

STATEMENT OF STUDENT RIGHTS AND RESPONSIBILITIES:  
STUDENT CODE OF CONDUCT  
2015

California University works to achieve its mission of Building Character and Careers by fostering an environment that encourages learning, both in and out of the classroom. The adoption of the Core Values of Civility, Integrity and Responsibility is an effort to achieve an educationally-supportive environment by your voluntary commitment to live by these values. In addition to the Core Values, the University has adopted a Bill of Rights and Responsibilities for members of the University community that describes the commitments we should make with each other as members of the University Community:

We have the right to safety and security;  
We have the responsibility to ensure the safety and security of others.

We have the right to be treated with respect;  
We have the responsibility to treat others with respect.

We have the right to expect the best;  
We have the responsibility to give our best.

We have the right to be treated fairly;  
We have the responsibility to treat others fairly.

It is hoped students will reflect on these Rights and Responsibilities and how to incorporate them into their lives. Experiences at the University will challenge students and provide opportunities for personal growth as part of Building Character.

The Student Code of Conduct identifies behaviors which are aligned with the Rights and Responsibilities and those which are not in order to assist students in learning what behaviors are appropriate in a university environment. Compliance with the Student Code of Conduct is not voluntary. Behavior that violates the Rights and Responsibilities as defined below will be considered violations of the Student Code of Conduct and may result in disciplinary action through the Office of Student Conduct.

## I. DEFINITIONS

The term **University** shall refer to the community of faculty, staff, and students at California University of Pennsylvania.

The term **student** shall mean an admitted student, graduate or undergraduate, registered for classes whether full time or part time. Student status will continue as long as the relationship is maintained and is not dependent on when classes are in session.

The term **faculty member** shall mean any person employed by the University who holds academic rank or performs teaching or research duties.

The term **staff member/administrator** shall mean any person employed by the University or the Student Association, Inc. or other affiliated entity not considered faculty.

The term **University premises, campus, and/or facilities** shall mean all buildings or grounds owned, leased, operated, controlled or supervised by the University or the Student Association, Inc.

The term **off-campus violation** shall mean a violation of a Behavioral Expectation which occurs in locations other than university or affiliates property or facilities.

The term **organization** shall mean a group of students who have complied with University and/or Student Association, Inc. requirements for registration or recognition.

The term **hearing officer** shall mean a Residence Director, the Greek Life Advisor, and Associate Dean for Student Conduct, Associate Vice President for Student Affairs or other administrator designated by the Vice President for Student Affairs to serve as an administrative hearing officer.

The term **charges** shall mean the specific rule or policy a student is alleged to have violated.

The term **Associate Dean for Student Conduct** shall mean the administrator appointed by the Vice President for Student Affairs to oversee the university conduct system.

The term **University sponsored activity** shall mean any activity on or off campus, which is authorized or supervised by the University.

The term **responsible for a violation** shall mean the student(s) or organization has been determined to have violated Behavioral Expectations either through admission or by a decision of the hearing officer or board.

The term **respondent** shall mean the person whose actions are alleged to have violated the behavioral expectations of the Student Code of Conduct.

The term **complainant** shall mean the person who is alleging a violation of the behavioral expectations of the Student Code of Conduct. The University reserves the right to act as the complainant in adjudicating alleged violations and University employees reporting alleged violations in the course of their job duties may not be considered complainants unless actions were directed towards the employee.

The term **Behavioral Expectation(s)** shall mean the manner in which the University expects students to act as outlined in this Student Code of Conduct.

The term **board hearing** shall mean a meeting with a designated conduct board operating in accordance with the hearing procedures in this document to adjudicate allegations of violations of behavioral expectations.

The term **administrative hearing** shall mean a meeting with a designated hearing officer during which student(s) alleged to have violated behavior expectations and the hearing officer agree on responsibility for the action(s) and sanction(s) without conducting a board hearing.

The term **preponderance of evidence** shall mean the majority of the information presented during either an administrative or board hearing convinced the hearing officer or board to conclude that the student was more likely than not to have violated the behavioral expectations as a student.

The term **violent acts** shall mean any behavior proscribed by the Student Code of Conduct directed towards another university community member that placed him/her in jeopardy, such as assault, sexual misconduct, hazing, etc.

## II. JURISDICTION

The President of California University of Pennsylvania, with the approval of the Council of Trustees, is authorized under Act 188 - which created the Pennsylvania State System of Higher

Education of which this University is a part - to create rules of student conduct. These rules and procedures apply to all students and are applicable to behavior occurring both on and off university property. All recognized student organizations are expected to abide by the same regulations as individual students.

This Student Code of Conduct supersedes all previous versions of student codes of conduct and is effective as of January 1, 2015. The Vice President for Student Affairs or designee is responsible for implementing and managing the Student Conduct System including interpreting any ambiguities or decide any questions about the application of this code.

The conduct process is an administrative function of the university and is separate and independent from all legal proceedings. Students are expected to obey all local, state and federal laws. Both university disciplinary and legal proceedings may be used to address actions that violate both university policy and any law. The university does not waive taking disciplinary action due to criminal or civil proceedings or view disciplinary action as a substitute for legal proceedings.

Specific rules for the use of university resources or participation in university functions may be developed in addition to this code of conduct. These rules, such as the *Residence Life Rules and Regulations* and the *Greek Life Guidelines*, may be dealt with by the offices in charge of the resources or functions or referred to the Office of Student Conduct as deemed appropriate by the university based on the nature of the action.

### III. RIGHTS & RESPONSIBILITIES

All students, as defined in this document, are expected to meet the following behavioral expectations. Failure to abide by these expectations may be considered a violation of the student core of conduct and result in disciplinary action. These expectations apply to all students, regardless of age, residency or other designation and to student behavior occurring both on and off campus. Students are responsible for ensuring appropriate behavior of their guests on university or affiliate's property and informing them of university rules, policies and procedures.

- A. Ensuring the Safety and Security of Self and Others would require one NOT to engage in the following:
  1. Actual or threatened physical assault.
  2. Endangering behavior that intentionally or recklessly causes injury, or endangers oneself, other persons or property. This includes the creation of unsafe or unsanitary conditions.
  3. Sexual Misconduct – any intentional sexual touching or intercourse by a student of another student or other person without consent or under threat; or sexual coercion which occurs when a student takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit or the advantage or benefit of another. Consent means the person initiating sexual activity receives positive cooperation in act, behavior or words, without any coercion or threat of coercion. Consent is clear, knowing and voluntary. Both parties must understand the nature of the activity. Consent cannot be implied if either participant is unable to provide positive cooperation or state his/her wishes due to unconsciousness or injury, mental incompetence, age, or intoxication and this fact is known or reasonably should have been known by the person committing the act. Also a lack of protest or previous

cooperation does not imply consent. Consent can be withdrawn at any time during an interaction. (See *California University's Gender-Biased/Sexual Misconduct (Title IX) Policy* and *Sexual Assault Protocol* for additional information.)

4. Stalking – engaging in a course of conduct directed at another student or other person that would cause a reasonable person to (a) fear for his or her safety or the safety of others or (b) suffer substantial emotional distress.
5. Dating/Intimate Partner Violence – commission of a crime of violence by one student against another student or other person where the individuals are or have been in a social relationship of a romantic or intimate nature.
6. Domestic Violence – committing a crime of violence against a student or other person entitling that person to protection from abuse under the laws of the Commonwealth of Pennsylvania.
7. Forcible, or attempted forcible, entry or unauthorized presence in any university or affiliate's building or other premises including the use of unauthorized entrances or exits, or means to enter or exit.
8. Possession of weapons or dangerous items which may be used to inflict harm on others or property such as firearms, BB guns, paintball guns, slingshots, knives, fireworks, or chemicals when not authorized on university or affiliate's property or without proper license on or off campus.
9. Creating or attempting to create fire hazards through starting fires, explosions, or possessing items designated as fire hazards such as candles, incense, space heaters, halogen lamps, flammable chemicals, firecrackers or other explosives without authorization.
10. Tampering or attempting to tamper with fire or other safety equipment by, for example blocking emergency exits, removing or discharging fire extinguishers, activating fire alarm pull station or heat/smoke sensors without cause.
11. Failing to exit a building or area when a fire alarm sounds or requested to do so for emergency or safety reasons.
12. Smoking in areas designated as nonsmoking including all buildings.
13. Hazing defined as any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student, or which requires, encourages, or permits violation of any federal, state or local statute or college policy, for the purpose of initiation or admission into, or affiliation with, or membership in any organization recognized by, or affiliated with the university.
14. Irresponsible alcohol use including, but not limited to:
  - i. Consuming or possessing alcohol, regardless of age, or paraphernalia relating to alcohol use such as taps, bongs, empty containers, etc., on university or affiliate's property.
  - ii. Being overly intoxicated.
  - iii. Providing or attempting to provide alcohol to persons less than 21 years of age.
  - iv. Possessing alcohol when under 21 years of age on or off campus.
  - v. Knowingly being in the presence of underage drinking of alcohol.
  - vi. Consuming alcohol when under 21 years of age on or off campus.
  - vii. Violating this code or laws while under the influence of alcohol whether on or off campus.

- viii. Advertising events involving the serving or consumption of alcohol on university property or at university authorized events without permission.
15. Misuse of drugs, on or off campus, including, but not limited to:
- i. Using or possessing narcotics, hallucinogens or other controlled substances without a valid medical prescription.
  - ii. Knowingly being in the presence of others using or openly possessing such substances.
  - iii. Using common or legal substances in a manner inconsistent with the product's intended use with the purpose of achieving an altered mental or physical state.
  - iv. Possessing paraphernalia relating to drug use such as bong, pipes, or other items used or modified to facilitate drug use.
  - v. Violating this code or laws while under the influence of drugs whether on or off campus.
  - vi. Selling, purchasing, delivering or transferring drugs in any manner.
- B. Giving One's Best would require one NOT to engage in the following:
1. Academic misconduct including all forms of cheating and plagiarism. Academic misconduct includes, but is not limited to, providing or receiving assistance in a manner not authorized by the instructor in the creation of work to be submitted for academic evaluation including papers, projects, and examinations; and presenting, as one's own, the ideas or works of another person or persons for academic evaluation. Cases of allegations of academic misconduct will be referred to the Provost's Office.
  2. Use of University documents or resources in a manner other than their official, designated use.
  3. Knowingly making false statements or presenting false information, including making false reports of emergencies, crimes or violations of university policies.
  4. Theft or attempted theft, meaning the unauthorized use or possession of another's personal, university or affiliate's property.
  5. Vandalism or attempted vandalism, meaning the damage, destruction or defacement of personal, university or affiliate's property.
  6. Illegal gambling in any forms as defined by law.
  7. Misuse of University Information Technology Resources including, but not limited to, actions that violate California University's Acceptable Use Policy as partially cited below:
    - i. Providing false or misleading information to obtain a University computing account, or hiding or disguising one's identity to avoid responsibility for behavior in the use of information technologies;
    - ii. Unauthorized use of another user's account, to include account sharing;
    - iii. Attempting to gain or gaining unauthorized access to University Information Technology Resources, or to the files of another;
    - iv. Performing any act(s) that impede the normal operation of or interfere with the proper functioning of University Information Technology Resources;
    - v. Interfering with the security mechanisms or integrity of the University's Information Technology Resources;
    - vi. Use of the University Information Technology Resources to transmit material, chain letters, spam, or communications prohibited by state or federal law;

- vii. Transmitting or displaying media content in a manner that violates the University's Gender Biased/Sexual Misconduct Policy;
  - viii. Copyright infringement, including illegal file sharing of video, audio, software or data;
  - ix. Excessive use that overburdens the Information Technology Resources to the exclusion of other users;
  - x. Use of the University Information Technology Resources for personal profit, commercial reasons, non-University fundraising, political campaigns or any illegal purpose, excluding activities specifically approved by the University President;
  - xi. Non-authorized solicitations on behalf of individuals, groups, or organizations are prohibited;
  - xii. Intentionally or knowingly installing, executing, or providing to another, a program or file, on any of the University's Information Technology Resources that could result in the damage to any file, system, or network. This includes, but is not limited to, computer viruses, Trojan horses, worms, spyware or other malicious program(s) or file(s).
- 8. Violating any of the restrictions, conditions or terms of a sanction resulting from prior disciplinary action imposed by a hearing officer or university official.
  - 9. Refusing to comply with reasonable requests of university or affiliate's employees acting in the performance of their duties.
  - 10. Violation of established university policies, rules and regulations that are contained in other university publications but not specified in this code or that are announced to the university community following this publication.
  - 11. Unauthorized use of the University's name, insignia, or other emblem.
  - 12. Violation of federal, state or local law that endangers university community members, whether occurring on or off university property.
  - 13. Actions that encourage, facilitate or support violation of university policies, procedures or regulations.
- C. Treating Others Fairly would require one NOT to engage in the following:
- 1. Sexual Harassment is a form of sex discrimination and the University is obligated to address unwelcome actions and behaviors by a student toward another student or other person based on sex that is sufficiently severe or persistent so as to interfere with that student's ability to participate in or benefit from the University's programs.
  - 2. Harassing behavior, meaning repeated, severe or pervasive actions directed toward specific individual(s) with the intent to harass or alarm including actual, attempted or threatened physical contact.
  - 3. Disrupting behavior, meaning (a) conduct that substantially disrupts the ability to teach, learn or conduct the business of the university; (b) using technology, without appropriate prior notice or consent, to create, display or distribute an audio, video or digital file or image of people, places or things where the location reflected is a place where a person would have a reasonable expectation of privacy(such as bedrooms, restrooms, or locker rooms); (c) interfering with entry into or exit from buildings, offices or other areas requiring free movement of people.

4. Conduct that constitutes unlawful discrimination based on another person's race, color, religion, ethnicity, national origin, gender, age, disability, veteran status or sexual orientation.
5. Retaliating against any person who initiates a complaint, acts as a witness, assists with, or participates in the conduct process in any way. Retaliating behaviors include, but are not limited to, actions meant to interfere with another's participation in the conduct process or threaten after the fact due to such participation.

#### IV. PROCEDURES

##### A. Referrals

###### 1. Making a Referral

Any member of the University community, guest, visitor or other interested party may make a report of an alleged violation of university rules against a student. Complaints are to be submitted to the Office of Student Conduct within a reasonable amount of time from the incident to allow for an accurate investigation. The University reserves the right to act as the complainant in adjudicating alleged violations and University employees reporting alleged violations in the course of their job duties may not be considered complainants unless actions were directed towards the employee.

Referrals will be forwarded to the appropriate hearing officer to review the report to determine if a violation of university rules was more likely than not to have occurred based on the report. If so, the hearing officer will determine specific charges and initiate the conduct process.

If a complainant decides not to participate in conduct proceedings or have his/her name released after filing the initial report, the university may continue investigating the allegation and may continue the conduct process. If no other witnesses or information are available to support a complaint, the report will be maintained and no action will be taken.

###### 2. Organizations

Recognized student organizations have the same rights and responsibilities as individual students. A complaint may be viewed as the action of any organization if a significant number of students involved belong to an organization, planning and leadership for an action came from organization members or if an organization authorized or funded the action. The officers will act on behalf of the organization in conduct proceedings with the same participation rights and privileges as individual students outlines.

###### 3. Investigation

Complaints will be forwarded to a designated hearing officer to review. If the hearing officer concludes that sufficient facts have been alleged to establish that a violation of the Student Code of Conduct may have occurred, an investigation will be conducted. The scope of the investigation will be determined by the nature and complexity of the complaint. The respondent will be called in for a preliminary meeting by the hearing officer once sufficient information has been gathered. The hearing officer will share the complaint and any other pertinent information at the preliminary meeting with the student and allow the student to respond.

#### 4. Withdrawals

If a student withdraws from the university prior to completion of the conduct process through either hearing option, the process may be restarted at, or as a condition for, re-enrollment at the discretion of the Associate Dean for Student Conduct. A registration hold will be placed on the student's account until the process is restarted or completed.

#### 5. Limited Immunity

A student who admits to the code violations of Irresponsible Alcohol Use or Misuse of Drugs in the course of reporting the occurrence of physical assault, sexual misconduct, dating violence, domestic violence, stalking or endangering behavior may be entitled to immunity for those code violations whether reporting as a victim, witness or samaritan. Limited immunity may be given to students admitting to other violations in these circumstances at the sole discretion of the Associate Dean for Student Conduct. The university may follow up on such admissions in an informal manner.

#### 6. Alternative Dispute Resolution Options

Alternative resolution options - such as mediation, restorative justice conferencing, and other processes - may be available in certain situations. These options can be requested by any directly-involved party or suggested by a hearing officer. These options may be used to avoid escalation of minor conflicts or in place of the conduct process in certain situations with the agreement of all involved parties and the Associate Dean's approval. If an agreement is not reached, the case will be referred back for adjudication. This option is not available for use where complaints of significant incidents of violence or sexual misconduct have been received and is not available where a student has been intermily suspended, or where there is a pending criminal or civil action arising out of the facts and circumstances of the code violations.

### B. Hearing Options

Students accused of violating university rules may request either an administrative or University Conduct Board hearing. The University reserves the right and may in its sole discretion determine whether an administrative hearing may be held. Administrative hearings are not available to adjudicate conduct code violations that involve serious allegations of misconduct that affect other students significantly, including sexual assaults. In other words, while a student is entitled to request a board hearing and is not required to consent to an administrative remedy, a student is not entitled to an administrative hearing in all cases.

#### 1. Administrative Hearing

This hearing option allows a resolution of the complaint between the respondent and a designated hearing officer, usually during the preliminary meeting. In this option, the student accepts the determination of responsibility for violations and the sanctions offered by the hearing officer, allowing the complaint to be resolved. No recording or transcript of these proceedings will be created or maintained. The student waives the right to a University Conduct Board hearing and the ability to appeal in accepting the hearing officer's decision.

#### 2. Conduct Board Hearing



If a student and hearing officer are unable to agree on whether the student is responsible for violating university rules or what sanctions are appropriate or if a student requests a board hearing, the Office of Student Conduct will convene a conduct board hearing. The University Conduct Board will operate to adjudicate violations of the Student Code of Conduct. The University Conduct Board will be composed of student, faculty and staff representatives and a minimum of one representative from each area will sit on any given hearing board. The Associate Dean for Student Conduct will act as advisor and normally chair board meetings. Chair responsibilities will be delegated to a designated board member in cases where the Associate Dean has conducted the investigation or otherwise has a conflict of interest. Faculty and staff representatives will be appointed by the President while student members will be appointed by the Vice-President for Student Affairs. All terms will be for one year with reappointments possible. The University Conduct Board will consist of eight (8) members plus the chair as a non-voting member except in cases of tie votes. A minimum of four (4) members plus the chair are required to establish quorum for a hearing.

#### C. Board Hearing Procedures

University Conduct Board hearings shall be conducted in a fair and impartial manner. Strict rules of evidence will not apply since conduct proceedings are administrative in nature. All board hearings will be recorded on audiotape or other reliable means at the discretion of the Associate Dean for Student Conduct. This recording (or other reliable means) will be the sole and official record of the hearing and will be maintained in the Office of Student Affairs until after all appeal procedures are exhausted. The University Conduct Board will follow the suggested order below. Other conduct boards established for adjudicating violations of specific rules (such as Residence Life and Greek Life) will follow similar procedures.

1. Introductions
2. Introduction of charges and student's response of responsible, not responsible or no plea.
3. Information in support of charges by complainant or department filing the complaint including statements of witnesses.
4. Information in support of the respondent including statements of witness.
5. Private deliberation of the board members to determine responsibility for violations and sanctions if appropriate. Such determination will be by majority vote. The Chair does not vote.
6. Announcement of the board's determinations (may not be immediate depending on circumstances)

#### D. Conduct Policies

1. Complaints will be assigned to a designated hearing officer to investigate. Following a complainant, a preliminary meeting will be held with the respondent to review the complaint and other information gathered and allow the respondent to respond to the complaint. During the preliminary meeting, the respondent may normally be allowed to request an administrative or board hearing.
2. If a respondent fails to attend a preliminary meeting after reasonable attempts by the university to provide notification, the university reserves the right to adjudicate the complaint based on the information available through an administrative hearing.

3. If a respondent fails to appear for a scheduled hearing without providing notice, the hearing officer or conduct board may proceed in his/her absence. Only information then available will be considered in determining responsibility and sanctions. Failure to participate will not be used to determine responsibility for a violation by itself and will not be grounds for an appeal.
4. Respondents and complainants shall be provided written notification of the time, place and date of a board hearing at least three (3) calendar days in advance following a preliminary meeting. The notice shall include the charges to be adjudicated and other pertinent information about the hearing. Either can request a postponement of the hearing which will be reviewed and decided on by the Associate Dean for Student Conduct.
5. Respondents and complainants have the right to an advisor of his/her choice present at all stages of the conduct process and at an administrative or board hearing. An advisor may provide support and advice but not actively participate in a hearing. Attorneys may act as advisors, but may not argue a case or attempt to introduce legal procedures.
6. Confidentiality - Hearings, both administrative and board, will be closed to the public. All participants are expected to provide honest answers, follow established procedures and maintain confidentiality. The University reserves the right to determine which individuals may attend hearings based on their involvement with the incident. The University will only release information regarding the conduct proceeding as outlined in Subsection E below or that it is required to release by law.
7. Prospective witnesses, other than the complainant and respondent, may at the discretion of the chair be excluded from a board hearing during statements by other participants.
8. Oral and/or written statements may be considered at the discretion of the chair or hearing officer and will be weighed as deemed appropriate by the hearing authority. Respondents and complainants have the opportunity to provide information including names of witnesses during the investigation and any hearing. Witnesses are voluntary participants and will not be compelled to make statements or provide information by others involved in the conduct process. Alternative testimony options, such as remote participation, may be requested from the Associate Dean for Student Conduct who shall decide.
9. Respondents and complainants will be afforded an opportunity to hear and respond to all information presented including asking relevant questions through the chair for each other and witnesses. Neither the complainant nor the respondent may directly address each other or the witnesses. Written information being presented at board hearings may be reviewed by both respondents and complainants prior to the hearing on request. The chair will have discretion to decide relevance of questions.
10. Respondents and complainants may request the removal of any board member they feel may be biased against them. Removal for bias will be at the chair's discretion. Board members with a conflict of interest or bias may excuse him/herself from a hearing. A hearing officer may request a case be assigned to another hearing officer due to a conflict of interest.

11. Hearings will be conducted in a civil manner with any participant disrupting the conduct process being excluded from the remainder of the meeting. The chair is responsible for ensuring civility during a hearing.
12. Pending resolution of a complaint, student status may only be altered to protect university interests and/or the safety and security of individual members of the university community. Such actions may include interim suspensions, restriction of privileges including access to certain areas of campus and no contact directives. The Associate Dean for Student Conduct is responsible for determining if such actions are necessary and implementation.
13. Determination of responsibility for violating any university rules will be based on the standard of preponderance of the evidence in both administrative and board hearings. Preponderance of the evidence means that in light of the nature, extent and credibility of the testimony and other information presented or available, the hearing officer or board determines that it is more likely than not that a violation has or has not occurred.
14. Conduct records, including reports of violations and official correspondence, will be maintained minimally for a period of two (2) years from graduation or separation of a student from the university, except for suspension or expulsions. Records from cases involving suspension or expulsion will be kept indefinitely. Conduct records will be housed in the Office of the Vice President for Student Affairs.

#### E. Notification

Written notification of the outcome of a hearing including the reasons for the decision, findings of fact and an explanation of the sanctions will be sent within five (5) business days from the conclusion of the conduct proceedings by either the hearing officer or the chair of a conduct board. Written notification of the outcome of a proceeding that adjudicates allegations of sexual misconduct, dating/intimate partner violence, domestic violence, stalking or other violent acts will be provided to both the complainant and the respondent simultaneously. Other notifications may be sent in order for the University to comply with applicable victim notification laws for reporting the results of disciplinary proceedings. Parents or guardians will be notified of violations of the university's drug and/or alcohols policies as outlined in Section III above. Notification will be coordinated by the Associate Dean for Student Conduct following completion of conduct proceedings, including the time period allowed for appeals. Students may request an exception from notification to the Associate Dean for extenuating circumstances.

#### V. SANCTIONS

The following sanctions comprise a range of official action that may be imposed for violation of regulations by individuals or groups. One or more sanctions may be imposed at the discretion of the hearing officer or board in an effort to promote behavioral change. This list does not limit the actions available to a hearing officer or board and is not inclusive of all possible actions that could be taken as a result of a violation of university policy. Students found responsible for violations will receive a minimum of a disciplinary warning with expulsion being the maximum sanction. Sanctions attempt to teach alternative behaviors; increase personal and social skills; increase a student's awareness of obligations to others; demonstrate implications of actions; and

explain rationale behind regulations. However, when a determination is made by either a court of law or through University disciplinary process that a student has engaged in certain criminal behaviors or has sexually assaulted another student or has engaged in stalking or domestic/intimate partner or dating violence, the University may take additional measures to protect students such as changes to University housing or class accommodations, no contact directives, bans from campus.

**Disciplinary Warning.** This action is taken when the individual's conduct or involvement merits an official admonition that can be either verbal or written. The student is warned that further misconduct may result in more severe disciplinary action. A disciplinary warning is intended to promote reflection on the decisions and behavior leading up to a violation and promotes an increased awareness of the university's behavioral expectations.

**Disciplinary Probation.** This action is designed to assist students in developing behavior appropriate to the university community through placing them on a warning status. These are three types of probation listed below which may be imposed depending on the type and severity of the violation.

- 1. Residence Hall Probation -** A change in student status for violating Residence Life Rules and Regulations involving written notice of the probation, its terms, and time limit. Privileges of residents, including visitation, may be revoked for all or part of the time the resident is on probation. The resident is also informed that further violations may result in greater levels of sanctions. This level of probation is intended to provide the student an opportunity to reflect on and learn from their behavior while increasing their awareness of the impact of their behavior on themselves and others and of the university's behavioral expectations. The importance of making mature decisions is stressed while a student is on probation.
- 2. University Probation Level I –** A change in student status involving written notice of the probation, its terms, and time limit as established by the Hearing Officer or University Conduct Board. The student is notified that further infractions of any University regulation may result in more stringent restrictions being placed on his/her actions. This level of probation is intended to provide the student an opportunity to reflect on and learn from their behavior while increasing their awareness of the impact of their behavior on themselves and others and of the university's behavioral expectations. The importance of making mature decisions is stressed while a student is on probation.
- 3. University Probation Level II -** The most serious level of conduct sanction short of suspension from the University during which the student is considered not in good standing. The student remains enrolled at the University under circumstances defined by Hearing Officer or University Conduct Board and may not represent the University in any official capacity or hold office in any student organizations including, but not limited to, varsity or non-varsity intercollegiate athletic events or teams, recognized student organizations, theater groups or productions, musical organizations, or SAI Senator or Officer positions. This probation level indicates to the student that further violation(s) of University regulations will result in more stringent conduct action, including but not limited to suspension or expulsion from the University. This level of probation is intended to promote reflection on the student's behavior and decisions while stressing making mature decisions, engaging in critical thinking and developing more appropriate behavior as a member of the university community.

**Behavior Contract.** A student and hearing officer may reach a written agreement concerning expectations for future behavior and decisions to assist in preventing inappropriate behavior from recurring.

**Residence Hall Reassignment or Removal.** This action is an involuntary reassignment to another hall or removal from on-campus housing altogether for a designated period of time and may include restricted visitation privileges. Usually, a student is given forty-eight hours to remove all belongings from an assigned space and reimbursement of room charges will be based on the official university refund schedule for removals. This sanction is imposed to protect the welfare of a residence hall or floor community and students having this sanction imposed should reflect on the behavior necessary for an individual to be part of a residential community by respecting others, developing critical thinking skills and mature decision-making skills.

**Restriction of Privileges.** This action consists of an effort to assist students in developing an awareness of the responsibilities that go along with privileges and increase an awareness of appropriate behavior and how decisions impact themselves and others. Under this sanction, student may be restricted from entering certain buildings, attending certain events or using specific programs due to their behavior. Residence hall students may have their visitation privileges restricted or revoked for a certain time period or specific guests may not be allowed into a residence hall. Participation in university organizations or holding office in organizations or other privileges can also be included under this sanction as deemed appropriate by the hearing officer or board based on the incident.

**No Contact Directive.** This action is implemented at the discretion of a hearing officer directing a student to avoid initiating contact with another member of the university community and may include limiting access to areas to avoid incidental contact. A no contact directive may be imposed at a student's request without conducting proceedings if it does not involve any accommodation changes. Contact includes direct interactions in person or through technology as well as the use of third parties to interact.

**Suspension of Group Recognition.** This action consists of the withdrawal of all or part of the official recognition of a group for a stated period of time and will include conditions for reinstatement of recognition. This sanction is intended to assist groups in developing a stronger sense of the responsibilities which goes along with the privileges of university recognition and a commitment to be a positive part of the university community.

**Revocation of Group Recognition.** This action is permanent cancellation of the official University recognition and privileges of a group found in violation of University regulations.

**Restitution.** A student or organization may be required to make payment to the University or to another specified person(s) or group(s) for damages incurred as a result of a violation of behavioral expectations. Restitution fines may be imposed by the University in addition to any other sanction to promote responsibility for actions and an awareness of the consequences for behavior.

**Restitution Service.** As part of the sanctioning process, students can be required to perform service to assist in developing increased awareness of the impact of their decisions and strengthen critical thinking abilities to identify appropriate behavior. These services can include performing assigned duties, sponsoring programs, etc.

**Educational Activity.** A student or organization may be required to complete an educational activity or project relating to the violation to assist in their developing increased awareness of the impact of their decisions, strengthen critical thinking abilities to identify appropriate behavior and an increased sense of responsibility, integrity and civility.

**Conduct Referrals.** Hearing officers may refer students found responsible for violations to campus resources to assist, educate or monitor them in the development of appropriate behavior, critical thinking skills, mature decision-making skills, etc. These referrals are mandatory and failure to complete a referral could result in additional conduct action. Referrals may include the campus alcohol & drug education programs, the Counseling Center, etc., and could include drug testing for violations related to drug use.

**Registration Hold.** A hold may be placed on a student's registration if the student has failed to complete a sanction or withdraws prior to official conduct on an allegation. Holds are intended to be temporary until either the sanction or conduct process is complete. Registration holds may also be used during periods of interim suspension, suspension or expulsion.

**Interim suspension.** The President or his/her designee may suspend a student for an interim period pending full conduct proceedings whenever there is evidence that the continued presence of the student at the University poses a substantial threat to the safety and/or well-being of any member of the university community or university or private property. An interim suspension may be effective immediately without prior notice; however the decision may be appealed to either the Associate Dean for Student Conduct, Associate Vice President or Vice President for Student Affairs and will be handled as outlined in the Appeal Procedures except that the time lines will not apply. The student shall be given an opportunity to appear personally before a hearing officer or board within 10 business days from the effective date of the interim suspension unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the earliest possible date. Both the student(s) and the university must agree to an extension that may be left open ended. By agreeing to an extension, the student accepts the decision of interim suspension and any conditions imposed as part of it.

During an interim suspension, the student will be barred from all or part of the University's premises, as designated by the hearing officer. A student under interim suspension who returns to the portion of campus from which s/he was barred without permission from the Vice President for Student Affairs will be subject to dismissal and/or arrest for trespassing.

**Suspension.** This action is an involuntary separation of a student from the University for a designated period of time after which s/he is eligible to return. The Associate Dean for Student Conduct or Associate Vice President for Student Affairs may establish requirements for reinstatement, which must be fulfilled to his/her satisfaction. The student may not participate in any University sponsored activity and may be barred from University premises during suspension. Reimbursement of university charges or fees for students removed from the university due to conduct action will follow the official refund schedule for withdrawals. This action is designed to protect members of the university community and their property, promote critical thinking and mature decision making skills, self-reflection on behavior and the impact it had on the student and others.

**Expulsion.** This action is one of involuntary and permanent separation from the University. The student will be barred from all University activities and property following expulsion. Reimbursement of university charges or fees for students removed from the university due to conduct action will follow the official refund schedule for withdrawals.

## VI. APPEALS

The decision of the University Conduct Board may be appealed by the respondent. Where the proceeding involves the adjudication of allegations of sexual misconduct, stalking, dating

violence, domestic/intimate partner violence or other violent acts both the respondent and the complainant may appeal. Appeals must be based on at least one of the following reasons to be considered:

1. Procedural errors in the operation of the conduct process substantial enough to have effectively denied the student a fair hearing.
2. Availability of new and significant evidence which was not available at the original hearing in spite of diligent efforts by the student to collect information.
3. Lack of substantial information presented at the hearing to support the decision on responsibility for a violation.
4. Severity of the sanctions does not match the severity of the violation.

Except where the appeal is based on availability of new and significant evidence (See # 2 above), a consideration of an appeal will be based on records and documents on file when the original determination was made. The response to an appeal could be (a) denial of the appeal, (b) granting a new hearing, (c) modification of the sanctions (sanctions may be increased only in case of an appeal by a survivor of a sexual misconduct or other violent act), or (d) reversal or modification of the findings.

Appeals are to be in writing and submitted to the Office of Student Conduct within five (5) business days of receipt of the written notice of the decision. The original determinations of the board will be considered final and conclusive if an appeal is not received within the five day time limit.

Appeals from the University Conduct Board will be heard by the Vice President for Student Affairs or his or her designee and, except for the sanction of expulsion, no further appeal may be made. The Office of Student Conduct will notify the student of the response to the appeal within ten (10) business days from the date of the receipt of the appeal. If a new administrative hearing is granted, the student will receive at least two (2) calendar days notice of the time, place and date of the hearing to prepare.

Appeals from the Vice President of Student Affairs or his or her designee of a sanction of expulsion may be made to the University President. Any such appeal must be submitted to the Office of the President within (5) business days of receipt of written notice of the decision of the Vice President of Student Affairs or his or her designee. The University President shall respond to an accused student in writing regarding the appeal of an expulsion decision within ten (10) business days.