



Name of Policy: Student Code of Conduct
Source: Student Affairs
Date Revised: September 2021
Form to Complete: N/A

Policy:

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

Individuals enrolled solely as summer residency students in programs sponsored by KCAI are expected to uphold the standards of behavior outlined in this code. Additional guidelines for behavior may be provided by said programs. Individuals who violate these standards are subject to action at the discretion of the Director of the program, Student Affairs, or their designee. Such action may include restricting and/or dismissing students from programs, classes, and activities.

UNACCEPTABLE CONDUCT

All students at KCAI are charged with the obligation to conduct themselves in a manner compatible with the college’s function as an educational institution; consequently, conduct which interferes with that function may be prohibited regardless of whether such conduct is specifically sanctioned or prescribed by the provisions of the student code of conduct, and KCAI reserves the right to address conduct it deems inappropriate

even though it may not be specified below. The following list of behaviors is intended to represent the types of acts that constitute violations of the student code of conduct. Although the list is extensive, it is not all-inclusive.

1. Causing physical harm to one's self, or another person, on or off college premises, at college-sponsored activities, or causing reasonable belief of such harm.
2. Verbally threatening, abusive, and/or bullying related behavior directed at other students, and/or any members of the KCAI community that poses an immediate danger, or perception thereof, to life, health, welfare, safety, or property. These behaviors are further defined as those that would: cause physical or emotional harm to a person or their property, create fear for harm to oneself or property, and/or create a hostile environment on campus that infringes on rights and disrupts the educational environment.
3. Disruptive behavior, or disorderly conduct that prevents the orderly conduct of education, business, living in the Barbara Marshall Residence Hall, dining areas, areas of student activity, administration areas, or classrooms. Examples include, but are not limited to; inappropriate/offensive language, public intoxication, being under the influence of alcohol or drugs, involvement in lewd, indecent, or obscene behavior on college premises, or at college-sponsored activities, a consistent pattern of disruptive behavior(s) that requires excessive faculty/staff intervention, etc.
4. Academic misconduct, such as cheating and plagiarism, furnishing false information; forgery, alterations, or unauthorized use of college documents, records, identification, or property. Violations of this nature will be addressed through the Academic Honesty Policy and Procedures.
5. Possession, use, or storage of weapons, firearms (including toy or artificial firearms), fireworks, paint-guns, pellet guns, knives, swords, incendiary devices, martial arts equipment, or other dangerous weapons, and/or explosives on college property, or at college sponsored activities without KCAI authorization.
6. Failure to comply with the directives given by college officials who are acting in the performance of their duties, including but not limited to: Resident Assistants, Assistant Director for Housing and Student Activities, Assistant Dean of Students, Vice President and Dean of Student, Instructors, Security Staff, etc.
7. Stealing, misusing, or damaging property of the college, or others, and/or theft of services belonging to the college or others. Possession of stolen property on college premises, at college-sponsored activities, or off campus.
8. Initiating, or causing to be initiated, fire, any false report of fire, warning or threat of fire, explosion, or other emergency on college premises, or at college-sponsored activities. Any students wishing to use fire for academic or artistic purposes must get permission from faculty, Plant Services and Security before fire is used.

9. Interfering with normal college or college-sponsored activities, including but not limited to studying, teaching, college administration, security, fire, police, or emergency services.
10. Violating the terms of any disciplinary sanction imposed in accordance with this code.
11. Littering or dumping trash on college grounds or common areas.
12. Unauthorized presence in, entry into, or use of college facilities, or premises.
13. Unauthorized duplication or use of any keys or other access related materials to KCAI buildings or facilities.
14. Actions that are not committed on college property, but impact the security, or reputation of the college community, or the integrity of the educational process of KCAI.
15. Smoking in prohibited areas, and or use of smoking related items and devices including, but not limited to; vaping devices, bong, e-cigarettes, cigars, pipes, hookahs, etc.
16. The use or possession of medical marijuana is prohibited on college property. Any students with prescriptions for medical marijuana are expected to consult with the Assistant Dean of Students and the Assistant Director of Student Support prior to any possession or potential use of medical marijuana on/near KCAI's campus.
17. The use of skateboards, scooters, hoverboards, or other similar items inside buildings on college property is prohibited.
18. Bringing animals into campus buildings (other than authorized and approved service and emotional support animals) is prohibited. Animals on campus must be leashed, accompanied, and managed so as not to offend, or endanger individuals (i.e. no excessive barking or tying up of animals). Owners are responsible for cleanup, any damage, and other actions of their animals.
19. Driving a vehicle in any area, other than paved campus roadways, without prior permission.
20. Parking in unauthorized, reserved spaces, or fire lanes. Parking on-campus without a valid parking sticker.
21. Bringing non-student guests, including, but not limited to: parents, significant others, siblings, children, etc., into studios, classrooms, or labs (except for end of semester shows), without prior approval from the Instructor, Department Chair, Vice President for Academic Affairs, and/or Executive Vice President for Academic Affairs.

22. The recording of conversations, meetings, and/or lectures with audio, video-recording, or photographic devices including, but not limited to, cellular telephones, tablets and other electronic devices, is prohibited unless all parties are informed in advance, are agreeable to the recording taking place, or the recording is otherwise permitted by a specific policy, or procedure, such as when recording in class is allowable as a reasonable accommodation.
23. Inappropriate use of electronic media (voice mail, email, social media, etc.) to send inappropriate, threatening, annoying, and/or obscene messages, or communications. KCAI reserves the right to remove inappropriate, and/or injurious content from the KCAI social media pages, and/or address posts students make on their personal pages/accounts.
24. Misrepresentation of oneself, or of an organization, to be an agent of the college.
25. Failure to maintain reasonable control of areas for which a student is responsible, including assigned Barbara Marshall Residence Hall rooms, studio spaces, or other similar locations.
26. Attempting to commit, and/or complicity in, any action prohibited by the student code of conduct.
27. KCAI studios and facilities should be prioritized for use on academic projects for KCAI coursework. Use of space, equipment, and depletable resources for non-academic projects for personal or monetary gain must be approved by faculty in advance.
28. Posting advertisements, flyers, posters, etc., in unauthorized areas, including doors and windows, is prohibited on campus. Students must follow the Posting on Campus Policy/Procedure.
29. Sexual misconduct and/or sexual harassment that falls outside the jurisdiction of KCAI's Title IX policy
30. Violation of other published college regulations, policies, or federal, state, and local laws. Such regulations and policies may include hazing, campus academic departmental safety manuals and policies, discrimination and harassment (related to protected class) policy, computer/technology use policy, alcohol, controlled substance and drugs policy, Residence Hall Guide, as well as other college regulations and policies.

STUDIO USE

Students are provided the opportunity to work in an assigned studio space in their major department. Some of those spaces are individual work spaces, and some are group work spaces. Students are encouraged to use their assigned studio space to advance their creative process. Students may also make work to be shown in spaces outside of

the assigned studio spaces or create pieces outside of their assigned studio space, but are required to secure necessary approval through the [on-campus installation process and form](#). Students who wish to make or install work within their home department, but outside of their assigned studio space, must complete the departmental approval process, which includes their instructor and department chair's signature on the on-campus installation form. Students who wish to make or install work outside of their home department must complete the on-campus installation form, which includes approval from their instructor, department chair, director of plant services, and academic affairs. If the necessary approvals are not obtained, students will be asked to stop making work in that space or remove their installation. Spaces outside of the department may include spaces within the same building but designated for a different major, other buildings on campus, and outdoor spaces like Rowland Commons and the campus green.

The freedom to express ideas through creative work and to debate and discuss ideas does not mean that individuals may say or do whatever they wish, wherever they wish, or however they wish. In narrowly-defined circumstances, KCAI may restrict expression, as for example, that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades privacy or confidentiality interests, or that interferes with the educational process central to the mission of KCAI. Students who wish to assemble or demonstrate are expected to follow the procedures articulated in the KCAI [Assembly and Demonstration Policy](#). Likewise, students who wish to post on campus are expected to follow the [KCAI Posting on Campus Policy](#).

Students violating the studio use policy will be required to participate in a conference with their instructor and department chair and may be referred to Student Affairs for additional consultation and/or action as related to the student code of conduct.

RISK ASSESSMENT

Several of the behaviors identified as Unacceptable Conduct raise issues that could impact the life, health, welfare, safety, or property of the KCAI community and its members. When warranted, evaluations, team assessments, emergency removals, or involuntary or voluntary withdrawals may be used at the discretion of KCAI staff.

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

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

1. Causing physical harm to one's self, or another person, on or off college premises, at college-sponsored activities, or causing reasonable belief of such harm.
2. Verbally threatening, abusive, and/or bullying related behavior directed at other students, and/or any members of the KCAI community that poses an immediate danger, or perception thereof, to life, health, welfare, safety, or property. These behaviors are further defined as those that would: cause physical or emotional harm to a person or their property, create fear for harm to oneself or property, and/or create a hostile environment on campus that infringes on rights and disrupts the educational environment.
3. Disruptive behavior, or disorderly conduct that prevents the orderly conduct of education, business, living in the Living Center, dining areas, areas of student activity, administration areas, or classrooms. Examples include, but are not limited to; inappropriate/offensive language, public intoxication, being under the influence of alcohol or drugs, involvement in lewd, indecent, or obscene behavior on college premises, or at college-sponsored activities, a consistent pattern of disruptive behavior(s) that requires excessive faculty/staff intervention, etc.

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

Medical/Mental Health Assessment

When a student is referred to the Vice President and Dean of Students and/or the Assistant Dean of Students for behavior listed in items 1-3, above, the student is required to meet with the Vice President/Dean and/or Assistant Dean, and possibly the KCAI Staff Psychologist. If, following the meeting, the student agrees to have an evaluation, the Vice President/Dean and/or Assistant Dean will refer the student to a qualified professional. KCAI will incur the cost of the evaluation. If the student does not agree to a voluntary evaluation, KCAI may refer the student for an involuntary evaluation.

The Vice President/Dean and/or Assistant Dean will convene an Early Intervention Team (EIT) and the qualified professional will share the outcome of the evaluation with the Dean/Assistant Dean and the EIT team. The EIT team will meet with the student and the student will have the opportunity to provide documents or other information

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

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

Return Requirements

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

KCAI CODE OF CONDUCT PROCEDURES

Student code of conduct proceedings do not follow formal criminal or civil court procedures, or formal standards of evidence, although evidentiary support may be needed. Student code of conduct proceedings are facilitated by the Assistant Dean of Students and/or the Vice President and Dean of Students.

In cases of alleged quid pro quo sexual harassment, hostile environment sexual harassment, sexual assault, domestic violence, dating violence, or stalking the process and guidelines for resolution will follow the KCAI Sexual Harassment Policy. This policy can be found online at https://mykcai.kcai.edu/ICS/Campus_Policies/. Allegations that do not fall within the scope of the KCAI Sexual Harassment Policy may be addressed through the Student Code of Conduct Policy and Procedures.

Reporting Conduct Violations

Unacceptable conduct by a student may be reported to Residence Hall Staff, Security, Assistant Dean and/or Vice President/Dean, Instructors, or any other member of the college community, including another student. In order for formal follow up to occur, a

formal report must be made. All reports are then directed to appropriate college officials for analysis and follow up.

Reports of alleged violations are submitted in writing to the Assistant Dean and/or the Vice President/Dean. While any college official can take a report, it is expected that all college officials direct all reports to the Assistant Dean, Dean, and/or Security staff. Reports are accepted at any time, and KCAI will investigate any and all reports that are submitted. This being said, the passage of time from the time an incident occurred to the time it is reported may impact the ability of KCAI Staff to effectively investigate and address the situation. After review of each report, the Assistant Dean and/or the Vice President/Dean will consider all factors, determine how to proceed, and communicate the plan to the person(s) who made the report. KCAI also reserves the right to review the conduct of a graduate.

Review of Reports

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

Upon receipt of a report which alleges there may be a violation of the student code of conduct, KCAI will proceed accordingly based on the information and evidence available. If there is evidence to support the allegation, appropriate notice will be sent, and an Incident Review Conference scheduled. If the allegation is deemed to not be a violation, or there is not sufficient evidence to support it, the case will be dismissed and the report kept on file.

The Assistant Dean and/or Vice President/Dean may appoint an investigator prior to or after the Incident Review Conference.

Notice

Students alleged to have violated the student code of conduct will receive notice of said allegation through a letter that will be sent to their KCAI email, or delivered by hand. Notice will include the date, time, location, and type of the alleged violation, as well as the time, date, and location of the Incident Review Conference. Notice may also include any interim measures imposed on the parties involved.

Interim Measures

Interim measures may be used during the investigation, and/or conduct proceeding, to ensure the safety and comfort of parties involved. Examples of interim measures may include reassignment of roommates/rooms, temporary suspension, changing of class schedules or sections, and academic accommodations, etc.

Rescheduling

The student has the right to request to reschedule, and/or participate remotely in the conference, and/or hearing. The request must be submitted in writing via email or hand delivered letter to the Assistant Dean and/or the Vice President/Dean prior to the time at which the Incident Review Conference, Administrative Hearing, and/or Code of Conduct Board Hearing was scheduled. The student waives the right to reschedule, and/or participate remotely if not filed within this timeframe. Approval of the request to reschedule an Incident Review Conference or Administrative Hearing is at the discretion of the Assistant Dean and/or the Vice President/Dean. Approval of the request to reschedule a Code of Conduct Board Hearing is at the discretion of the Hearing Officer. Acceptable means of participation remotely will be determined by the Assistant Dean, Vice President/Dean, or Hearing Officer on a case by case basis.

Incident Review Conference

The Assistant Dean and/or the Vice President/Dean will conduct an Incident Review Conference with the student(s) alleged to have violated the student code of conduct. This meeting will serve as an opportunity for the Assistant Dean and/or the Vice President/Dean to explain the code of conduct process, review the reports written that allege violation(s) of the student code of conduct, or other campus policies, the student(s) to tell their side of the story, and for all parties involved to determine how to move forward based on the information and evidence available.

Based on the information and evidence gathered at the Incident Review Conference and at the discretion of the Assistant Dean and/or the Vice President/Dean, the Incident Review Conference may serve as the student's Administrative Hearing. If this is the case, the Assistant Dean and/or the Vice President/Dean will make a finding and assign sanctions as needed.

It may also be possible, based on the information and evidence available, that an Administrative Hearing, or Code of Conduct Board Hearing may be necessary following the Incident Review Conference. In either case, KCAI will provide notice to the student of the determined code of conduct proceeding within ten business days (defined as Monday through Friday 8:30 a.m. to 5:00 p.m. when the college is in session).

Investigator and Hearing Officer

In the event that an Administrative Hearing or Code of Conduct Board Hearing is necessary, the Assistant Dean and/or Vice President/Dean will appoint an Investigator from the KCAI community. The Investigator is responsible for interviewing the parties involved, including witnesses, gathering and presenting evidence, and preparing an investigative report (if necessary).

In the instance that an Administrative Hearing is deemed the appropriate resolution process, the Investigator will also serve as the Hearing Officer in the Administrative Hearing. The Investigator/Hearing Officer is responsible for presenting the evidence obtained to support the allegation. The student(s) are responsible for presenting information and evidence to support their position on the allegation.

In the instance that a Code of Conduct Board Hearing is deemed the appropriate method for resolution, the Assistant Dean and/or Vice President/Dean will appoint a separate individual from the KCAI community to serve as the Hearing Officer. The Investigator is responsible for interviewing the parties involved, including witnesses, gathering and presenting evidence, and preparing an investigative report (if necessary). The Hearing Officer is responsible for overseeing the Code of Conduct Board Hearing process (scheduling the hearing, presiding over the hearing, approving witnesses in consultation with the Investigator, selecting hearing board members, etc.).

Witnesses

The Investigator and student have the right to present witnesses. Witnesses must have personal knowledge and/or evidence of the allegation. Character witnesses are not permitted. Witnesses who do not adhere to the expectation of providing knowledge based information may be asked to no longer serve as witnesses.

In an Administrative Hearing, witnesses are not required to be approved prior to the hearing. In the instance of a Code of Conduct Board Hearing, a list of witnesses and a summary of information each will provide in the hearing is required to be submitted to the Hearing Officer by the Investigator and student no later than 3 business days prior to the hearing. Witnesses must be approved by the Hearing Officer prior to the hearing. The Hearing Officer will share the list of approved witnesses with the opposing parties.

Presentation of Information

Acceptable forms of information include verbal or written statements of the student alleged to have violated the code of conduct and/or approved witnesses. Information presented may also include documents including writings and records, audiotapes, videotapes and photographs, as well as text messages, social media posts, etc. All information must be based on personal knowledge.

Code of Conduct Board Hearing - Board Members

A pool of board members will be appointed by the Assistant Dean and/or Vice President/Dean. The pool of members will include KCAI students, faculty, and staff. Board members will be called upon to serve as members of a Code of Conduct Board Hearing. Board members will be trained annually by the Assistant Dean and/or Vice President/Dean and the Vice President of Advancement and General Counsel.

Administrative Hearing

The Assistant Dean and/or the Vice President/Dean will serve as the Investigator and Hearing Officer in an Administrative Hearing. The student is responsible for presenting their own position, including evidence, and may make a verbal and/or written statement. The student and the Assistant Dean and/or the Vice President/Dean have the right to present witnesses and follow protocols as detailed in the "witnesses" section of the policy. The student may have an advisor present, but they may only speak directly to the student and may not participate directly in the hearing. The Assistant Dean and/or Vice President/Dean will determine if the student is allowed in the same room as the witnesses. A decision on the case and sanctions (if necessary) are determined by the

Assistant Dean and/or the Vice President/Dean. In the event that the appropriate code of conduct proceeding is determined to be an Administrative Hearing, the Incident Review Conference may serve as the Administrative Hearing, and sanctions may be determined at the time of the conference. The findings and sanctions of an Administrative Hearing may be appealed.

Code of Conduct Board Hearing

The Hearing Officer will conduct the Code of Conduct Board Hearing and will select members of the board. The board will include five members, comprised of staff, faculty, and students. The student is responsible for presenting their own position, and may make a verbal, and/or written statement. The student and the Investigator have the right to present witnesses and cross examine witnesses. The student may have an advisor present, but they may only speak directly to the student and may not participate directly in the hearing. The Hearing Officer will determine if the student is allowed in the same room as the witnesses. The board will decide if the student is in violation and, if necessary, will determine the appropriate sanctions. The findings and sanctions of Code of Conduct Board Hearings may be appealed.

Sanctions

If a student is found responsible for violating the student code of conduct, one or more sanctions will be assigned. The goal of sanctions, and the student code of conduct process, is to be educational and support positive community development while providing accountability for behavioral standards. To this end, sanctions are assigned on a case by case basis and, to the best of the administration's ability, tailored to meet each student's individual educational needs based on their unique characteristics and the nature of the situation. A student's history of inappropriate conduct, and the nature and/or severity of the incident are considered in determining appropriate sanctions. More than one sanction may be imposed upon a student. If a student does not comply with imposed code of conduct sanctions, holds may be placed on student accounts, and/or more serious sanctions may be assigned.

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

Warning

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

Restitution and Monetary Fines

Reimbursement for damage to college and/or personal property, services, and repairs may be a sanction. Monetary fines are possible sanctions for all code of conduct violations.

Apologies

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

Loss of Privileges

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

Disciplinary Probation

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

No Contact Order

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

Removal from the Barbara Marshall Residence Hall and/or KCAI secured housing, or reassignment

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

Suspension

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

Expulsion

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

Post Hearing

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

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

Or

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

Notice will be delivered to the student's KCAI email account, or by hand in a class or studio, delivered to rooms in the Residence Hall, or mailed via US postal service to the student's local or current address.

Appeals

The student may appeal the resolution and sanctions within five business days of the issued resolution letter. The written appeal must be submitted by email, or in writing via hand delivered letter to the Assistant Dean and/or the Vice President/Dean, or designee thereof. In cases of violent crimes (as defined by the Family Educational Rights and Privacy Act of 1974, as amended, and the U.S. Department of Education and Office of Civil Rights) both the victim and the accused student may appeal the resolution. If the student receives the resolution letter via US mail, the request for appeal must be submitted within five business of the postmarked letter. The student waives the right to appeal if not filed in writing within five business days.

In consultation with the Vice President for Academic Affairs, the Assistant Dean and/or the Vice President/Dean, or designee thereof will consider the request for appeal and conduct the appeal review, if applicable. If the Assistant Dean participated in the initial hearing, the Vice President/Dean and Vice President for Academic Affairs will consider the appeal. If the Vice President/Dean participated in the initial hearing, the Assistant Dean and Vice President for Academic Affairs will consider the appeal. If both the Vice President/Dean and Assistant Dean participated in the initial hearing, a designee from the KCAI community will be selected to consider the appeal.

A resolution will only be reversed or remanded if:

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

The written request for appeal must include:

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

The Assistant Dean and/or the Vice President/Dean, or designee thereof will render a written decision to the student within five business days of the appeal. Notice will be delivered to the student's KCAI email, to the student in person on campus, delivered to rooms in the Residence Hall/leased housing, or mailed via US postal service to the student's local or current address.

The Assistant Dean and/or the Vice President/Dean, or designee thereof may:

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

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

GENERAL PROVISIONS

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

Phones, tablets, cameras, recording devices, backpacks, purses, computers, etc. are not permitted in any student code of conduct proceeding without prior approval of the Assistant Dean and/or the Vice President/Dean.

The student may have an advisor present at any student code of conduct proceeding. An advisor is not permitted to participate directly in the hearing. The advisor cannot act as legal counsel for purposes of such proceedings, nor can the advisor create a conflict of interest (the advisor cannot be a witness, etc.). The advisor may not ask questions or contribute to the discussion. The advisor may only talk with the student. Code of Conduct Incident Review Conferences and hearings may be recorded. Recordings will be available in the consideration of appeals. Deliberations are not recorded.

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

Any student code of conduct proceeding may be stopped at any time at the sole discretion of the Assistant Dean, Vice President/Dean, or Hearing Officer.

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

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

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

Students with disabilities are encouraged to disclose the existence and nature of their disability to the Assistant Director of Student Support. Once the disability has been disclosed, the Assistant Director will work with the student to arrange the necessary accommodations. Arrangements must be made before the process begins (before Incident Review Conference, Administrative Hearing, Code of Conduct Board Hearing, etc.).

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