of the Code are different from the purposes of law, the procedures by which the Code is implemented are, by design, more informal and less adversarial than those of a court. The following procedures generally will be followed in reviewing and determining allegations of misconduct under the Code. Cases involving or including charges of sexual misconduct as well as Academic Misconduct will be reviewed and determined under separate RISD Procedures (available at <http://titleix.risd.edu/> and <https://policies.risd.edu/academic/academic-code-of-conduct/> respectively).

At RISD’s discretion, any of these procedures may be supplemented or modified as appropriate to a specific situation, provided that the respondent is given reasonable notice of the violations alleged, a description of the evidence supporting those alleged violations, and an opportunity to be heard with respect to those alleged violations.

A. Initiation of Complaint

Any member of the RISD community may submit a report of an alleged violation of Student Conduct and Community Standards via the on-line form (<http://incidentreport.risd.edu>) or to the Office of Student Affairs located on the 3rd floor of Carr House, the Public Safety Office at 30 Waterman Street, or the Office of Residence Life in the First Year Quad. Emergencies should be reported to Public Safety immediately either by calling 401-454-6666 or using the “Live Safe App.” Reports should be submitted as soon as is practical following discovery of the suspected misconduct. Absent extraordinary circumstances, with the exception of reports of Sexual Misconduct, reports for all other violations must be submitted within six months following discovery of the alleged violation of the community standard. The determination to act on a complaint is at RISD's sole discretion.

B. Assignment Conduct Administrator

Upon receipt, a complaint will be forwarded to the Director of Student Conduct and Community Standards and will be assigned to a Conduct Administrator for review, investigation, and a determination on whether to proceed. Any full-time staff member within the Division of Student Affairs may serve as a Conduct Administrator.

C. Review and Investigation

- The Conduct Administrator will review the report to determine whether it clearly alleges a violation of Student Conduct and Community Standards under the Code and, if so, will begin the student conduct process. The process may include meeting with pertinent parties and/or others who may have relevant information; obtaining written statements from relevant persons; and/or seeking other potentially relevant records or information.
- All members of the RISD community are expected to cooperate with the conduct process. Please note that a RISD community member choosing not to participate will not necessarily delay the process.
- During a meeting, the respondents may view the information being presented.

D. Choice of Action (COA)

In cases where the Office of Student Conduct decides that there is evidence of an alleged violation that warrants referral to the Conduct Process the respondent will be contacted to schedule the preliminary meeting with the appropriate administrator. Communication regarding conduct procedures and meetings will be through the student's RISD email account. The preliminary meeting will serve to inform the student of the details of the alleged misconduct and educate the respondent about the conduct process. The respondent will have the opportunity to

ask questions and make statements at which time they may elect to enter into their hearing if they have chosen an administrative hearing. Board hearings (one of the choices afforded the Complainant) require a hearing to be held at a later date to allow time for Board members to be contacted (see definitions of process).

Failure to respond to a request for a preliminary meeting within three (3) business days will not delay the conduct process. In such cases, the conduct administrator may proceed to the assignment of an outcome in accordance with Section VI "Consequences," without the student having a choice regarding the type of adjudication they prefer. The Conduct Administrator may elect to have the charges heard by a Conduct Board instead of an Administrative Conference (see below, for definition) at any time before the start of an Administrative Conference.

In the event of extenuating circumstances, the Office of Student Conduct and Community Standards or Conduct Administrator may grant additional time for the choice of action. Note: if at the time of notification about a referral the respondent is withdrawn or not available in-person, the Student Conduct Process may be deferred until the respondent returns, or re-enrolls. [The Choice of Action Form \(COA\)](#) explains the options available to the respondent.

NOTE: Students sent through the formal conduct process via the Academic Code of Conduct as a result of an alleged violation of Academic Misconduct will not be given a Choice of Action form as there are specific procedures that relate to a charge of Academic Misconduct. Procedures are outlined in the Academic Code of student conduct, which can be found at <https://policies.risd.edu/academic/academic-code-of-conduct/>.

VII. DEFINITIONS OF PROCESSES:

Students who respond to allegations of violations of the Student Code of Conduct have cases adjudicated in one of several ways at the Rhode Island School of Design, as outlined in the COA. Students receive adjudication information via RISD campus mail. Students are expected to check their RISD email accounts daily; a student's failure to do so or failure to respond to any kind of notice or request from a RISD official will not prevent the student conduct process from proceeding.

1. **Mediation** - This is an informal process in which the parties involved in an interpersonal conflict may attempt to resolve the conflict with the assistance of a neutral, third-party mediator who guides the discussion but does not impose a solution. Mediation is an option only if both the complainant and the respondent are willing to approach mediation in a spirit of cooperation, and if they and the Hearing Officer all agree that it is appropriate for the matter at hand. If mediation is selected, the Director of Student Conduct and Community Standards will designate a mediator. Mediation is only appropriate for interpersonal issues and is not appropriate for policy violations including, but not limited to, violations of RISD's Sexual Misconduct Policy.

A successful mediation will usually result in a written agreement between the parties outlining the resolution they have achieved. If the mediator determines at any point that further mediation

is inappropriate, if the mediation is unsuccessful, or if the mediation agreement is violated, the matter may be referred to the formal student conduct process.

2. Administrative Conference - In an Administrative Conference, the complaints are heard and determined by one or more Conduct Administrators (CA). Similar to Conduct Board Meetings, students responding to complaints and the Conduct Administrator may present and question witnesses. Witnesses must have relevant information pertaining to the case and be made known to the appropriate hearing officer 48 hours prior to the hearing date. "Character witnesses" are not permitted in the hearings, but may submit letters of support if the Respondent feels it would be helpful to the case. Administrative conferences generally are best suited to cases involving less serious charges or charges in which the respondent does not contest responsibility. The Conduct Administrator applies the preponderance of the evidence standard of proof. A respondent's failure or refusal to appear, participate, and cooperate at an administrative conference will not prevent the Conduct Administrator from adjudicating the case, as stated earlier, in the "choice of action" section. The Conduct Administrator may elect to have the complaints heard by a Conduct Board instead of an administrative conference at any time before the start of the administrative conference.
3. Conduct Board Meeting - In a Conduct Board Meeting, complaints are heard and adjudicated by a voting board that consists of at least four members, ordinarily including one faculty member, one staff member, and two students, with one student serving as the Board Chair. Ordinarily the chair does not vote in the deliberation. In the event of a tie vote, however, the Chair will cast the deciding vote. The Director of Student Conduct and Community Standards or their designee is present during the Conduct Board Meeting and serves as an advisor to the board.

The Director of Student Conduct and Community Standards staffs the Conduct Board, selecting the faculty, staff, and student members of the Conduct Board from a pool consisting of faculty members selected by the faculty, staff members selected by the Associate Vice President for Student Affairs, and student members selected by the Office of Student Conduct and Community Standards in conjunction with the Office of Student Affairs.

If a sufficient number of members from the board are unavailable or unable to participate, the Director of Student Conduct and Community Standards may appoint an "ad hoc" committee of faculty, staff, and students to a Conduct Board, that must be approved by the Associate Vice President for Student Affairs. In that case, it is possible that the Board will not include representation from all three category groups.

No one with a significant conflict of interest or bias with respect to the case to be heard may serve on a Board case. Board members are expected to recuse themselves, if after consultation with the Director of Student Conduct and Community Standards, there is deemed to be a conflict of interest or bias. Prior knowledge of the participants in the case or of the conduct that is the subject of the case does not in itself constitute a conflict of interest or bias.

RISD's Conduct Board Meetings intend to follow an investigatory rather than an adversarial model, with the Chair rather than the parties leading the hearing. Conduct Board hearings generally follow the following outline of procedures:

a. Notice

- The respondent will be given written notice of the charges to be heard and the place and time of the hearing at the preliminary meeting (see Choice of Action: Section V.d.).
- If the student does not attend a preliminary meeting, the notice (charges, date of hearing, place and time of hearing) will be sent to the Respondent's RISD email address.

b. General Conduct of and Participation in Conduct Board Meeting

- The meeting will be presided over and administered by the Board Chair, who will determine the order and method of proceeding. The Chair may exercise control to prevent needless consumption of time, disruption, harassment, intimidation, or other conduct not conducive to the review and determination of the charges. The Chair may exclude from the hearing any person who engages in such conduct.
- The hearing will normally be closed to anyone other than the respondent and during their testimony, the Complainant, their respective advisors, and during their testimony, any witnesses. The Chair may, however, permit others to attend if they deem that the requested presence may be helpful to the review and determination of the charges or that there are other compelling reasons for that person's presence.
- Advisors may attend, and have a passive role. They may not speak on behalf of the Respondent or directly to the Board.

c. Advisors

- Both the Complainant and the Respondent are entitled to have an advisor of their choosing attend the hearing to guide and accompany them throughout the process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them. If either the Complainant or Respondent does not have an advisor and wants to have one, the Director of Student Conduct and Community Standards will provide the students with a list of available RISD faculty, staff, and student advisors. Such requests can be made at any time throughout the process, but must be made at least 24 hours in advance of a Board hearing. Advisors may not be called as witnesses in a hearing.

- The role of the advisor is to support and accompany the student throughout the investigation, adjudication, and appeal process. Advisors in RISD's student conduct process are held to the same restrictions as all other advisors. The students involved in the case speak on their own behalf throughout the student conduct process and participation is limited solely to the students involved and their witnesses. All communication regarding the case is done directly with the students through risd.edu email. The Chair reserves the right to dismiss the advisor at any time from the proceedings if the chair feels that the advisor's behavior is in direct conflict with the guidelines in this document.

d. Witnesses

- Both the Complainant and Respondent may request the presence of witnesses at the hearing. Such requests must be submitted to the Director of Student Conduct and Community Standards in writing via the Director's RISD email address at least 48 hours before the hearing, and must describe the requested witnesses' expected testimony.
- The Director of Student Conduct and Community Standards may refuse to allow a requested witness if the Director determines that the expected testimony is not sufficiently relevant to the charges, would be duplicative of other testimony, or would otherwise not be significantly helpful to the review and determination of the charges. The Director may also call additional witnesses on their own initiative.
- RISD faculty, staff, and students are strongly encouraged to comply with calls to serve as witnesses, but their failure to do so will not prevent a hearing from proceeding unless the Director of Student Conduct and Community Standards determines that proceeding in their absence would materially impair the Conduct Board's ability to review and determine the charges.

e. Presentation of Information

- The rules of evidence used in civil or criminal trials are not applicable to hearings under the Code.
- The Chair may ask the Conduct Administrator (usually the Director of Student Conduct and Community Standards) to present a summary of their investigation and any relevant incident reports, witness statements, or other relevant documents. The Chair may present additional information and call any other witnesses who the Director deems to be relevant and appropriate. The Chair will control the manner, nature, and order of questioning; and may

exclude any information and testimony that s/he/they determine is irrelevant, duplicative, or otherwise inappropriate to the resolution of the case.

- Witnesses may be questioned by the Chair as well as members of the Conduct Board. Additionally, the Conduct Administrator may ask questions of the participants as well.
- The parties may suggest lines of questioning to the Chair but will not be permitted to question witnesses directly unless the Chair, in their discretion, determines that doing so would significantly aid in the review and determination of the charges.
- If the Chair deems it appropriate for reasons of safety, witnesses may be questioned outside the immediate presence of the Respondent, provided that the Respondent is able to hear the witness's statement and responses to questions, and have opportunity to respond to those statements and responses.
- Information concerning the Respondent's prior Student Conduct record, if any, will normally not be presented to the Conduct Board unless and until the Conduct Board has determined to recommend that the respondent be found in violation of one or more Student Conduct and Community Standards or policies. In cases in which the complaint alleges failure to comply with the consequences imposed for a prior violation, the Board will need to be informed as that behavior would constitute the alleged violation.
- At the conclusion of the presentation of information and witnesses the respondent and if applicable, the complainant may make concluding comments.

f. Deliberation and Recommendations

- Following the presentation of information and witnesses, the Conduct Board will make a determination on the alleged violations based on a preponderance of the evidence ("more likely than not") standard of proof.
- If the recommendation is that the respondent be found responsible for one or more violations, the Conduct Board will also recommend appropriate outcomes to be imposed and may seek and hear additional information including the respondent's prior record, if any, and any further comments from the respondent before the assignment of an outcome.
- The Conduct Board engages in its deliberations in a closed session with the Director of Student Conduct and Community Standards but without the respondent/complainant, or any of their advisors.

- The Chair will make their recommendation in writing to the Director of Student Conduct and Community Standards.
- Any recommendation made by the Board to the Director of Student Conduct and Community Standards that results in suspension or expulsion must be approved by the Associate Vice President for Student Affairs, or their designee.

g. Final Determination

- A notification of the outcome will be sent to the respondent's RISD email account by the Director of Student Conduct and Community Standards. If there are further steps, an appointment may be made to discuss those next steps in the process.
- The complainant may also be notified of the final determination to the extent permitted by the [Family Educational Rights and Privacy Act](#).

h. Appeals

1. Right of and Grounds for Appeal

All students who have participated in the student conduct process have the right to appeal. Such appeal may be made only on one or more of the following grounds:

- a. There was significant procedural error of a nature sufficient to have materially and detrimentally affected the outcome.
- b. There is significant new evidence of which the respondent was not previously aware, that the respondent could not have discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially and detrimentally affected the outcome.
- c. The consequences imposed are grossly disproportionate to the violations found to have occurred.

2. Appeal Process

Appeals shall not be based upon, or granted due to, dissatisfaction with an imposed sanction, except as listed in h. Appeals, part c. Appeals that are not related to the above three grounds and/or not authored by the appealing student will not be considered. Students may not appeal the decision made to not move

forward with a process - appeals are only for outcomes of either administrative hearings or board hearings.

Any appeal must be submitted to the Student Affairs email studentaffairs@risd.edu within three business days of the date of the notification letter. In the absence of a timely appeal, the original outcome or determination will be final and conclusive. A statement of appeal must be in writing, must specify the grounds on which the appeal is based, and must set forth and explain in detail all relevant information.

Upon receipt of an appeal that complies with these requirements, an Appeals Administrator may at their discretion make a decision on the basis of the statement of appeal and the record; consult with the Conduct Administrator, or anyone else they deem appropriate; and/or grant the respondent a conference to explain their appeal in person. On that basis, the Appeals Administrator may then accept or reject the appeal in whole or in part under specified conditions and/or may refer the case back to the Conduct Board for further or new proceedings, in whole or in part, with or without conditions in which case the conduct process starts from the beginning and following the process outlined in Definitions of Process.

Notification of the resolution of the Appeal Administrator's decision will be made in writing and sent to the respondent's RISD email account. No appeals will be accepted that are authored by or sent from third parties i.e. parent, attorney, advisor, friend, etc.. The non-appealing party may also be notified of the resolution of the appeal to the extent permitted by the Family Educational Rights and Privacy Act.

3. Deferral of Consequences Pending Appeal

The submission of an appeal does not by itself prevent or defer implementation of the consequences imposed by the Conduct Administrator. However, at the request of the respondent, the Associate Vice President for Student Affairs or their designee may, at their discretion and for good cause, defer implementation of some or all of the outcomes during the period of the appeal. This request must be done in writing in conjunction with the separate submission of appeal by the student wishing for the deferral of the specific consequence. A submission of a request does not mean that the request will be granted. Students requesting a deferral of consequence should expect to wait at least 24 hours for a response.

VIII. Outcomes

Outcomes or consequences imposed under the Code are intended to be primarily educational in nature and should be commensurate with the violations found to have occurred.

In determining the consequences to be imposed, the Conduct Administrator or Conduct Board may take into account any aggravating factors, such as any past misconduct by the student (only after a conduct process decision has been made with respect to the current case), any failure of the student to comply fully with previous consequences, the actual and potential harm caused by the violation, the degree of intent and motivation of the student in committing the violation, and the severity and pervasiveness of the conduct that constituted the violation. Any mitigating factors, such as acceptance by the student of responsibility for their misconduct, steps undertaken voluntarily to remedy the harm caused by that misconduct, and evidence of positive growth and learning by the student upon reflection of that misconduct may also be taken into account.

Impairment resulting from the voluntary use of alcohol or other illicit drugs (drugs not prescribed by a physician for medical purposes) will be considered as an aggravating, and not a mitigating, factor.

As stated earlier in this document, RISD students are held to a higher standard of behavior than a court of law. To that end, students are responsible for knowing, completing, and or adhering to any and all deadlines, dates, and assignments as determined by a Conduct Administrator or a Conduct Board. It is not the responsibility of the Conduct Administrator/Board to notify, follow up with, or subsequently remind a student to complete a sanction. Failure to complete outcomes may result in additional consequences under the Student Code of Conduct.

One or more of the following consequences may be imposed when a student has been found to have violated the Code:

- A. Formal Warning – Written notice that further, repeated, or other misconduct may result in more serious consequences.
- B. Discretionary Educational Outcome – which include but are not limited to work assignments, services to the College, or other related discretionary assignments. All discretionary outcomes must have the prior approval of the Director of Student Conduct and Community Standards, or their designee and should where possible, relate to the violation the student is found responsible to have committed.

- C. Restitution – A requirement that the student compensate those harmed by the student’s actions. It should be noted that this outcome should not be confused with imposing a fine, which is not allowed under the RISD Code of Student Conduct and Community Standards.
- D. Modification or loss of housing privileges – The modification or revocation of a student’s privileges to live in and/or visit RISD housing facilities and/or the relocation of a student’s on-campus housing, either temporarily or permanently. A student subject to such modification, revocation, or relocation will not be entitled to a refund of housing charges.
- E. Probation – Probation indicates that a student's behavior has raised serious questions about the student's ability to remain a member of the RISD community. Probation is for a designated period of time, and includes the probability of more severe outcomes if the student is found to be in violation of any institutional policy during the probationary period. The student must demonstrate the ability to comply with rules and other requirements stipulated for the probationary period.
- A student on (Conduct) Probation may be barred from holding any leadership positions (for example, Orientation Leader, Resident Advisor, Student Alliance member, student club officer, or sports team captain) or participating in RISD-sponsored social or recreational events and activities and/or other similar activities in which the student represents RISD.
- F. Suspension from RISD – The temporary separation of a student from RISD for a specified period of time, at the end of which the student may petition for reinstatement. During the specified period, the student may not enroll in RISD classes, may not participate in any RISD-sponsored events and activities (which include but are not limited to academic or co-curricular), will be denied all other privileges normally afforded students, must vacate the campus by a specified time, and may not reenter the campus without the written permission of the Associate Vice President for Student Affairs, or designee. RISD students who are cross-registered at Brown University may (in consultation with Brown) be removed from those classes as well and /or RISD may choose to not accept the credits earned through cross registration during the suspension. The student may also be required to fulfill additional specified conditions before readmission will be granted.
- G. Expulsion from RISD – The permanent separation of the student from RISD, without possibility of readmission. A student who has been expelled may not enroll in RISD classes, may not participate in any RISD-sponsored events and activities, will be denied all other privileges normally afforded students, must vacate the campus by a specified time, and may not reenter the campus without the written permission of the Associate Vice President for Student Affairs.
- H. Other consequences or restrictions – Any other consequences, restrictions, or conditions deemed appropriate under the circumstances of the student’s misconduct, such as required letters of

apology or reflection statements, mandatory participation in relevant programs or evaluations, no-contact or no-entry requirements, loss of specified privileges, registration holds or restrictions, revocation of a degree, and/or, to the extent permitted by the Family Educational Rights and Privacy Act, notification to the student's parents or guardians.

IX. Additional Standards, Procedures, and Consequences

In addition to the sanctions or consequences listed in the previous section, the following consequences may also be imposed by the Board or Hearing Officer:

- A. Informal Warning – An oral or written warning issued by a Residence Life or other Student Affairs staff member, Public Safety Officer, or other RISD official resulting from a student's misconduct. An informal warning is not considered to be a formal disciplinary outcome, and may not be considered in any subsequent hearings, either as the basis for a complaint of noncompliance or as an aggravating factor in determining the appropriate consequence for violation of another, separate violation of the Code.
- B. Interim Suspension, Restriction, or Prohibition – A temporary sanction or consequence may be imposed for cause prior to any formal resolution process as outlined in the Code. A student may be prohibited from all or designated portions of campus, restriction from participation in designated programs and activities, or being prohibited from having contact with designated persons during the process of the adjudication of a proceeding under the Code.

Any such consequence may be imposed by the Associate Vice President for Student Affairs, or designee whenever they have reasonable cause (Preponderance of Evidence) to believe that the student poses a significant risk of substantial harm to the health, safety, or well-being of others or to property, and may include and be subject to any additional terms and conditions that the official imposing the consequence deems necessary or appropriate in light of the potential harm.

Additionally, when an interim suspension, restriction or prohibiting action is put in place, a student may lose the ability to continue in student leadership positions (Student Alliance, Resident Advisor, Orientation Leader, Club President/Leader etc.) and or take part in campus sponsored activities, which include but are not limited to clubs, or social programming. Reinstatement of these privileges is at the discretion of the Associate Vice President for Student Affairs, or their designee.

Any outcome discussed in this section will remain in effect until the conclusion of the relevant proceeding, the appeal, or such earlier time as the official imposing the consequence determines, at their discretion.

It is not a prerequisite to the application of these outcomes/consequences that the student be notified in advance of the outcome/consequence taking effect, that the consequence is being

considered, and the student is given an opportunity to respond, given the associated perceived risk that is deemed present.

A student who has been subjected to such a consequence may petition the Associate Vice President for Student Affairs at any time to request modification or removal of the consequence. Any such petition must include supporting evidence that the reasons for the imposition of the consequence no longer exist and will not recur, and that the student meets all normal requirements for readmission. Upon receipt of such a petition, the Associate Vice President for Student Affairs will evaluate the request and may consult with the student and/or others as they deem appropriate. The Associate Vice President for Student Affairs may, on that basis, deny the petition, grant the petition in whole or in part under specified conditions, or grant the petition in whole or in part without condition.

- C. Removal from Class (Temporary Measure) - RISD Faculty may, at their discretion, remove a student from the academic classroom, studio or other educational experience if a student's behavior, conduct, or communication is disruptive to the instructor's ability to provide academic instruction or maintain decorum in the class. It should be noted that this is not considered to be an official dismissal from the course, but only for the class period or experience in which the student was disruptive. Following the dismissal, the instructor should make a referral to Student Affairs via the MAXIENT Student Conduct system by going to "<http://incidentreport.risd.edu>"

- D. Withdrawal from a Class (permanent measure) - The Associate Vice President for Student Affairs may grant a faculty member the class withdrawal of a student on a permanent basis upon request by the relevant Department Head, and after consultation with both the relevant instructor and relevant student, if the Associate Vice President for Student Affairs determines that the student has engaged in substantial disruption of the class to the detriment of teaching and learning, has continued to do so after warning, and is unwilling or unlikely to stop doing so voluntarily.