

## Southern Illinois University Carbondale Student Conduct Code

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### 1. Introduction, Definitions and Terms

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#### 1.2. Introduction

To the Students of Southern Illinois University,

When you applied to become a student at Southern Illinois University, you chose to become a member of a proud, vibrant and diverse educational community. Ours is a community built upon the foundational principles of integrity, excellence, accountability and engagement. These principles form the bedrock upon which we build a shared sense of purpose, committed to the principle of inclusivity, steadfast in the pursuit of knowledge, and dedicated to the belief that we are stronger when we stand together as one. We strive to create an environment where inquiry and growth are supported by a shared sense of responsibility and respect toward one another. As a member of this community, you have agreed to hold yourself, and every member of the Saluki family, to a higher set of ideas and ideals.

The Student Conduct Code describes a set of policies designed to reflect the unique culture of our university community while ensuring that all who seek knowledge are held to the same standards. This code is intended to provide a framework upon which we can all rely on to reflect and uphold our commitment to procedural fairness, equitable treatment and a sense of shared accountability. I urge each of you to become familiar with your rights and responsibilities to ensure that you, as a member of our community, have the best possible opportunity for success during your time at Southern Illinois University. It is my hope that you will join me in celebrating and embracing all that our great university has to offer.

Lori Stettler  
Interim Vice Chancellor of Student Affairs

#### 1.3. Preamble

Southern Illinois University Carbondale (SIU or the university) is dedicated not only to learning, research and the advancement of knowledge but to the development of ethical and responsible members of society. By choosing to become a member of the SIU community, each individual agrees to join a community which encourages and celebrates free expression and inquiry, the open exchange of ideas, honesty, innovation, and inclusive excellence. All students enjoy certain rights, privileges, and opportunities by virtue of being a part of the SIU community. All students are also expected to make a commitment to furthering the mission of Southern Illinois University.

In order to ensure all members of the university community the freedom to pursue their goals and uphold the mission of the university, every member must assume responsibility for their actions, choices and decisions and must also respect the rights of others. Therefore, SIU expects and requires all of its students, upon admission to the university, to develop, adhere to, and maintain high standards of conduct. The Student Conduct Code is the primary document governing SIU student conduct and sets forth the rights afforded to, and responsibilities incumbent upon, each student at the university.

#### 1.4. Purpose and Application

Southern Illinois University Carbondale is charged by the State of Illinois and the Southern Illinois University Board of Trustees (Board of Trustees) with the responsibility of developing and administering institutional policies and rules governing the role of students and their conduct. Pursuant to the Policies of the SIU Board of Trustees, section 3.C. these policies authorize the Chancellor to develop standards and policies to address student rights and conduct.

All students are expected to comply fully with all local, state and federal laws at all times. All members of the SIU community are held to a higher standard of conduct than those who have not chosen to become a part of the university community. Therefore, in addition to complying with all local, state and federal laws, students are required to comply with the standards of conduct and university policies set forth in the Student Conduct Code, which applies to all students throughout their time as members of the SIU community. SIU recognizes student success, as well as the security and integrity of the university community, are affected by all areas of a student's life, therefore students are responsible for conforming their behavior to the standards and policies set forth in this document at all times, whether on or off campus. These standards and policies are designed to foster an environment supportive of personal, social and ethical development and serve to promote the protection of the rights, responsibilities, safety and welfare of the university community while ensuring that all community members are free to pursue their educational goals.

The Student Conduct Code will be applied without regard to race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, marital status, age, physical or mental disability, or military or veteran status. Any adjudication will be based solely on the conduct for which charges were brought against the student.

The Student Conduct Code will be applied in compliance with Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Students will be afforded all of the rights established under the Student Conduct Code without regard to the student's disability status, and any sanctions imposed will be based solely on the conduct for which charges were brought against the student regardless of whether the student has a disability.

#### 1.5. Jurisdiction

- 1.5.1. The university has a responsibility to provide its members with those privileges, opportunities, and protections that encourage and maintain an environment which supports educational development.
- 1.5.2. The Code applies to:
  - 1.5.2.1. Conduct occurring on any property owned, operated, leased or controlled by the university or at any activity sponsored or supported by the university.
  - 1.5.2.2. Recognizing off-campus behaviors often directly affect the educational environment or substantially interfere with the mission of the university, the university shall have the

right to adjudicate any alleged violation of any provision of the Student Conduct Code, without regard for the geographic location of the alleged violation, at the discretion of the Vice Chancellor of Student Affairs. This may include violations which occur partly or entirely through electronic means.

- 1.5.3. The university reserves the right to initiate disciplinary proceedings for violations of the Student Conduct Code whenever the university has jurisdiction, regardless of whether criminal or civil proceedings have been commenced. Disciplinary actions by the university are independent of any criminal or civil proceedings and the university will not consider any decision, settlement, judgment, or other outcome of a criminal or civil proceeding in the adjudication of alleged violations of this Code. The disciplinary process will not be delayed pending the outcome of any legal proceedings.
- 1.5.4. Academic dishonesty violations in the School of Law will be administered through the Professional Ethics Policy of the School of Law.
- 1.5.5. Academic dishonesty violations in the School of Medicine will be administered through the School of Medicine Student Progress System.
- 1.5.6. Law students and medical students charged with non-academic violations of this Code may be subject to the disciplinary procedures outlined in this Code, in addition to being charged under their respective school-specific policy or system referenced in 1.5.4 and 1.5.5. The outcome of any hearing under a school-specific policy will not be considered in the adjudication of alleged violations of this Code though it may be considered in determining appropriate sanctions.
- 1.6. Rights and Responsibilities – The following rights and responsibilities are the foundational principles upon which the Student Conduct Code is based.
  - 1.6.1. Rights
    - 1.6.1.1. All students have the right to engage in a free exchange of ideas. University policies are intended to safeguard the rights of free inquiry, expression and assembly
    - 1.6.1.2. All students have the right to freely express their views and examine all questions of interest.
    - 1.6.1.3. All students have the right to be free from discrimination or harassment based on race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, marital status, age, physical or mental disability, or military or veteran status, in accordance with applicable federal, state and local laws.
    - 1.6.1.4. All students alleged to have violated any provision of the Student Conduct Code have the right to procedural due process.
    - 1.6.1.5. All students have the right to be free from unreasonable restrictions or intrusions upon privacy, personal property, or dignity, in accordance with the provisions of this Code.
  - 1.6.2. Responsibilities
    - 1.6.2.1. All students are responsible for knowing and complying with the Code as well as all local, state and federal laws, and other university standards, policies and procedures.
    - 1.6.2.2. All students have the responsibility to recognize the ways in which their actions reflect upon and affect the university and every member of the university community.

1.6.2.3. All students have the responsibility to respect and protect the rights of every other member of the university community.

1.6.2.4. All students are personally responsible for their actions, choices and decisions.

## 1.7. Definitions

- 1.7.1. Accused Student – Any student who is alleged to have violated a provision of this Code.
- 1.7.2. Address – The local address on record with the Office of the Registrar or the electronic mail address issued by the university.
- 1.7.3. Adjudication – The process by which alleged violations of this Code are resolved, including all hearings and appeals.
- 1.7.4. Administrative Hearing Officer – Any person or entity authorized by the Director of Student Rights and Responsibilities to conduct hearings, determine whether a violation has been committed, and determine sanctions.
- 1.7.5. Admission – Admission, readmission, re-entry, registration, or re-registration, as a student, into any educational program at SIU.
- 1.7.6. Advisor – Any individual selected by a student to assist the student during the adjudicative process. Advisors may not have direct involvement with the alleged violation, either as an involved party or a witness unless approved by the Director of Student Rights and Responsibilities prior to hearing. The determination of the Director shall be final and is not subject to appeal except as allowed in Article 6.
- 1.7.7. Appeal – The process by which a student may contest the decision of a hearing officer.
- 1.7.8. Board of Trustees – The Board of Trustees of Southern Illinois University.
- 1.7.9. Chancellor – The individual appointed by the Board of Trustees to the position of Chancellor of Southern Illinois University Carbondale. This term refers to the person holding the title as well as his or her designees.
- 1.7.10. Charge – An allegation of a violation of a specific provision of this Code.
- 1.7.11. Code – The Student Conduct Code, as set forth in this document, for Southern Illinois University Carbondale.
- 1.7.12. Complainant – Any member of the university community who alleges a violation of the Code. In situations where a complaint is brought by a member of the faculty or staff, or in situations where a complaint is initiated by an entity outside the university, the university shall act as complainant. When a student brings a complaint, the university may act as complainant at the discretion of the Director of Student Rights and Responsibilities.
- 1.7.13. Complaint – A formal statement alleging that an individual has violated one or more provisions of the Code.
- 1.7.14. Consent - Consent is a clear, affirmative, unambiguous and freely given agreement to engage in a specific sexual activity. Consent is demonstrated verbally or through actions that clearly indicate a willingness to engage in the specific sexual activity. Lack of verbal or physical resistance does not constitute consent. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person, and consent for a specific activity does not imply consent for any other activity. Use of alcohol, drugs, or other intoxicants does not diminish one’s responsibility to obtain consent.

Consent must be knowing and voluntary. To give consent, a person must be awake, of legal age, and have the capacity to reasonably understand the nature of his/her actions. Consent cannot be given by an individual who is mentally or physically incapacitated through the effect of drugs, alcohol or other intoxicants or for any other reason. Consent cannot be given when it is coerced, forced, or obtained by use of duress, fear, threats, or violence. Consent is not implied by the existence of a prior or current relationship or participation in prior sexual activity. A person's manner of dress does not constitute consent. Consent to engage in sexual activity may be withdrawn at any time and is automatically withdrawn by a person who is no longer capable of giving consent.

- 1.7.15. Controlled Substances – Controlled substances include, but are not limited to: cannabis, cocaine, ecstasy, heroin, LSD, methamphetamines, prescription medications or other natural or synthetic intoxicants.
- 1.7.16. Days – A day is defined as any weekday not designated by the Office of the Registrar as a holiday or administrative closure day.
- 1.7.17. Designee – Any person to whom a specific authority or responsibility has been delegated by the Board of Trustees, Chancellor or other university official.
- 1.7.18. Finding – A formal determination that an alleged violation of university policy is more likely than not to have occurred.
- 1.7.19. Greek Letter Organization – an identifiable group or association that holds membership in one of the four governing bodies overseen by the Inter-Greek Council – the College Pan-Hellenic Council (CPH), Interfraternity Council (IFC), Multicultural Greek Council (MGC), and National-Pan-Hellenic Council (NPHC).
- 1.7.20. Hearing – An investigative and adjudicative proceeding in which a student is afforded rights provided for in the Code.
- 1.7.21. Instructor – Any member of the faculty, teaching assistant or other person responsible for instruction related to an academic course.
- 1.7.22. Interim Sanction – A formal limitation or requirement imposed upon a student as a result of an alleged violation, for a limited time, pending a formal adjudication and subject to the limits set forth in this Code.
- 1.7.23. Investigator – Any person with specific knowledge, experience and training in the investigation of allegations of sexual assault, sexual harassment, dating/domestic violence or stalking who has been appointed by the Title IX Coordinator to investigate allegations of alleged misconduct.
- 1.7.24. Limited Hearing Officer – Any person or entity authorized by the Director of Student Rights and Responsibilities to adjudicate alleged violations of this Code, subject to set limitations on the type of violation alleged or sanctioning authority.
- 1.7.25. Notification – Documented communication between the university and a member of the university community via written or oral communication, which may include communication via campus mail, hand delivery, telephone, e-mail, or US mail. Notification refers to the act of delivery and is considered complete without regard for an individual's choice to access, read or respond to the communication.
- 1.7.26. Organization – Any group of students which meets the definition of a Greek Letter Organization or a Registered Student Organization as defined in this code.

- 1.7.27. Organization Advisor – The member of the University Faculty or Staff who has been identified as, and accepted the advisor role of, Greek Letter Organization or a Registered Student Organization as defined in this code at the time that notice of the alleged violation is initially communicated.
- 1.7.28. Organization President – The student whom an organization has identified as the primary officer of the organization through election, appointment, seniority, or other means, regardless of the specific title at the time that notice of the alleged violation is initially communicated. The individual on record with the Office of Student Life as holding this position shall be considered the organization president.
- 1.7.29. Policy – Any rule or regulation which has been duly passed, enacted and published by the university or the Board of Trustees.
- 1.7.30. Registered Student Organization – an identifiable group of students who have complied with requirements for registration as set forth by the Undergraduate Student Government and the Office of Student Engagement. Included are groups that seek, but have not been granted, *recognized* status.
- 1.7.31. Sanction – A formal notice, limitation or requirement imposed upon a student as a result of adjudication.
- 1.7.32. Student – Any person who, at the time of an alleged violation of this Code, meets one or more of the following requirements:
- 1.7.32.1. A person taking one or more courses, enrolled either full- or part-time, pursuing undergraduate, graduate, or professional studies.
  - 1.7.32.2. A person notified of acceptance for admission to the university.
  - 1.7.32.3. A person living in property owned, operated or managed by the university, unless the sole purpose for residing in that property is in fulfillment of a requirement of employment.
  - 1.7.32.4. A person who, prior to completing adjudication of alleged violations, withdraws or is otherwise separated from the university.
  - 1.7.32.5. A person who, though not currently enrolled, is eligible to enroll in one or more courses without admission.
- 1.7.33. University – Southern Illinois University Carbondale.
- 1.7.34. University Community – Members of the university community include members of the Board of Trustees, employees, students, university officials and volunteers affiliated with Southern Illinois University.
- 1.7.35. University Official – Any individual authorized or directed by the Chancellor to perform any delegated function.
- 1.7.36. University Premises – Any land, building, facility, or other real property owned, leased, operated or otherwise controlled by the university, including sidewalks, streets, and adjoining public spaces.
- 1.7.37. Victim – Any person alleged to have been the victim of one of one or more violations of articles 2.2.1., 2.2.2., 2.2.3., 2.3.1.3., or 2.3.3. or any other act of sexual misconduct as defined by this Code which is alleged to create a hostile environment for another member of the university community, any person to whom the university has a legal obligation to disclose

the outcome of an adjudication, or any person who must be informed of the outcome of adjudication in order for sanctions to be effectively implemented.

1.7.38. Violation – A breach of one or more provisions of this Code.

## 2. Standards of Conduct

### 2.1. Offenses Related to Academic Misconduct

#### 2.1.1. Plagiarism

2.1.1.1. Submitting the work of another person or entity as your own.

2.1.1.2. Failing to cite the work or data of another person or entity.

2.1.1.3. Improperly citing the work or data of another person or entity.

2.1.1.4. Submitting work which has been previously submitted for credit or evaluation without instructor approval.

2.1.2. Preparing work with the knowledge or intention that it may be represented as the work of another.

2.1.3. Sharing or disseminating tests, notes, slides, presentations, recordings or any other material which is the intellectual property of an instructor or of the university without prior approval. This does not prohibit a student from sharing his or her own papers, notes, or other written works in accordance with Article 2.1.2.

2.1.4. Knowingly falsifying scientific or educational data or representing falsified scientific or educational data as the result of scientific or scholarly experimentation or research.

2.1.5. Violating any restriction on collaboration which has been duly communicated by an instructor, via a syllabus, or otherwise in writing or orally in the course of instruction.

2.1.6. Attempting to obtain a grade or other academic credit through improper means, or otherwise subverting the educational process by any means whatsoever.

2.1.7. Soliciting, aiding, abetting, concealing, or attempting any act of academic misconduct.

### 2.2. Offenses Relating to Sexual Misconduct

2.2.1. Sexual Assault – Any sexual act directed against another person forcibly and/or against a person's will or where the person in question does not or is unable to give consent, as defined in Article 1.7.14, for any reason.

2.2.2. Sexual Harassment – Any unwelcome sexual advance, request for sexual favors, or any conduct of a sexual nature which has the purpose or effect of: a) substantially interfering with a student's academic performance, ability to participate or benefit from any of the academic, athletic, educational, employment, extra-curricular or other programs of the university or, b) creating an intimidating, hostile or offensive environment. The official definition shall be that most recently adopted by the Board of Trustees.

2.2.3. Forcible Fondling – Intentional or attempted contact with the private body parts of another person without the consent of that person.

2.2.4. Indecent Exposure – Intentional display of a person's genital area, buttocks or other area as specified by local, state or federal law, with the intent or foreseeable consequence of causing or forcing another person to observe said area against said person's will.

- 2.2.5. Other Acts of Sexual Misconduct – Any other act of a sexual nature which disrupts or negatively impacts the educational mission of the university, including but not limited to public displays of pornography; possession, creation or distribution of child pornography; the exchange of money, goods or services in exchange for any sexual activity; causing another person to witness or observe any sexual act without clear, voluntary consent; videotaping, photographing or otherwise recording sex acts without the clear, voluntary consent of all individuals involved; or sexual contact between individuals who are legally prohibited from marrying due to a familial relationship.
- 2.2.6. Retaliation – Any act of reprisal, including negative or otherwise unwarranted treatment, related to the reporting of, or participation in, any complaint or adjudication of alleged sexual misconduct.

### 2.3. Offenses Related to Persons

#### 2.3.1. Acts of Violence

- 2.3.1.1. Intentional, Negligent or Attempted Homicide – Any intentional or negligent action which results in the death of another person or any attempted action which, if successful, would be likely to have resulted in the death of another person.
- 2.3.1.2. Physical Assault or Abuse – Any action which serves to cause physical harm to another person or which may reasonably be expected to cause physical harm to another person or which causes reasonable fear that physical harm will be done to another person.
- 2.3.1.3. Dating and Domestic Violence – Any action which serves to cause harm to another person or which may reasonably be expected to cause harm to another person which is committed against: a current or former spouse; a family member; an individual with whom they share a child; an individual with whom they are, or previously have been, engaged in a romantic or intimate relationship; or an individual with whom they share, or previously have shared, a residence.
- 2.3.1.4. Violent Disruption – Any violent action taken with the intent of disrupting any university function, action, or operation. This policy shall be applied in accordance with the SIU policy on Demonstrations: Regulations and Procedures and shall not be construed to restrict any right listed in that policy except as otherwise stated in this Code.
- 2.3.1.5. Violent Behavior – Any action, behavior, or statement which carries with it a substantial risk that one or more persons may be physically harmed.
- 2.3.1.6. Inciting Violence – Knowingly or intentionally directing, encouraging, supporting or otherwise motivating another person or group to take violent action, whether or not violence results.

#### 2.3.2. Threatening Behaviors

- 2.3.2.1. Direct Threat – Any statement or action which clearly communicates a threat of, or intent to commit, an act of violence.
- 2.3.2.2. Indirect Threat – Any statement or action which a reasonable person would interpret as threat of, or intent to commit, an act of violence or any threat or communication of intent to commit an act of violence communicated through a third person, intermediary or via a public forum.



2.3.3. Stalking – Engaging in a course of conduct, involving two or more independent actions, which threatens or endangers the health, safety, emotional welfare, or access to academic resources or employment of another person or which would cause a reasonable person to be fearful for his or her safety, health or emotional well-being and which does cause another person to be fearful for his or her health, safety or emotional well-being. This section shall not be applied to limit any lawful exercise of the right to free speech or assembly.

2.3.4. Hazing – Any action required of, suggested to, or imposed upon current or potential members of a group which produces, or is reasonably likely to produce, bodily harm, humiliation, ridicule, substantial interference of academic efforts, significant impairment, or endangerment of physical, mental or emotional well-being, regardless of the consent of the participants.

2.3.5. Harassment

2.3.5.1. Unreasonable Conduct – Intentional conduct, without a legitimate purpose, which both does cause a person distress or fear and would cause a reasonable person distress or fear. No threat or overt act of violence is required for conduct to be unreasonable.

2.3.5.2. Bullying – Any intentional, repeated and aggressive act, whether physical, verbal or otherwise communicated with the intent to cause another person physical, mental, or emotional harm or which is intended to coerce an individual to act or refrain from acting.

2.3.5.3. Obstruction or Intimidation – Any intentional act which limits any person’s attendance or participation in any academic activity, employment or university event, or function.

2.3.5.4. Harassment via Technology – Use of electronic or other technology, without a valid purpose, to intentionally intimidate, embarrass, ridicule, or humiliate another person. This includes the creation or distribution of video, audio, or photographic files without the consent of all parties recorded or photographed which could foreseeably intimidate, embarrass, ridicule or humiliate and does cause another person to be intimidated, embarrassed, ridiculed or humiliated.

2.3.6. Fighting

2.3.6.1. Mutual Fighting – Any incident between two or more individuals in which violence or the threat of violence is mutual.

2.3.6.2. Group Actions – Any incident in which a group of two or more individuals engage in violence or the threat of violence against an individual or group of individuals.

2.3.6.3. Inciting a Fight – Any intentional act which encourages others to engage in or continue a mutual fight or group action.

2.3.7. Reckless Disregard – Any act taken without regard for the risk it presents to others.

2.4. Offenses Related to Property

2.4.1. Willful or Malicious Damage or Destruction of Property – Any intentional or reckless action which results in the damage or destruction of property owned by another person, entity or the university.

2.4.2. Arson – Any intentional or negligent action which causes or is likely to cause a fire in any building, area or open space not specifically designed or intended for that purpose regardless of the extent or lack of damage to buildings, grounds or property.

- 2.4.3. Reckless Conduct Presenting a Danger to Property – Any intentional act which presents a significant risk of damage to property.
- 2.4.4. Trespassing – Entry into any location, space, building or room where entry is prohibited, either by posted sign, locked door, written or oral directive or other clear restriction. This includes entering a residence hall of which a student is not a resident of without an escort, as defined in the University Housing Guidebook.
- 2.4.5. Unauthorized Entry – Entry into any building, room, location, or space where a person does not have a reasonable expectation of access or right of entry or where the conditions of authorized entry, such as payment or presentation of proper identification, have not been met. This includes entering a residence hall without presenting identification for verification, when such systems are in place, regardless of residential status.
- 2.4.6. Theft
  - 2.4.6.1. Stealing – Taking property which belongs to another person or entity without authorization, payment or other explicit permission.
  - 2.4.6.2. Fraud – Attempting to defraud by means of deception, bad checks, forged or stolen credit or ID cards, possession or use of counterfeit currency or other means.
  - 2.4.6.3. Identity Theft – Using the identity of another person or entity, including the use of state identification, with the intent of misrepresenting oneself as another for any reason.
  - 2.4.6.4. Sale of Stolen Property – Selling, or attempting to sell any item which is known to be, or can reasonably be assumed to have been, stolen or otherwise illegally obtained.
  - 2.4.6.5. Possession of Stolen Property – Having possession or control of any item which is known to be, or can reasonably be assumed to have been, stolen or otherwise illegally obtained.
- 2.4.7. Vandalism – The intentional defacement of public or private property, including, but not limited to, the deliberate damage, defacement, destruction or removal of posted flyers, decorations, bulletin board postings or other posted material not owned by the student, without authorization.
- 2.5. Offenses Related to Health, Welfare, or Safety
  - 2.5.1. Weapons – Possession of any weapon, as defined below, without prior authorization from the Director of the Department of Public Safety or designee.
    - 2.5.1.1. Explosives – Possessing, carrying or using any device which is intended or designed to explode or any device which a reasonable person would believe, either through appearance, markings or otherwise, to be a device intended or designed to explode.
    - 2.5.1.2. Firearms – Possessing, carrying or using any type of firearm on university premises, except as permitted by law, or the use of a firearm in any manner alleged to be inconsistent with applicable laws, regardless of location.
    - 2.5.1.3. Objects Perceived as Firearms – Possessing, carrying or using an airsoft, BB, paintball, pellet, or water gun, or any other object which a reasonable person may believe to be a firearm, due either to appearance, situation, markings, or other means, on university premises.
    - 2.5.1.4. Knives – Possessing, carrying or using any knife with a blade longer than three inches anywhere on university premises without a valid educational purpose or the use of a knife in any manner alleged to be inconsistent with applicable laws, regardless of location.

Butterfly knives, switchblades, and double-edged knives are not permitted, regardless of length.

- 2.5.1.5. Other Dangerous or Deadly Weapons – Possessing, carrying or using ammunition, arrows, batons, blow-darts, blow-dart guns or tubes, bows, brass knuckles, mace, nunchuks, stun guns, sling shots, swords, tasers, throwing stars, or other dangerous or deadly weapons on university premises or the use of any other dangerous or deadly weapons in any manner alleged to be inconsistent with applicable laws, regardless of location.
- 2.5.1.6. Any Object Intended for Use as a Weapon – Possessing, carrying or using any object intended for use as, or used as, a weapon, regardless of the original purpose of the object.
- 2.5.1.7. Misuse of Personal Safety Devices – Students are permitted to carry pepper spray and other legal personal safety devices not otherwise prohibited; however students choosing to carry such devices are responsible for ensuring that they are properly secured and maintained and only used in cases of emergency.

## 2.5.2. Threats to the Safety of Others

- 2.5.2.1. Bomb Threats – Communicating the existence of an explosive device, placed in any location, to any individual or entity, by any method, whether or not the communication is accurate, for any purpose other than a legitimate concern for the safety of persons or property.
- 2.5.2.2. Tampering with Safety Equipment – Tampering with, disabling, or damaging alarms, cameras, defibrillators, electronic surveillance equipment, extinguishers, fire sensors, first aid kits, pull stations, sprinklers, smoke detectors, or other safety equipment.
- 2.5.2.3. Tampering with Entries or Exits – Tampering with doors, door alarms, door locks, door handles, elevators, push bars, windows, window alarms, window locks, window screens, or other devices designed to provide entry, exit or security for any university building.
- 2.5.2.4. Failure to Evacuate – Failing to evacuate any building after an alarm has been activated or notice has otherwise been given of a fire, fire drill, false alarm or other order to evacuate.
- 2.5.2.5. Fireworks – Possessing, carrying or using any firework or other incendiary device not intended for use as a weapon.

## 2.5.3. Controlled Substances

- 2.5.3.1. Manufacture or Production – The manufacture or production of any controlled substance, regardless of intended use.
- 2.5.3.2. Sale or Distribution – The sale or distribution of any controlled substance, with or without the exchange of money, goods or services.
- 2.5.3.3. Possession with the Intent to Sell or Distribute – The possession of controlled substances for the purposes of sale or distribution. Intent may be established by the presence of paraphernalia commonly associated with distribution, by the manner in which the substances are packaged, or by the volume of the substance possessed.
- 2.5.3.4. Driving Under the Influence of a Controlled Substance – Operating any vehicle while under the influence of any controlled substance except as prescribed and directed by a medical professional.

- 2.5.3.5. Use or Possession – The use or possession of any controlled substance without legal authorization.
  - 2.5.3.6. Misuse of Medication – Knowingly misusing legally prescribed medications or using non-prescription medications in a manner other than their directed use.
  - 2.5.3.7. Possession of Paraphernalia – The possession of any item primarily intended for, designed for, or which can be demonstrably linked to, the manufacture, sale, distribution, use, or possession of a controlled substance. Such items include, but are not limited to, bongos, bowls, grinders, pipes, scales, and vaporizers.
- 2.5.4. Alcohol
- 2.5.4.1. Manufacture or Production – The manufacture or production of alcohol on university premises or in ways not consistent with state or federal regulations, regardless of intended use. This policy does not prohibit the manufacture or production of alcohol for a valid educational purpose or as otherwise authorized in writing by the Chancellor.
  - 2.5.4.2. Sale – The sale of alcohol either directly or indirectly without a license.
  - 2.5.4.3. Driving While Under the Influence of Alcohol – Operating any vehicle while impaired by the consumption of alcohol.
  - 2.5.4.4. Providing Alcohol to a Minor – Purchasing, serving, supplying or otherwise providing alcohol to a person under the legal age permitted by the State of Illinois.
  - 2.5.4.5. Underage Possession or Consumption – Possessing, carrying, consuming, or being under the influence of alcohol while under the legal age permitted by the State of Illinois.
  - 2.5.4.6. Public Intoxication – Any action taken under the influence of alcohol which requires intervention by members of the university community, law enforcement, medical staff, or other persons to ensure the health, safety, or physical well-being of the student in question, another individual, or property or to prevent disruption of normal operation of the university or another entity.
  - 2.5.4.7. Public Consumption – Consuming alcohol or possessing or carrying an open container containing alcohol in any public space, including anywhere on university premises, except as specifically authorized.
  - 2.5.4.8. Drinking Games – Games or activities occurring on university premises which encourage excessive or unsafe levels of consumption, require consumption as a component of participation, or use consumption as a component of winning, losing or keeping score, regardless of the presence of alcohol.
  - 2.5.4.9. Common Sources – Possessing, serving, supplying or otherwise making available to others a common source of alcohol on university premises except as specifically authorized by university policy. Common sources include, but are not limited to, kegs, party balls, punch bowls, or other containers intended to distribute alcohol to multiple individuals. Commercial containers such as cans or bottles 1.75 liters or less are not considered common sources of alcohol.
- 2.5.5. Disorderly Conduct – Acting in an unreasonable manner which has the potential to disturb or alarm another person or to provoke a breach of the peace.

- 2.5.6. Responsibility of Premises – Failure to maintain reasonable control of areas for which a student is responsible, including assigned residence hall rooms, off-campus apartments, houses or other similar locations.
- 2.5.7. Smoking – Use of a pipe, cigar, cigarette, hookah, or other smoking device, including e-cigarettes, vaporizers, and other inhalation-based nicotine delivery devices on any university premises, unless inside a private vehicle, or other any other action which violates the SIUC Smoke-free Campus Policy.
- 2.6. Offenses Related to the Operation of the University
  - 2.6.1. Misuse of Resources – Use or misappropriation of university space, facilities, funds, supplies, equipment, labor, material or other resources without authorization.
  - 2.6.2. False Information – Knowingly providing false information to a university official.
  - 2.6.3. Failure to Comply – Failing to comply with the directions of any university or public official who has identified him or herself while he or she is acting in the performance of his or her duties or failing to comply with any sign, requirement, notice, or directive that has been posted by an agent of the university.
  - 2.6.4. Misuse of University Documents – Forgery, alteration or other misuse of university documents or records.
  - 2.6.5. Misuse of ID Cards – Loaning, borrowing, altering, or replicating university, state or federal ID cards or failing to present or surrender a university ID card upon the request of a university or public official.
  - 2.6.6. Business Activities – Attempting, directly or indirectly, to sell any item or thing of value, or engaging in any other business activity, on campus without written authorization.
  - 2.6.7. Amplified Sound – Use of amplified sound without prior authorization or in areas where amplified sound is prohibited by policy or posted sign.
  - 2.6.8. Solicitation – Requesting, directly or indirectly, money, physical or intellectual property, guest access to dining facilities, or any other thing of value, without written authorization.
  - 2.6.9. Operating an Unregistered RSO – Operating an unregistered student organization which represents itself, either through name, action, or other means as being affiliated with the university or which utilizes services or resources reserved for RSOs without authorization.
- 2.7. Offenses Related to Information Technology
  - 2.7.1. Unauthorized Access of Resources – Unauthorized access or attempted access of any electronic resource to alter, duplicate, read, transfer, or otherwise use the contents for any purpose.
  - 2.7.2. Interfering with Access or Operations – Any technological attempt to interfere with the work of any member of the university community or any attempt to interfere with the normal operations of the university’s technological infrastructure.
  - 2.7.3. Malicious Software or Hardware – Knowingly or intentionally installing, allowing to be installed, or attempting to install a computer virus, any other malicious hardware or software, or hardware intended to monitor usage, subvert one or more security measures or degrade the efficiency of computing systems.

- 2.7.4. Technology Use Agreements – Violations of any provision of a university hardware or software use agreement, including, but not limited to, the Borrowers Registration and Liability Agreement for Tablet Computer Loan.
- 2.7.5. Other Information Technology Policies – Violation of any other computer or network use policies established by the Office of Information Technology or other or equivalent university unit.
- 2.8. Acts Against the Administration of the Code
  - 2.8.1. Failing to Comply with Interim Actions – Failure to comply with the requirements imposed in conjunction with an interim action as described in Article 3.
  - 2.8.2. False Complaints – Initiating a complaint or charge with knowledge that no such violation has actually occurred or without evidence to reasonably suggest the commission of a violation of this Code.
  - 2.8.3. Discouraging a Complaint – Discouraging or attempting to discourage any person from filing a complaint alleging a violation of this Code.
  - 2.8.4. Influencing a Witness – Any intentional act which attempts to discourage, interfere with or otherwise alter or inhibit the testimony of any person identified as a witness in any adjudication.
  - 2.8.5. Influencing a Code Officer – Any intentional act which attempts to intimidate or influence an administrative hearing officer, limited hearing officer, appeals officer or other person charged with administering any portion of this Code.
  - 2.8.6. Retaliation – Any act taken against an individual due to his or her participation in the procedures set forth in this Code.
  - 2.8.7. False Statement – Knowingly providing information for use in any adjudication which is known or believed to be false, with the intent to deceive.
  - 2.8.8. Subversion of the Process – Any intentional act by an administrative hearing officer, limited hearing officer, appeals officer or other person charged with administering any portion of this Code with intent to inappropriately influence any investigation, adjudication or appeal.
  - 2.8.9. Noncompliance – Failing to comply with a sanction or any provision, limitation, or other restriction issued in conjunction with a completed or ongoing adjudication.
- 2.9. Other Acts of Misconduct
  - 2.9.1. Aiding and Abetting – Persons assisting in any violation of this Code may be subject to adjudication.
  - 2.9.2. Knowingly Present – Any person who is knowingly present for the commission of a violation and does not take steps or to remove him or herself from the location of the violation may be subject to adjudication.
  - 2.9.3. Alleged Violation of Local, State or Federal Laws – Any act not specifically addressed by this Code but which may violate local, state or federal law is subject to adjudication under this Code regardless of whether it is investigated by civil or criminal authorities or the subject of any legal proceeding.

- 2.9.4. Abusing Public Safety Services
  - 2.9.4.1. Filing a False Report – Knowingly submitting information to any law enforcement agency, public safety service, or emergency service which is known or believed to be false.
  - 2.9.4.2. Misuse of Emergency Reporting Systems – Activating any emergency response system, including emergency call boxes, fire alarm pull stations, the 911 reporting system or any other system designed for use in reporting an emergency, when no emergency exists.
- 2.9.5. Violation of the University Housing Guidebook – The policies set forth in the University Housing Guidebook apply to all students present in any area owned, leased, operated or otherwise controlled by University Housing regardless of whether or not the student lives in housing owned, operated, leased or otherwise controlled by the university.
- 2.9.6. Violations of Any Other Approved and Posted University Policy
- 2.10. Offenses Related to Student Organizations
  - 2.10.1. Policies Relating to Unregistered Organizations – While the freedom of students to associate is guaranteed, the university has the right to regulate organizations which are affiliated or otherwise associated with Southern Illinois University.
    - 2.10.1.1. Misuse of Resources – Use or misappropriation of university space, facilities, funds, supplies, equipment, labor, material or other resources which are not available to the general public or which have not been reserved or otherwise authorized.
  - 2.10.2. Organizational Hazing - Any action required of, suggested to, or imposed upon current or potential members of a group which produces, or is reasonably likely to produce, bodily harm, humiliation, ridicule, substantial interference of academic efforts, significant impairment, or endangerment of physical, mental or emotional well-being, regardless of the consent of the participants.
  - 2.10.3. Violations of Registered Student Organization Handbook – The policies set forth in the Registered Student Organization Handbook apply to all Registered Student Organizations, events planned by those organizations, and members or other students acting on behalf of those organizations.
  - 2.10.4. Violations of Inter-Greek Council Policy - The policies set forth by the Inter-Greek Council apply to all organizations, events planned by those organizations, and members or other students acting on behalf of those organizations.
  - 2.10.5. Violations of Any Other Approved and Posted University Policy

### **3. Interim Actions**

- 3.1. Interim Actions for Students
  - 3.1.1. If the Director of Student Rights and Responsibilities, or designee, has reasonable cause to believe a student poses a serious and direct threat to the safety or well-being of one or more members of the campus community, or to the continued effective operation of the university, an interim action may be imposed to mitigate or remove the threat. Any interim action is temporary and shall only be enforced until the completion of adjudication.
  - 3.1.2. Issuance of Interim Actions
    - 3.1.2.1. Upon the recommendation of a Hearing Officer, or the Director of the Department of Public Safety, or designee, the Director of Student Rights and Responsibilities, or

designee, may alter or suspend the rights of a student. The Director of Student Rights and Responsibilities, or designee, will base the decision on all available information and determine what action, if any, is appropriate to mitigate or remove a potential threat to the welfare of any member of the university community or to the operation of the university or any of its functions.

- 3.1.2.2. The decision to suspend the rights of a student for an interim period will be communicated in writing to the student and will become effective upon notification to the student. This notification will include the date, time and location of the formal hearing on the alleged violations. Notification will be hand-delivered to the student. In cases where the student cannot be located for hand delivery, notification will be via electronic delivery to the university issued e-mail address. Failure or refusal to accept, access or read the notification will not invalidate or postpone this action, alter the date and time of the scheduled hearings or be considered as a basis for appeal.
- 3.1.2.3. Interim actions shall remain in effect until a final decision has been made on the complaint or until the Director of Student Rights and Responsibilities determines that the reason for imposing an interim action no longer exists. Interim actions shall not exceed five days unless an extension is granted pursuant to 3.2.4.
- 3.1.2.4. Extension of an Interim Action for Article 4.2. Investigations
  - 3.1.2.4.1. In cases being investigated under the procedures described in Article 4.2. of the code, the investigator(s) may request an extension of this interim action for an additional five days if the facts or circumstances warrant such an extension.
  - 3.1.2.4.2. This request must be submitted in writing at least one day prior to the expiration of the interim action and must detail specific information which would suggest that the student continues to pose a threat as defined in 3.2.1. This request must also detail what information, interviews or other evidence is yet to be obtained and steps taken to obtain this information.
  - 3.1.2.4.3. The Director of Student Rights and Responsibilities will review the request and make a determination as to whether or not to grant the extension. This review is not a hearing on any alleged violations but shall only determine whether the circumstances upon which the interim action was initially based still exist, whether a good-faith effort has been made to investigate the situation within the interim action timeline set forth in 3.2.3. and whether an extension of the appeal is likely to allow sufficient time to complete the investigation.
  - 3.1.2.4.4. The outcome of the extension review will be communicated, in writing, prior to the expiration of the interim action. The decision of the Director of Student Rights and Responsibilities shall be final and is not eligible for appeal.
- 3.1.3. The Director of Student Rights and Responsibilities, or designee, may place any appropriate restriction, limitation or condition on a student's activity, up to and including banning a student from any or all property owned, operated, leased or controlled by the university; limiting a student's access to a subset of university property or services; or requiring or prohibiting certain specified activities.



### 3.1.4. Interim Action Meetings

- 3.1.4.1. A student subject to an interim action may make a written request for a meeting with the Director of Student Rights and Responsibilities to review the interim action. Upon receiving such a request, a meeting shall be scheduled to occur within two days.
- 3.1.4.2. At this meeting, the student will be provided any information which suggests he or she poses a serious and direct threat to the well-being and safety of one or more members of the university community or to the continued operation of the university. The student will be given an opportunity to offer or present any argument, document or written information to refute that information. The student has the right to an advisor in this meeting but witnesses are not permitted. This meeting is not a hearing on any alleged violations but shall only serve to determine whether the circumstances upon which the interim action was initially based still exist.
- 3.1.4.3. The decision of the Director of Student Rights and Responsibilities, or designee, may be rendered orally, but shall be officially communicated in writing within one day of the meeting.
- 3.1.4.4. Except as provided for in 3.2.4. a formal hearing on the underlying alleged violations shall occur within five days of the issuance of any interim action unless the student is incarcerated or hospitalized. In that event the hearing shall occur within five days of the student notifying the university of his or her release from incarceration or hospitalization. It is the responsibility of the student to notify the university upon release. A hearing may be held via telephone or other technological means if available. The interim action shall remain in effect until the conclusion of this hearing unless otherwise communicated in writing by the Director of Student Rights and Responsibilities.
- 3.1.5. The decision of the Director of Student Rights and Responsibilities, or designee, to impose an interim action in accordance with this section shall be final, pending resolution of the alleged violation.

### 3.2. Interim Actions for Organizations

- 3.2.1. If the Director of Student Rights and Responsibilities, or designee, has reasonable cause to believe that an organization, or the actions undertaken by an organization, poses a serious and direct threat to the safety or well-being of one or more members of the campus community, or to the continued effective operation of the university, an interim action may be imposed to mitigate or remove the threat. Any interim action is temporary and shall only be enforced until the completion of adjudication.
- 3.2.2. Issuance of Interim Actions
  - 3.2.2.1. Upon the recommendation of a Hearing Officer, or the Director of the Department of Public Safety, or designee, the Director of Student Rights and Responsibilities, or designee, may alter or suspend the rights of an organization. The Director of Student Rights and Responsibilities, or designee, will base the decision on all available information and determine what action, if any, is appropriate to mitigate or remove a potential threat to the welfare of any member of the university community or to the operation of the university or any of its functions.
  - 3.2.2.2. The decision to suspend the rights of an organization for an interim period will be communicated in writing to the organization president and organization advisor and will become effective upon notification to the student. This notification will include the date,

time and location of the formal hearing on the alleged violations. Notification will be delivered via electronic delivery to the university issued e-mail addresses of both parties. Failure or refusal to accept, access or read the notification will not invalidate or postpone this action, alter the date and time of the scheduled hearings or be considered as a basis for appeal.

3.2.2.3. Interim actions shall remain in effect until a final decision has been made on the complaint or until the Director of Student Rights and Responsibilities determines that the reason for imposing an interim action no longer exists. Interim actions shall not exceed thirty days unless an extension is granted pursuant to 3.2.4.

3.2.2.4. Extension of an Interim Action for Article 4.2. Investigations

3.2.2.4.1. In cases being investigated under the procedures described in Article 4.2. of the code, the investigator(s) may request an extension of this interim action for an additional fifteen days if the facts or circumstances warrant such an extension.

3.2.2.4.2. This request must be submitted in writing at least one day prior to the expiration of the interim action and must detail specific information which would suggest that the student continues to pose a threat as defined in 3.2.1. This request must also detail what information, interviews or other evidence is yet to be obtained and steps taken to obtain this information.

3.2.2.4.3. The Director of Student Rights and Responsibilities will review the request and make a determination as to whether or not to grant the extension. This review is not a hearing on any alleged violations but shall only determine whether the circumstances upon which the interim action was initially based still exist, whether a good-faith effort has been made to investigate the situation within the interim action timeline set forth in 3.2.3. and whether an extension of the appeal is likely to allow sufficient time to complete the investigation.

3.2.2.4.4. The outcome of the extension review will be communicated, in writing, prior to the expiration of the interim action. The decision of the Director of Student Rights and Responsibilities shall be final and is not eligible for appeal.

3.2.3. The Director of Student Rights and Responsibilities, or designee, may place any appropriate restriction, limitation or condition on an organizations activity, up to and including banning an origination from continued operation and use of any or all property owned, operated, leased or controlled by the university; limiting an organization's access to a subset of university property or services; or requiring or prohibiting certain specified activities.

3.2.4. Interim Action Meetings

3.2.4.1. An organization subject to an interim action may make a written request for a meeting with the Director of Student Rights and Responsibilities to review the interim action. Upon receiving such a request, a meeting shall be scheduled to occur within two days.

3.2.4.2. At this meeting, the organization president and organization advisor will be provided any information which suggests that the organization poses a serious and direct threat to the well-being and safety of one or more members of the university community or to the continued operation of the university. The organization president will be given an opportunity to offer or present any argument, document or written information to refute that information however the presentation of witnesses will not be permitted. This

meeting is not a hearing on any alleged violations but shall only serve to determine whether the circumstances upon which the interim action was initially based still exist.

3.2.4.3. The decision of the Director of Student Rights and Responsibilities, or designee, may be rendered orally, but shall be officially communicated in writing within one day of the meeting.

3.2.4.4. Except as provided for in 3.2.4. a formal hearing on the underlying alleged violations shall occur within thirty days of the issuance of any interim action. A hearing may be held via telephone or other technological means if available. The interim action shall remain in effect until the conclusion of this hearing unless otherwise communicated in writing by the Director of Student Rights and Responsibilities.

3.2.5. The decision of the Director of Student Rights and Responsibilities, or designee, to impose an interim action in accordance with this section shall be final, pending resolution of the alleged violation.

#### **4. Procedures for the Adjudication of Alleged Misconduct**

##### **4.1. Generally Applicable Procedures**

4.1.1. The Student Conduct Code differs from a legal code and, as such, legal concepts, definitions, limits, objections, processes, procedures, regulations and standards do not apply. The Student Conduct Code will be administered without regard for concurrent legal proceedings or timelines.

4.1.2. The burden of proof in all adjudications lies with the person or entity alleging the violation. The standard of proof necessary for a determination that a violation of a provision of this Code has occurred is a preponderance of the evidence, which requires that the alleged violation be found to be more likely than not to have occurred.

##### **4.2. Investigative Procedures for Allegations of Sexual Assault, Sexual Harassment, Dating or Domestic Violence, or Stalking**

4.2.1. Alleged violations of Articles 2.2.1., 2.2.2., 2.2.3., 2.2.6., 2.3.1.3., and 2.3.3. and any other act of sexual misconduct, as defined by this code, which is alleged to create a hostile environment for another member of the university community may, at the discretion of the Title IX Coordinator, or designee, be subject to investigation under the following procedures.

4.2.2. All allegations of violations investigated under the procedures detailed in Article 4.2. of the Student Conduct Code must be reported within 120 days of the discovery of an alleged violation by a member of the university community or law enforcement agency. Extensions may be granted at the discretion of the Title IX Coordinator who may waive this deadline in writing if the facts or circumstances warrant such a waiver. The determination of the Title IX Coordinator is final and is not subject to appeal.

##### **4.2.3. Jurisdiction**

4.2.3.1. When a student is alleged to have violated any of the provisions listed in Article 4.2.1., the Title IX Coordinator may require an investigation into the allegation and following this investigation, shall render a finding as to whether such violations are likely to have occurred.

4.2.3.2. In the event the accused student is also an employee of SIUC in a capacity other than a student work employee, the investigation will be conducted by the Title IX Coordinator

according to the SIUC Discrimination (Including Sexual Harassment) Complaint and Investigation Procedures. The Title IX Coordinator shall refer any findings to Student Rights and Responsibilities for appropriate discipline under this Code in addition to any other disciplinary procedures.

- 4.2.3.3. The investigator will prepare a report of the investigation and forward it to the Title IX Coordinator for a determination of whether there is sufficient evidence to make a finding of sexual harassment, sexual assault, dating/domestic violence or stalking. If no finding of sexual harassment, sexual assault, dating/domestic violence or stalking is made, the Title IX Coordinator shall submit the investigation report along with the finding to Student Rights and Responsibilities for a hearing on any other charges.
- 4.2.3.4. If the Title IX Coordinator determines there is sufficient evidence to support a finding of sexual harassment, sexual assault, dating/domestic violence or stalking, the Title IX Coordinator shall submit the investigation report along with the finding to Student Rights and Responsibilities for a hearing in accordance with the procedures described in Article 4.4.
- 4.2.3.5. Both the accused student and the victim have the right to appeal as set out in Article 6.

#### 4.2.4. Notification

- 4.2.4.1. The accused student and the victim will be notified in writing of the provisions alleged to have been violated.
- 4.2.4.2. This notification will refer the accused student and the victim to the section of this code which addresses procedures applicable to the adjudication of alleged violations.

#### 4.3. Adjudication of Alleged Academic Misconduct

- 4.3.1. Adjudication of alleged violations of Article 2.1 of this Code, inclusive of all sub-articles, shall occur in accordance with the following procedures.
- 4.3.2. Jurisdiction
  - 4.3.2.1. Instructors shall have initial jurisdiction to resolve any allegation of academic misconduct occurring within, or in relation to, any class for which he or she is the instructor of record.
  - 4.3.2.2. Academic misconduct which is alleged to have occurred in the course of research, scholarly activity, dissertation research, field placement, or clinical practicum shall be under the initial jurisdiction of the faculty advisor or preceptor. Such individuals shall be collectively referred to as "instructor" for the purposes of this article.
  - 4.3.2.3. Academic misconduct violations which are not related to a specific course shall be under the jurisdiction of the Office of Student Rights and Responsibilities.
  - 4.3.2.4. In cases where initial jurisdiction is unclear or is disputed by any party, the Director of Student Rights and Responsibilities will determine the appropriate jurisdiction for adjudication. This decision is not subject to appeal.
  - 4.3.2.5. In cases where a graduate student is alleged to have violated a provision of this Code, the Dean of the Graduate School, or designee, shall have jurisdiction over the adjudication if not resolved under the procedures defined in article 4.3.6.
- 4.3.3. All allegations of violations included in 2.1 of the Student Conduct Code must be reported to Student Rights and Responsibilities within 90 days of the discovery of an alleged violation by a member of the university community or law enforcement agency.

#### 4.3.4. Notification

- 4.3.4.1. When an incident of academic misconduct is alleged, either by an instructor or by a third party, the student will be notified of the allegation in writing. This notification shall include the article of the Code alleged to have been violated and the date and time of the alleged violation, if available.
- 4.3.4.2. This notification will refer students to the section of the Student Conduct Code which addresses procedures applicable to the adjudication of academic misconduct.
- 4.3.4.3. This notification will inform students of their right to accept in full, or contest, in part or in full, the allegation(s).
- 4.3.4.4. This notification will be sent to the student, the Department Chair, the Dean of the relevant college and the Director of Student Rights and Responsibilities.

#### 4.3.5. Procedures when Responsibility is Accepted

- 4.3.5.1. To accept responsibility for a violation, a student must respond to the notification of alleged violations, in writing, stating his or her acceptance of responsibility for all alleged violations within five days.
- 4.3.5.2. Upon receiving the written acceptance of responsibility, the instructor or other hearing officer will schedule a meeting with the student. Prior to this meeting, the instructor or other hearing officer should contact the Office of Student Rights and Responsibilities to determine if there are any factors relevant to sanctioning.
- 4.3.5.3. At the meeting, the incident, as well as any factors affecting sanctioning, will be discussed. The student has the opportunity to present any information or evidence which may mitigate the sanctions being imposed. As responsibility is not in question, witnesses and advisors are not permitted at this meeting.
- 4.3.5.4. Following the meeting, the outcome, including any sanctions, will be communicated in writing within five days to the student, the relevant Department Chair, and the Dean of the relevant college and the Director of Student Rights and Responsibilities for inclusion in the student's conduct record.
- 4.3.5.5. In cases where a student accepts responsibility the case is ineligible for appeal except in cases where the student is alleging that the sanctions are excessively severe.
- 4.3.5.6. Sanctions imposed shall be issued in accordance with Article 5.1.

#### 4.3.6. Procedures when Responsibility is Contested

- 4.3.6.1. In cases where a student contests, in part or in whole, the violations alleged, he or she must respond to the notification in writing, stating that he or she contests all alleged violations or listing which violations are contested and which are not, within five days.
- 4.3.6.2. Upon receiving notice that alleged violation(s) are contested, the instructor shall notify the Dean of the relevant college. The Dean shall schedule a meeting with the instructor and the student, which must be communicated in writing. All parties shall be given at least five days' notice of the date, time and location of this meeting.

#### 4.3.6.3. Hearing Procedures

- 4.3.6.3.1. All student conduct hearings, including statements by witnesses and the respondent student, shall be recorded. This recording may become part of the student's conduct record and will be provided to the accused student upon request.
- 4.3.6.3.2. Student conduct hearings are closed to the public. The only people present for all parts of the hearing are the hearing officer, the accused student and the student's advisor. The accused student may request his or her hearing be open to the public. This request must be submitted, in writing, no later than 24 hours prior to the date and time of the hearing. If a hearing officer denies a request for an open hearing, a justification will be provided in writing and placed in the conduct record for the case under investigation.
- 4.3.6.3.3. At the hearing, the instructor will present any witnesses and evidence relevant to the alleged violations. Following this presentation the student will have an opportunity to present any witnesses and evidence contesting the alleged violations.
- 4.3.6.3.4. Both the instructor and the student will have equal opportunity to present witnesses and evidence relevant to the alleged violations. The Dean shall have the right to disallow any witness or evidence presented which does not directly relate to the alleged violations. Witnesses who serve only to speak to the character of either party will not be allowed.
- 4.3.6.3.5. Advisors
  - 4.3.6.3.5.1. In accordance with limitations outlined in Article 1.7.6, a student is allowed one advisor to assist him or her during the adjudication of alleged violations of the Code.
  - 4.3.6.3.5.2. Students are required to represent themselves during the adjudication. The advisor is not permitted to present evidence, testimony, or to cross-question witnesses. Statements made by an advisor will not be considered by the hearing officer in determining the outcome of the adjudication.
  - 4.3.6.3.5.3. In cases where a student requires a language translator or interpreter in order to fully participate in the process, the translator or interpreter will be selected by Student Rights and Responsibilities and will not be considered an advisor. If a translator or interpreter cannot be located, the hearing may be held in writing, with all witnesses, and the accused student, providing written statements.
- 4.3.6.3.6. The Dean may impose limits on the length of time granted for presentations by parties or witnesses but these restrictions must apply equally to both parties and may not be so restrictive as to limit the student's ability to present an effective response.
- 4.3.6.3.7. The Dean may determine whether cross-questioning by the student and instructor of each other and/or witnesses is appropriate. This determination must apply to both parties equally. The Dean has the right to disallow any question which is not appropriate or related to the matter at hand.
- 4.3.6.3.8. At the request of the Dean, or either party, Student Rights and Responsibilities will provide an impartial staff member, who will serve to answer any questions about the process and ensure that appropriate procedures are followed.

- 4.3.6.4. Following this meeting, the Dean will communicate the outcome of the hearing, as well as any applicable sanctions, in writing to the student and the instructor within five days. The outcome shall also be communicated to the Director of Student Rights and Responsibilities for inclusion in the student's conduct record.
  - 4.3.6.5. Sanctions issued shall be in accordance with Article 5.1.
  - 4.3.6.6. Students shall have the right to appeal the outcome of this hearing in accordance with the timelines and procedures outlined in Article 6.
- 4.4. Adjudication of Alleged Organizational Misconduct
- 4.4.1. Adjudication of alleged violations of Article 2.10 of this Code, inclusive of all sub-articles, shall occur in accordance with the following procedures.
  - 4.4.2. All allegations of violations addressed under Article 4.4 of the Student Conduct Code must be reported within 120 days of the discovery of an alleged violation by a member of the university community or law enforcement agency. Extensions may be granted at the discretion of the Director of Student Rights and Responsibilities who may waive this deadline in writing if the facts or circumstances warrant such a waiver. The determination of the Director of Student Rights and Responsibilities is final and is not subject to appeal. Extensions granted under 4.2.2. of this Code shall be considered binding for adjudication under Article 4.4.
  - 4.4.3. Notification
    - 4.4.3.1. When an incident of misconduct is alleged, the allegation will be reviewed by a hearing officer who will determine what, if any, provisions of this Code may have been violated. If the hearing officer determines that one or more provisions may have been violated, the organization president and organizational advisor will be notified of the alleged violations in writing. This notification shall include the provisions alleged to have been violated, the source of the allegation, and the date and time of the alleged violation, if available.
    - 4.4.3.2. This notification will refer the organization president and organizational advisor to the section of the Student Conduct Code which addresses procedures applicable to the adjudication of misconduct.
    - 4.4.3.3. This notification will inform the organization president of their right to accept in full, or contest, in part or in full, the allegation.
    - 4.4.3.4. If an organization president fails to respond to a notification of alleged violations within five days, a hearing officer will be assigned to investigate the allegations, determine responsibility for any alleged violations, and determine any appropriate sanctions. Any witness statements, written statements, or other information or evidence used in the adjudication of the alleged violations will be included in the organization's conduct record and will be available to the accused organization's president and organizational advisor, upon request.
    - 4.4.3.5. At the discretion of the hearing officer reviewing the allegation, the notification may list the date, time and location of a formal hearing to review the issues, to occur no sooner than five days from the date of the notification.

#### 4.4.4. Procedures when Responsibility is Accepted

- 4.4.4.1. Upon receiving notice of an allegation of one or more violations of this Code, an organization president may accept responsibility in writing for all alleged violations, which must be received no later than five days from the date of the notification.
- 4.4.4.2. If an organization president accepts responsibility, a hearing officer will review all available evidence relating to the violations and make a determination as to appropriate sanctions.
- 4.4.4.3. The hearing officer reviewing the statement of responsibility may, at his or her discretion, set aside the organization president's acceptance of responsibility and require a formal hearing on the allegations. A written justification for setting aside the statement of responsibility will be placed in the organization's conduct file and be made available to the organization president and organizational advisor upon request.
- 4.4.4.4. In cases where an organization's president accepts responsibility, the case is ineligible for appeal except in cases where the organization president is alleging that the sanctions are excessively severe.

#### 4.4.5. Procedures when Responsibility is Contested

- 4.4.5.1. Upon receiving notice of an allegation of violation of one or more provisions of this Code, the organization president contest responsibility in writing for one or more alleged violations, which must be received no later than five days from the date of the notification.
- 4.4.5.2. If the organization president contests responsibility, a hearing officer will be assigned to investigate the situation and a date and time for a hearing on the alleged violations will be set no sooner than three days from the date notification is received that responsibility is contested.
- 4.4.5.3. Witnesses
  - 4.4.5.3.1. Student Rights and Responsibilities may request the attendance at a hearing of any witnesses who may have information regarding the alleged violations. The organization president and organizational advisor may request the names of all witnesses whose attendance has been requested from Student Rights and Responsibilities prior to the date of the hearing.
  - 4.4.5.3.2. The organization president may bring witnesses with them to speak on their behalf at the hearing. The organization president may also request that Student Rights and Responsibilities request the attendance of specific witnesses with relevant information.
  - 4.4.5.3.3. Witnesses must have actual knowledge pertaining to the alleged violations. Witnesses only aware of information second-hand, speaking only to the character of the organization or to the character of a victim or accuser will not be allowed.
  - 4.4.5.3.4. As adjudication under the Student Conduct Code is an investigative rather than adversarial process, cross-questioning of witnesses will occur at the sole discretion of the hearing officer. If a hearing officer denies a request to cross-question a witness, a reason for the decision will be provided in writing and placed in the conduct record for the case under investigation.



- 4.4.5.3.5. At the request of the organization president, a witness, or at the discretion of the hearing officer, witness statements may be taken at a different time or location from the hearing or may be submitted in writing. In such cases, an audio recording or copy of written statements will be made available to the accused student upon request.
- 4.4.5.3.6. The failure or refusal of a witness to present information at a hearing, following a request by Student Rights and Responsibilities, shall not be grounds for appeal or delay of the hearing unless the name or existence of the witness was not available to both the hearing officer and the organization president and organization advisor.

#### 4.4.5.4. Advisors

- 4.4.5.4.1. In accordance with limitations outlined in Article 1.7.6, an organization is allowed one advisor to assist during the adjudication of alleged violations of the Code. In cases where a victim has been identified in accordance with the definition set forth in Article 1.7.37., the victim may also have an advisor subject to the same restrictions.
- 4.4.5.4.2. The organization president is required to represent the organization during the adjudication. The advisor and organization advisor are not permitted to present evidence, testimony, or to cross-question witnesses. Statements made by the advisor and organization advisor will not be considered by the hearing officer in determining the outcome of the adjudication.
- 4.4.5.4.3. In cases where an organization president requires a language translator or interpreter in order to fully participate in the process, the translator or interpreter will be selected by Student Rights and Responsibilities and will not be considered an advisor. If a translator or interpreter cannot be located, the hearing may be held in writing, with all witnesses, and the accused student, providing written statements.

#### 4.4.5.5. Hearing Procedures

- 4.4.5.5.1. All student conduct hearings, including statements by witnesses and the respondent student, shall be recorded. This recording may become part of the organization's conduct record and will be provided to the accused organization president and organization advisor upon request.
- 4.4.5.5.2. Student conduct hearings are closed to the public. The only people present for all parts of the hearing are the hearing officer, the accused organization president and organization advisor, the identified advisor noted in Article 4.4.5.4. and, in cases where a victim has been identified, in accordance with the definition set forth in Article 1.7.37., the victim and his or her advisor. The accused organization president may request his or her hearing be open to the public. This request must be submitted to the hearing officer no later than 24 hours prior to the date and time of the hearing. If a hearing officer denies a request for an open hearing, a reason for doing so will be provided in writing and placed in the conduct record for the case under investigation.
- 4.4.5.5.3. At the discretion of the hearing officer, and with the consent of the students involved, in situations in which multiple organizations are alleged to have committed violations of this Code, the hearings for all involved organizations may be consolidated into a single hearing.
- 4.4.5.5.4. Any information, including police reports, witness statements, statements made by organization presidents, information discovered by the hearing officer or other

investigators, academic records and any other information deemed to be relevant to the situation may be considered by the hearing officer in the course of determining responsibility and sanctioning. All information considered by the hearing officer will be made available to the accused organization president and organization advisor unless doing so would violate the rights of another student.

4.4.5.5.5. During the hearing, both the accused organization president and the victim, when identified, will have the opportunity to present any information they believe to be relevant to the alleged violations. The hearing officer may place a reasonable limit on the length of time allotted to the statements or may determine that an organization president's statement is not relevant to the alleged violations. In a case where an organization president's statement time is limited or a statement is disallowed for reasons of relevance, the rationale for this ruling will be communicated orally during the hearing on the audio recording, which will become part of the organization conduct record.

4.4.5.5.6. Following the hearing, the hearing officer will communicate the outcome of the adjudication in writing to the accused organization president and organization advisor and any persons identified as a victim within five days of the date of the adjudication. The notification of outcome will notify the student of both the findings of the adjudication and any sanctions which have been imposed as well as the completion or due date of each sanction. In situations in which multiple organizations are accused of policy violations related to a single incident, the outcome of hearings may be communicated within five days of the date of the hearing with the last organization alleged to have been involved.

4.4.5.6. Both the accused organization and the victim, when identified, have the right to appeal in accordance with the timelines and procedures outlined in Article 6.

#### 4.5. Adjudication of All Other Allegations of Misconduct

4.5.1. Adjudication of violations of this Code not addressed by procedures detailed in Article 4.3. or Article 4.4. shall be adjudicated in accordance with the following procedures.

4.5.2. All allegations of violations addressed under Article 4.4 of the Student Conduct Code must be reported within 120 days of the discovery of an alleged violation by a member of the university community or law enforcement agency. Extensions may be granted at the discretion of the Director of Student Rights and Responsibilities who may waive this deadline in writing if the facts or circumstances warrant such a waiver. The determination of the Director of Student Rights and Responsibilities is final and is not subject to appeal. Extensions granted under 4.2.2. of this Code shall be considered binding for adjudication under Article 4.4.

#### 4.5.3. Notification

4.5.3.1. When an incident of misconduct is alleged, the allegation will be reviewed by a hearing officer who will determine what, if any, provisions of this Code may have been violated. If the hearing officer determines that one or more provisions may have been violated, the student will be notified of the alleged violations in writing. This notification shall include the provisions alleged to have been violated, the source of the allegation, and the date and time of the alleged violation, if available.

- 4.5.3.2. This notification will refer students to the section of the Student Conduct Code which addresses procedures applicable to the adjudication of misconduct.
- 4.5.3.3. This notification will inform students of their right to accept in full, or contest, in part or in full, the allegation.
- 4.5.3.4. If a student fails to respond to a notification of alleged violations within five days, a hearing officer will be assigned to investigate the allegations, determine responsibility for any alleged violations, and determine any appropriate sanctions. Any witness statements, written statements, or other information or evidence used in the adjudication of the alleged violations will be included in the student's conduct record and will be available to the accused student, upon request.
- 4.5.3.5. At the discretion of the hearing officer reviewing the allegation, the notification may list the date, time and location of a formal hearing to review the issues, to occur no sooner than five days from the date of the notification.
- 4.5.4. Procedures when Responsibility is Accepted
  - 4.5.4.1. Upon receiving notice of an allegation of one or more violations of this Code, a student may accept responsibility in writing for all alleged violations, which must be received no later than five days from the date of the notification.
  - 4.5.4.2. If a student accepts responsibility, a hearing officer will review all available evidence relating to the violations and make a determination as to appropriate sanctions.
  - 4.5.4.3. The hearing officer reviewing the statement of responsibility may, at his or her discretion, set aside the student's acceptance of responsibility and require a formal hearing on the allegations. A written justification for setting aside the statement of responsibility will be placed in the student's conduct file and be made available to the student upon request.
  - 4.5.4.4. In cases where a student accepts responsibility, the case is ineligible for appeal except in cases where the student is alleging that the sanctions are excessively severe.
- 4.5.5. Procedures when Responsibility is Contested
  - 4.5.5.1. Upon receiving notice of an allegation of violation of one or more provisions of this Code, a student may contest responsibility in writing for one or more alleged violations, which must be received no later than five days from the date of the notification.
  - 4.5.5.2. If a student contests responsibility, a hearing officer will be assigned to investigate the situation and a date and time for a hearing on the alleged violations will be set no sooner than three days from the date notification is received that responsibility is contested.
  - 4.5.5.3. Witnesses
    - 4.5.5.3.1. Student Rights and Responsibilities may request the attendance at a hearing of any witnesses who may have information regarding the alleged violations. Students may request the names of all witnesses whose attendance has been requested from Student Rights and Responsibilities prior to the date of the hearing.
    - 4.5.5.3.2. Students may bring witnesses with them to speak on their behalf at the hearing. Students may also request that Student Rights and Responsibilities request the attendance of specific witnesses with relevant information.

- 4.5.5.3.3. Witnesses must have actual knowledge pertaining to the alleged violations. Witnesses only aware of information second-hand, speaking only to the character of the accused student or to the character of a victim will not be allowed.
  - 4.5.5.3.4. As adjudication under the Student Conduct Code is an investigative rather than adversarial process, cross-questioning of witnesses will occur at the sole discretion of the hearing officer. If a hearing officer denies a request to cross-question a witness, a reason for the decision will be provided in writing and placed in the conduct record for the case under investigation.
  - 4.5.5.3.5. At the request of the accused student, a witness, or at the discretion of the hearing officer, witness statements may be taken at a different time or location from the hearing or may be submitted in writing. In such cases, an audio recording or copy of written statements will be made available to the accused student upon request.
  - 4.5.5.3.6. The failure or refusal of a witness to present information at a hearing, following a request by Student Rights and Responsibilities, shall not be grounds for appeal or delay of the hearing unless the name or existence of the witness was not available to both the hearing officer and the accused student.
- 4.5.5.4. Advisors
- 4.5.5.4.1. In accordance with limitations outlined in Article 1.7.6, a student is allowed one advisor to assist him or her during the adjudication of alleged violations of the Code. In cases where a victim has been identified in accordance with the definition set forth in Article 1.7.37., the victim may also have an advisor subject to the same restrictions.
  - 4.5.5.4.2. Students are required to represent themselves during the adjudication. The advisor is not permitted to present evidence, testimony, or to cross-question witnesses. Statements made by an advisor will not be considered by the hearing officer in determining the outcome of the adjudication.
  - 4.5.5.4.3. In cases where a student requires a language translator or interpreter in order to fully participate in the process, the translator or interpreter will be selected by Student Rights and Responsibilities and will not be considered an advisor. If a translator or interpreter cannot be located, the hearing may be held in writing, with all witnesses, and the accused student, providing written statements.
- 4.5.5.5. Hearing Procedures
- 4.5.5.5.1. All student conduct hearings, including statements by witnesses and the respondent student, shall be recorded. This recording may become part of the student's conduct record and will be provided to the accused student upon request.
  - 4.5.5.5.2. Student conduct hearings are closed to the public. The only people present for all parts of the hearing are the hearing officer, the accused student, the student's advisor and, in cases where a victim has been identified, in accordance with the definition set forth in Article 1.7.37., the victim and his or her advisor. The accused student may request his or her hearing be open to the public. This request must be submitted to the hearing officer no later than 24 hours prior to the date and time of the hearing. If a hearing officer denies a request for an open hearing, a reason for doing so will be provided in writing and placed in the conduct record for the case under investigation.

- 4.5.5.5.3. At the discretion of the hearing officer, and with the consent of the students involved, in situations in which multiple students are alleged to have committed violations of this Code, the hearings for all involved students may be consolidated into a single hearing.
- 4.5.5.5.4. Any information, including police reports, witness statements, statements made by accused students, information discovered by the hearing officer or other investigators, academic records and any other information deemed to be relevant to the situation may be considered by the hearing officer in the course of determining responsibility and sanctioning. All information considered by the hearing officer will be made available to the accused student unless doing so would violate the rights of another student.
- 4.5.5.5.5. During the hearing, both the accused student and the victim, when identified, will have the opportunity to present any information they believe to be relevant to the alleged violations. The hearing officer may place a reasonable limit on the length of time allotted to the statements or may determine that a student's statement is not relevant to the alleged violations. In a case where a student's statement time is limited or a statement is disallowed for reasons of relevance, the rationale for this ruling will be communicated orally during the hearing on the audio recording, which will become part of the student conduct record.
- 4.5.5.5.6. Following the hearing, the hearing officer will communicate the outcome of the adjudication in writing to the accused student and any persons identified as a victim within five days of the date of the adjudication. The notification of outcome will notify the student of both the findings of the adjudication and any sanctions which have been imposed as well as the completion or due date of each sanction. In situations in which multiple students are accused of policy violations related to a single incident, the outcome of hearings may be communicated within five days of the date of the hearing with the last student alleged to have been involved.
- 4.5.5.6. Both the accused student and the victim, when identified, have the right to appeal in accordance with the timelines and procedures outlined in Article 6.
- 4.6. Waiver of Certain Rights – Students may voluntarily waive one or more rights, including but not limited to, the right to an audio recording of the hearing, the right to call witnesses, or the right to an advisor, in order to take part in an expedited hearing process. The choice to waive or exercise any right granted under this Code shall not affect the outcome of the hearing or any sanctions.
- 4.7. Development of Procedures – The Director of Student Rights and Responsibilities shall ensure that procedures and systems are in place to collect, document and address alleged violations of the Student Conduct Code and is empowered to develop administrative procedures as needed to accomplish this, including the designation of limited hearing officers.

## 5. Sanctions

- 5.1. Potential sanctions include, but are not limited to, those listed below and may be issued alone or in combination. Sanctions must be developmental, educational, preventative, or restorative in nature or intent.
- 5.2. The hearing officer may consider any information which he or she believes to be relevant in determining appropriate sanctions, including, but not limited to: academic performance, consultation with other entities, evidence provided at the hearing, information indicating that the

violation was committed as a result of bias, prior conduct history, or any other relevant information.

- 5.3. Academic Sanctions – These sanctions may only be issued in conjunction with violations of article 2.1 unless otherwise directed by the Vice Chancellor of Student Affairs or Director of Student Rights and Responsibilities.
  - 5.3.1. Academic Censure – A written warning that behaviors exhibited are inconsistent with the values and standards set forth by the university and are not acceptable behavior for students of the university.
  - 5.3.2. Adjustment of Grade on an Examination, Paper, Quiz, Test or Other Assignment – A reduction in letter grade, points, or percentage on work determined to be connected to the violation.
  - 5.3.3. Failure of an Examination, Paper, Quiz, Test or Other Assignment – A directed grade of 0 or F on work determined to be connected to the violation.
  - 5.3.4. Adjustment of Course Grade – A reduction in letter grade for the course in which a violation occurred.
  - 5.3.5. Failure of a Course – A directed grade of F assigned for the course in which the violation occurred.
  - 5.3.6. Suspension – An involuntary separation of a student from the university for a stated period of time. While suspended, a student is barred from all university premises and is prohibited from participating in university-sponsored activities. A notation of the imposition of this sanction is made on the student’s transcript at the time the suspension is enacted. Suspension is imposed for a period of time appropriate for the type of violation and the student’s history of violations of this Code. The length of suspension may not be longer than three years from the date the suspension is imposed. Prior to the lifting of a suspension, all other imposed sanctions must be completed unless otherwise noted in the written notification of sanctions or at the discretion of the Director of Student Rights and Responsibilities. This sanction may only be imposed with the written authorization of the Director of Student Rights and Responsibilities.
  - 5.3.7. Expulsion – Permanent, involuntary separation from the university. When expelled, a student is barred from all university premises and is prohibited from participating in university-sponsored activities. A notation of the imposition of this sanction is made on the student’s transcript at the time that the expulsion is enacted. This sanction may only be imposed by the Director of Student Rights and Responsibilities.
  - 5.3.8. Revocation of Degree – Revocation of a previously awarded academic degree. This sanction may only be imposed in situations where it has been determined a degree was obtained as a result of fraud or a significant portion of the work submitted in fulfillment of, and indispensable to the attainment of, said degree was obtained via one or more acts of academic misconduct. This sanction may only be imposed by the Director of Student Rights and Responsibilities.
- 5.4. Administrative Sanctions – These sanctions may only be imposed in conjunction with violations of article 2.2 through 2.8, unless otherwise directed by the Chancellor, Vice Chancellor of Student Affairs or Director of Student Rights and Responsibilities.

- 5.4.1. Alteration of Student Status – These sanctions alter a student’s fundamental relationship with the university.
- 5.4.1.1. Probation – Removal of a student from good conduct standing. Imposition of this sanction prevents a student from representing the university in extracurricular activities or serving in formal leadership roles on campus. It is a formal warning to the student that the behaviors exhibited by the violation are unacceptable in an educational community and serves as notice that any further violations of any provision of this Code will call the student’s right to remain a member of the university community into question. Probation is issued for a stated period of time appropriate to the type of violation and the student’s history of violations of this Code, after which time a student’s good standing is restored.
  - 5.4.1.2. Suspension – An involuntary separation of a student from the university for a stated period of time. While suspended, a student is barred from all university premises and is prohibited from participating in university-sponsored activities. A notation of the imposition of this sanction is made on the student’s transcript at the time the suspension is enacted. Suspension is imposed for a period of time appropriate for the type of violation and the student’s history of violations of this Code. The length of suspension may not be longer than three years from the date the suspension is imposed. Prior to the lifting of a suspension, all other imposed sanctions must be completed unless otherwise noted in the written notification of sanctions or at the discretion of the Director of Student Rights and Responsibilities. This sanction may only be imposed by the Director of Student Rights and Responsibilities.
  - 5.4.1.3. Expulsion – Permanent, involuntary separation from the university. When expelled, a student is barred from all university premises and is prohibited from participating in university-sponsored activities. A notation of the imposition of this sanction is made on the student’s transcript at the time that the expulsion is enacted. This sanction may only be imposed by the Director of Student Rights and Responsibilities.
- 5.4.2. Educational Sanctions – Any sanction which the adjudicating officer believes to be appropriate to the violation. Educational sanctions are intended to provide students with an opportunity to reflect and learn from the adjudication of a violation or attempt to restore or promote the academic environment of the university community. Common educational sanctions include, but are not limited to:
- 5.4.2.1. Alteration of Housing Status – An administrative restriction which prohibits a student from entering or residing in a specified building, area or from all property owned, operated, leased or controlled by University Housing. Students are responsible for any administrative costs associated with this sanction including any specified penalties associated with breaking a contract with University Housing.
  - 5.4.2.2. Censure – A written warning that behaviors exhibited are inconsistent with the values and standards set forth by the university and are not acceptable behavior for students of the university.
  - 5.4.2.3. Class or Workshop – Required attendance at a class or workshop designed to educate students as to the risks and consequences of exhibited behaviors. Any assigned classes shall be non-credit and will not be reflected on a student’s transcript. The student is responsible for any costs associated with participation in a class or workshop.

- 5.4.2.4. Community Service – Completion of a specified number of community service hours. Specific requirements, such as location or type of service or specific verification requirements may be imposed by the hearing officer. These hours may not be used to meet any other organizational service hours or philanthropic requirement, and may not be claimed by students as service hours for the purposes of a Service Learning or Co-Curricular Transcript or toward the completion of individual sanction requirements imposed under Article 5.5.2.3. of the Code.
- 5.4.2.5. Fine – The purpose of this sanction is to ensure that students do not profit from violations of the Student Conduct Code, to reduce a student’s financial ability to repeat a violation, or to provide funds to pay for costs directly associated with the type of violation in question. In all cases where a fine is imposed, an explanation of the purpose for and amount of the fine will be provided.
- 5.4.2.6. Mandated Assessment – A mandatory assessment by one or more units of the Student Health Service or by a licensed health care provider in the community. Based upon such an assessment and upon the recommendation of a licensed healthcare provider, a student may be required to attend follow-up meetings, sessions, or assessments. The student is responsible for any costs associated with this assessment.
- 5.4.2.7. Restitution – Payment of specified costs incurred by another person, entity or the university. These costs may include, but are not limited to, the cost to repair or replace items or facilities which were damaged, destroyed, stolen or vandalized and may include the cost of time and labor for temporary and permanent repairs and any associated cleaning costs. Estimates may be used in determining costs.
- 5.4.2.8. Restriction on Activity – Restriction of a specific activity directly related to a violation for a specified period of time.
- 5.4.2.9. Written Assignment – A designated written activity related to the specific violation(s).
- 5.4.3. Any sanction may be issued in a conditional status, contingent upon compliance with a designated set of conditions, including appropriate future conduct for a period of time. In these situations, failure to comply with the designated conditions will result in the enactment of the conditional sanction immediately. Conditional sanctions may only be appealed at the time of issuance. Appeals at the time of enactment will not be considered timely and will not be heard.
- 5.4.4. Sanctions shall be considered in effect at the time they are communicated in writing to the student, either in person or in writing to a student’s university issued e-mail address. The Registrar and the Office of Financial Aid shall be notified following the expiration of the appeal deadline or following the completion of any appeal proceedings, as specified in Article 6.4.

## 5.5. Organizational Sanctions

### 5.5.1. Alteration of Organizational Status

- 5.5.1.1. Organizational Probation - Removal of an organization from good conduct standing. Imposition of this sanction prevents an organization from accessing, utilizing, or being eligible to request funds from the Undergraduate Student Government and/or the Graduate and Professional Student Council, as well as any other sources of University Funding. It does not restrict access to funds generated by the organization through fund-raising activities, membership dues, or other non-institutional sources. While on



probation, members of the organization are prohibited from traveling, for any reason, through the use of university funds, resources and vehicles for the purposes of representing the organization. Organizational Probation is a formal warning to the organization that the behaviors exhibited by the violation are unacceptable in an educational community and serves as notice that any further violations of any provision of this Code will call the organizations right to remain a member of the university community into question. Probation is issued for a stated period of time appropriate to the type of violation and the organization's history of violations of this Code, after which time an organization's good standing is restored.

- 5.5.1.2. Organizational Suspension - An involuntary separation of an organization from the university for a stated period of time. While suspended, an organization is barred from operating on all university premises and is prohibited from participating in university-sponsored activities. Suspension is imposed for a period of time appropriate for the type of violation and the organization's history of violations of this Code. The length of suspension may not be longer than five years from the date the suspension is imposed. Prior to the lifting of a suspension, all other imposed sanctions must be completed unless otherwise noted in the written notification of sanctions or at the discretion of the Director of Student Rights and Responsibilities. This sanction may only be imposed by the Director of Student Rights and Responsibilities.
- 5.5.1.3. Organizational Expulsion - Permanent, involuntary separation from the university. When expelled, an organization is barred from operating on all university premises and is prohibited from participating in university-sponsored activities. This sanction may only be imposed by the Director of Student Rights and Responsibilities.
- 5.5.2. Organizational Educational Sanctions - Any sanction which the adjudicating officer believes to be appropriate to the violation. Educational sanctions are intended to provide students and organizations with an opportunity to reflect and learn from the adjudication of a violation or attempt to restore or promote the academic environment of the university community. Common educational sanctions include, but are not limited to:
  - 5.5.2.1. Censure – A written warning that behaviors exhibited are inconsistent with the values and standards set forth by the university and are not acceptable behavior for organizations affiliated with the university.
  - 5.5.2.2. Class or Workshop – Required attendance at a class or workshop designed to educate students as to the risks and consequences of exhibited behaviors. Any assigned classes shall be non-credit and will not be reflected on any transcript. The organization is responsible for any costs associated with participation in a class or workshop and may not require members to pay individually for these requirements.
  - 5.5.2.3. Community Service – Completion of a specified number of community service hours per member. Specific requirements, such as location or type of service or specific verification requirements may be imposed by the hearing officer. These hours may not be used to meet any other organizational service hours or philanthropic requirement, and may not be claimed by students as service hours for the purposes of a Service Learning or Co-Curricular Transcript or toward the completion of individual sanction requirements imposed under Article 5.4.2.4. of the Code.
  - 5.5.2.4. Fine – The purpose of this sanction is to ensure that students do not profit from violations of the Student Conduct Code, to reduce a student's financial ability to repeat a violation,

or to provide funds to pay for costs directly associated with the type of violation in question. In all cases where a fine is imposed, an explanation of the purpose for and amount of the fine will be provided.

#### 5.5.2.5. Programmatic Requirement

5.5.2.5.1. Mandatory Program Sponsorship – A requirement that an organization plan and execute a program a topic which the hearing officer determines to be appropriate to the nature of the violation. The hearing officer will specify the type and nature of the program, as well as determine specific requirements, which may include advertising, co-sponsorship, or attendance goals, which must be met.

5.5.2.5.2. Mandatory Program Attendance - A requirement that members of an organization are required to attend a program or event which the hearing officer determines to be appropriate to the nature of the violation. The hearing officer may specify either a specific program or a type of program, as well as the percentage of members who must attend.

5.5.2.6. Restitution – Payment of specified costs incurred by another person, entity or the university. These costs may include, but are not limited to, the cost to repair or replace items or facilities which were damaged, destroyed, stolen or vandalized and may include the cost of time and labor for temporary and permanent repairs and any associated cleaning costs. Estimates may be used in determining costs.

5.5.2.7. Restriction on Activity – Restriction of a specific activity directly related to a violation for a specified period of time.

5.5.2.8. Written Assignment – A designated written activity related to the specific violation(s). This may be assigned as a group assignment to be completed by the officers of an organization, or may be assigned to each member individually.

## 6. Procedures for Appeal

6.1. An appeal is not a new hearing; it is a procedural safeguard to ensure students receive a fair hearing and equal access to rights granted in this Code. An appeal may be filed by the respondent student or by a victim, in accordance with the definition set forth in article 1.7.37. The person filing the appeal is referred to as the appellant.

### 6.2. Basis for Appeal

6.2.1. Procedural Error – An allegation of significant procedural error which both a) denied the appellant a right set forth in the Student Conduct Code and b) likely altered the outcome of the hearing.

6.2.2. No Evidence to Support the Finding – An allegation that no evidence was presented to support a finding of responsibility for a violation of which he or she was found responsible.

6.2.3. New Evidence Unavailable at Hearing – An allegation that there is evidence which a) is likely to have altered the outcome of the hearing and b) was not available to the hearing officer and the student at the time of the hearing. Failure to present evidence or information available at the time of the hearing is not grounds for appeal.

6.2.4. Sanctions Imposed are Disproportionate to the Violation – The appellant alleges the sanctions are inappropriate, given the nature of the violation(s) and in light of the student's previous conduct history.

### 6.3. Burden of Proof

- 6.3.1. The burden of proof rests on the appellant to show a valid basis for appeal. The appellant must show that it is more likely than not that the alleged basis for appeal exists and affected the outcome of the hearing.

### 6.4. Timeline for Appeal

- 6.4.1. A student has three days following the receipt of written notification of the outcome of adjudication to file an appeal. Receipt of written notification of the outcome of adjudication is considered to have occurred when it is sent via e-mail to the student's university-issued e-mail address. The choice by a student not to regularly access his or her university-issued e-mail address is not grounds for an extension.
- 6.4.2. Extensions shall be granted at the sole discretion of the Director of Student Rights and Responsibilities and shall only be granted in exceptional circumstances where the failure to file an appeal within the designated period was demonstrably outside the control of the appellant. The decision of the Director of Student Rights and Responsibilities to grant or deny an extension shall be communicated in writing to the student and shall be final.
- 6.4.3. A final determination on all appeals shall be made within 5 days of receipt of the appeal.
- 6.4.4. Appeals which are not submitted within the timeline specified in Article 6.4.1. and are not granted an extension under Article 6.4.2. will not be forwarded for consideration.

### 6.5. Procedures for Appeal

- 6.5.1. If a student believes there is a basis for appeal, as defined above, a timely appeal, as defined in Article 6.4., must be submitted in writing to Student Rights and Responsibilities, addressed to the Director of Student Rights and Responsibilities. The appeal must include a complete description of the basis for appeal and all supporting information which the appellant wishes to have considered in the disposition of the appeal. Appeal forms submitted with no supporting information will not be considered.
- 6.5.2. Jurisdiction
  - 6.5.2.1. In cases appealing a sanction of suspension, expulsion or revocation of degree, the appeal shall be referred to the Vice Chancellor of Student Affairs. The decision of the Vice Chancellor of Student Affairs is final and there is no further avenue of appeal.
  - 6.5.2.2. In cases appealing any sanction other than suspension, expulsion or revocation of degree, the appeal shall be referred to a trained member of the faculty for cases adjudicated under Article 4.3. and to a trained member of the administrative professional staff for cases adjudicated under Article 4.4. It shall be the responsibility of the Vice Chancellor of Student Affairs to identify and appoint such individuals. The decision of the appeal officer is final and there is no further avenue of appeal.
- 6.5.3. Procedures for Appeal in Cases Investigated Under Article 4.2.
  - 6.5.3.1. In cases which have been investigated under Article 4.2., if a student found to be in violation files an appeal in accordance with Article 6.4. and a victim has been identified in accordance with Article 1.7.37., that victim shall be notified of the appeal, provided a copy of all documents submitted by the appellant, and shall have three days to submit a response to the appeal.

- 6.5.3.2. If the victim files a response, the appellant shall be provided a copy of any documents supplied by the victim and shall have two days to submit any responding documents.
- 6.5.3.3. If the appellant supplies a response the victim shall be provided with a copy of any documents supplied by the appellant and shall have two days to submit any responding documents.
- 6.5.3.4. Following this, both parties shall have available to them, all appeal documents which have been submitted and shall have one day to submit, in writing, any summative remarks to be considered by the appeal officer. New evidence submitted at this point will not be considered by the appeals officer.
- 6.5.3.5. In cases where the initial appeal is filed by the victim in a case, the accused student shall have the same rights as the victim, as noted above.

6.6. Outcomes – The following are the potential outcomes for an appeal:

- 6.6.1. No Basis for Appeal – A determination that sufficient evidence is not presented in the appeal to show that the stated basis for appeal exists. The appeal is denied without further action.
- 6.6.2. Decision Upheld – While sufficient basis for an appeal exists, the hearing was appropriately conducted, the sanctions are appropriate to the situation under appeal and any procedural errors are unlikely to have altered the decision.
- 6.6.3. Decision Modified – Sufficient basis for an appeal exists and modification of sanctions is appropriate. A modification may only remove a sanction or reduce the severity of a sanction or modification of student status.
- 6.6.4. Decision Overturned – Sufficient basis for an appeal exists and a directed finding of Not Responsible for all charges is appropriate to redress the issues raised in appeal.
- 6.6.5. Remand for a New Hearing – When an appeal is based on Article 6.2.1, 6.2.3., or 6.2.5., the appeal officer may remand the case to Student Rights and Responsibilities for a new hearing. In these circumstances, a hearing will be scheduled within five days of written notification of the outcome of the appeal. This hearing will be conducted by the Director of Student Rights and Responsibilities. If he or she was the administrative hearing officer in the initial hearing, another hearing officer will be assigned by the Vice Chancellor of Student Affairs.
- 6.6.6. Remand for a New Investigation – In cases which have been investigated under the provisions of Article 4.2., when an appeal is based on Article 6.2.3., or 6.2.5., the appeal officer may remand the case to the Title IX Coordinator for a new investigation. This investigation will not be completed by the same investigator who initially reviewed the case. The investigation will be conducted in accordance with Article 4.2. In these circumstances, any sanctions which have been issued will be held in abeyance pending the outcome of the investigation and the completion of a new hearing, should the investigation result in a new finding, as set forth in Article 4.2.3.

6.7. Victim’s Right to Appeal

In situations involving a victim as defined in article 1.7.37, the victim of a violation of the Student Conduct Code shall have the right to notification of the outcome of a hearing or appeal, and the right to file an appeal of that outcome, subject to the procedures, conditions, timelines and limitations set forth above.

## 6.8. Restrictions During Appeal

- 6.8.1. Sanctions become effective on the date they are communicated in writing to the student and are not held in abeyance pending the filing or outcome of any appeal.
- 6.8.2. In accordance with Board of Trustees policy, a student is not eligible to graduate while an appeal is pending.

## 7. Interpretation and Revision

7.1. Interpretation – The Vice Chancellor of Student Affairs or designee shall be responsible for ensuring the application and administration of the Student Conduct Code. Interpretation of the Code shall be at the discretion of the Vice Chancellor of Student Affairs or designee for final determination.

### 7.2. Formal Review

- 7.2.1. The Student Conduct Code shall be reviewed in its entirety not less than once every two years, and more frequently upon the written recommendation of the Director of Student Rights and Responsibilities and with the approval of the Chancellor.
- 7.2.2. The Chancellor shall appoint a committee consisting of one member of the student body, one member of the faculty, one member of the administration, and one member from the Office of the General Counsel.
- 7.2.3. The chair of the committee shall be the Director of Student Rights and Responsibilities. The member representing the students and the member representing the administration shall be recommended by the Vice Chancellor of Student Affairs. The member representing the faculty shall be recommended by the Provost and Vice Chancellor.
- 7.2.4. If either Vice Chancellor fails to appoint a member within 30 days of being formally requested, the Director of Student Rights and Responsibilities shall make such recommendations as necessary to appoint all members listed in Article 7.2.2.

### 7.3. Notification

Following approval of any amendments to the Code, they shall be considered in effect on the day following the date that written notification, to include the internet address (URL) where the amended version of the Code can be found, is sent to all students via e-mail, from the Vice Chancellor of Student Affairs.