



# STUDENT CODE OF CONDUCT

SETON HALL UNIVERSITY

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## INTRODUCTION TO UNIVERSITY'S STUDENT CODE OF CONDUCT

As a Catholic university, Seton Hall is dedicated to manifesting the truth that human persons are unique individuals, endowed with inherent dignity. We also believe that the human person is inherently social, and so we are called to form a community that is built on mutual respect, and the correlation of rights and responsibilities.

In order to fulfill this purpose, a Student Code of Conduct (the Code) is necessary. The Code reflects the values of our community. It also defines clear behavioral expectations that help to ensure an orderly educational environment and encourage free inquiry and expression. However, it is important to bear in mind that a Code of Conduct is normally framed in negative terms – that is, it describes behaviors that are not acceptable. As such, it can only be taken to embody minimum standards of behavior. The University encourages all students to embrace a commitment to ethical behavior that is positive, open-ended, and reflective of our mission as a Catholic university.

The Code also outlines the process for addressing reported violations of University rules and regulations. This process is rooted in the fundamental concepts of fairness to, and respect for, each person who participates in it. The goal is to provide a forum for the unbiased pursuit of truth in matters of dispute, and for the creative resolution of conflicts. Situations in which one or more students have violated the rights of others will involve the application of sanctions. However, with the acceptance of responsibility, this community always holds out the possibility of restitution and healing. The point of sanctions is not simply deterrence and punishment, but rather the protection of the community and its values, as well as the education and reformation of those who have failed to live up to those standards and values.

As a Catholic institution of higher education, we are committed to the inherent dignity and respect of each person and the needs of a community of learners. This Student Code of Conduct is a resource, created by this community, to assist in maintaining a social environment where all our members can flourish and grow intellectually, spiritually, and socially.

## ARTICLE I - DEFINITIONS

1. The term “University” means Seton Hall University.
2. The term “student” includes all persons taking courses, for credit or not for credit, at the University, either full-time, part-time, or online, pursuing undergraduate, graduate, or professional studies. Persons who have been notified of their acceptance for admission are considered “students.” This Code of Student Conduct applies at all locations of the University including programs or terms conducted abroad.

The only exceptions to this are students enrolled at Seton Hall University School of Law. Students enrolled at the Law School will adhere to the [Code of Student Conduct adopted at the Law School](#). Note that students enrolled in the School of Nursing and the School of Health and Medical Sciences who attend classes at either the Interprofessional Health Sciences

campus or the Nursing Program at Georgian Court University are to adhere by this Student Code of Conduct.

3. The term “faculty member” means any person employed by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
4. The term “University official” means any person employed by the University performing assigned administrative or professional responsibilities.
5. The term “member of the University community” means any person who is a student, faculty member, University official or any other person employed by the University. A person’s status in a particular situation shall be determined by the Dean of Students.
6. The term “University premises” means all land, buildings, facilities, or other property in the possession of or owned, used, or controlled by the University.
7. The term “Review Board” means those persons who have been designated by the Vice President for Student Services to determine whether a student has violated specific University regulations, as accused, and to recommend sanctions that may be imposed when a violation has been committed. The Associate Dean of Students, or his/her designee, will be responsible for assigning individual Board members to each Review Board that is deciding specific allegations of violations by a Respondent.
8. The term “Student Conduct Administrator” means a University official or group authorized to impose sanctions upon any student(s) found to have violated the Student Code of Conduct.
9. The term “Appeal Authority” means any person or persons appointed by the Vice President for Student Services to consider an appeal from a decision by a Review Board or a Student Conduct Administrator.
10. The term “shall” is used in the imperative sense.
11. The term “may” is used in the permissive sense.
12. The Dean of Students is the person designated by the Vice President for Student Services to be responsible for the administration of the Student Code of Conduct.
13. The Associate Dean of Students is the person designated by the Dean of Students to manage the process.
14. The term “policy” means the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Residence Hall License Agreement, the University policies website, Information Technology Appropriate Use Policy, and Graduate/Undergraduate Catalogs.
15. The term “cheating” includes, but is not limited to:
  - a. use of any unauthorized assistance in taking quizzes, tests, or examinations.

- b. use of sources beyond those authorized by the instructor in writing papers preparing reports, solving problems, or carrying out other assignments.
  - c. the acquisition, without permission, of tests or other academic material belonging to a member of the University's faculty or staff.
  - d. engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
16. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling or providing of term papers or other academic materials.
17. The term "Complainant" means any member of the University community who alleges they have been harmed or aggrieved by a student who may have violated a rule or regulation of the Student Code of Conduct. The University may also serve as the Complainant.
18. The term "Respondent" means any student accused of violating a rule or regulation of the Student Code of Conduct.
19. The term "Advisor" shall refer to any person that a complainant or respondent selects to provide assistance and support during any point during the Student Conduct process, including any meeting or hearing.
20. The term "notification" shall mean providing notice via a student's University assigned e-mail account.
21. The term "day" refers to calendar days.
22. The term "preponderance of the evidence" refers to the standard of proof used by a Student Conduct Administrator to determine if a Respondent has violated a University rule or regulation – whether it is more likely than not that the Respondent violated a University rule or regulation.
23. Consent is the unambiguous, knowing, and voluntary agreement between the participants to engage in specific sexual activity. Consent must be demonstrated through mutually understandable words or actions clearly indicating a willingness to engage in that activity.
- Past consent between the participants does not imply future consent.
  - Silence or the absence of resistance does not imply consent.
  - Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
  - Consent can be initially given but may be withdrawn at any time.
  - Consent cannot be given under coercion, force, restraint, or threat.
  - Children and minors cannot consent in accordance with New Jersey law. N.J.S.A 2C:14-2.

- Consent cannot be given when asleep, unconscious, or incapacitated.

Incapacitation is not being able to knowingly choose to participate in a sexual activity. A person who is voluntarily or involuntarily intoxicated or drugged to the point of incapacitation, asleep, unconscious, involuntarily restrained, or otherwise unaware, cannot give consent.

24. Retaliation is an act of intimidation, harassment, or reprisal against an individual for initiating a good faith complaint or participating in any proceeding under this policy or for otherwise exercising his/her rights under this policy or the law. Further detail is available in the University's [Policy Against Discrimination, Harassment, and Retaliation](#).

25. The term "Investigator" refers to a person trained and assigned to conduct a fair, impartial investigation into a complaint of a violation of the Student Code of Conduct.

## ARTICLE II - SCOPE AND ADMINISTRATION

### A. SCOPE

The Student Code of Conduct shall apply to conduct that occurs on University premises, at University sponsored activities and to off-campus conduct that adversely affects the University Community. Students are members of the larger community as well; therefore, the University retains the right to refer any student whose behavior on or off campus may have violated the University's regulations to the appropriate authorities and/or the Dean of Students.

Each student shall be responsible for their conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year, during periods between terms of actual enrollment and including conduct that is not discovered until after a degree is awarded.

The Dean of Students is the person designated by the Vice President for Student Services to be responsible for the administration of the Student Code of Conduct, including the interpretation of all policies and statements within the Code. The Dean of Students shall determine whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis, in their sole discretion.

### B. ADMINISTRATION

1. The Dean of Students, in consultation with the Vice President for Student Services, shall develop policies for the administration of the Student Code of Conduct.
2. The Associate Dean of Students or their designee shall determine the appropriate administrative level within the discipline system that is authorized to hear each matter. There shall be no appeal from that determination.
3. Decisions made by a Review Board and/or Student Conduct Administrator shall be final, pending the normal appeal process.

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### C. ADMINISTRATIVE LEVELS OF THE REVIEW PROCESS

There are three (3) levels of Student Conduct Administrators. The first level is the Housing & Residence Life staff; the second level is the Associate Dean of Students or their designee; the third level is the Review Board.

Each disciplinary level is responsible for reviewing and deciding specific levels of violations and sanctions as described below and as assigned by the Associate Dean of Students in their sole discretion.

1. The Housing & Residence Life staff is the first level, being responsible for most cases that occur in University-operated housing. Reviews are conducted and held as an educational dialogue. The Housing & Residence Life staff may assign any sanction except Suspension or Expulsion from the University.
2. The Associate Dean of Students (or their designee) is the second level and is responsible for those cases that are more serious in nature. Reviews are conducted and held as an educational dialogue. The Associate Dean of Students may assign any sanction listed in the Student Code.
3. The Review Board is the third level and consists of students and University employees appointed by the Associate Dean of Students. The Board reviews cases within prescribed, formal hearing procedures. The Board is chaired and advised by the Associate Dean of Students or their designee who is a non-voting member. In those instances when the Associate Dean of Students has been integrally involved in the investigation of the matter, the Dean of Students will assign another administrator to serve as the Board Chair. The Board may assign any sanction listed within the Student Code.
4. As the individual responsible for administration of the Student Conduct system, the Dean of Students may have any case referred to them for adjudication at any time. The Dean of Students may assign any sanction listed in the Student Code.
5. The scheduling of cases will be accomplished as expeditiously as possible. Cases are received by the Associate Dean of Students. Normally cases before the Housing & Residence Life staff will be heard within ten (10) days of the complaint being received and investigation completed. Cases heard by the Associate Dean of Students, or the Dean of Students will normally be heard within fifteen (15) days of the complaint being received and investigation completed. Cases heard by the Review Board will normally be heard within sixty-ninety (60-90) days of the complaint being received, depending upon the complexity of the case. Exceptions to these time frames will be made on a case-by-case basis at the discretion of the Associate Dean of Students or the Dean of Students

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### D. VIOLATION OF LAW AND UNIVERSITY DISCIPLINE

1. The Review process may be initiated against a student charged with conduct that potentially violates both the criminal law and any University regulation. Determinations made or sanctions imposed under the Review process shall not be subject to change because criminal charges arising out of the same incident giving rise to a violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
2. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student

Conduct process, the University may advise off-campus authorities of the existence of the process and how such matters are typically handled within the University community. The University will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules, sanctions or the University's mission or interests).

## ARTICLE III – RULES & REGULATIONS

Any student found to have committed or to have attempted to commit the following misconduct may be subject to the disciplinary sanctions outlined in Article IV. In all instances where examples of specific misconduct are cited, they shall serve as examples and not as an exhaustive or complete list of such conduct.

1. Acts of dishonesty, including but not limited to the following:
  - a. Cheating, plagiarism, other forms of academic dishonesty or actions inconsistent with academic integrity.
  - b. Furnishing false information to, or intentionally withholding information from, any University official, faculty member, or office.
  - c. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
  - d. Representing the University, any recognized student organization, or any official University group without authorization and explicit prior consent from the appropriate University official.

Each college or school within the University may choose to have its own definitions, standards, and policies relative to academic dishonesty and/or academic integrity. It shall be the decision of the appropriate Academic Dean as to which process to refer any matter under such policy.

2. Disruption or obstruction of teaching, research, operations, disciplinary proceedings, other University activities, including its public service functions on or off campus, or of other authorized non- University activities when the conduct occurs on University premises.
3. Hostile Conduct
  - a. Physical Assault – attempting and/or physically striking another person(s).
  - b. Conduct that threatens or endangers the health or safety of any person or any act that unreasonably interferes with, impedes, or harasses another person(s).
  - c. Conduct including but not limited to physical acts directed at a particular person or persons' race, color, religion, sex, national origin, age, disability, sexual orientation, gender identity, gender expression, veteran status, or any class protected by law that creates a hostile environment or that results in excluding participation in, or denies the benefits of any educational program including research opportunities or working opportunity including professional development for that person or persons.

4. Hostile Communication
  - a. Threatening another individual physically, verbally, or by any other means in a manner to make a reasonable person believe that the threat(s) is likely to be carried out; harassment; intimidation; or coercion by any means, including electronic communication.
  - b. Verbal or written threats, coercion, or any other written communication that is based upon race, color, religion, sex, national origin, age, disability, sexual orientation, gender identity, gender expression, veteran status, or any class protected by law, that, by design, intent, or recklessness, incites reasonable fear of physical harm or otherwise unreasonably interferes with another's ability or opportunity to participate in work, education, research, living, or other activities.
5. Sexual Misconduct. Sexual misconduct is unwelcome conduct of a sexual or gender-based nature that may adversely and unreasonably interfere with someone's education or work. It is determined based on the perspective of a reasonable person in the same circumstances as the person experiencing the misconduct. It is a form of discrimination and includes acts of sexual assault or sexual harassment as defined below. Sexual misconduct can occur in person or through e-mail, the Internet, social media, or other technologies. Anyone, regardless of gender, affectional or sexual orientation, actual or perceived, or gender identity and expression, can be the victim of sexual misconduct.
  - a. Sexual Assault: (Non-consensual intercourse). Sexual assault is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of that person.
  - b. Sexual Assault: Non-consensual sexual contact. Nonconsensual sexual contact means the deliberate and unwelcome touching of another person's intimate parts (sexual organs, genital area, anal area, inner thigh, groin, buttock, or breast of a person) without consent for sexual gratification or touching another with one's own intimate parts, without consent, and for the purpose of sexual gratification.
  - c. Sexual Harassment. Sexual harassment is unwelcome conduct of a sexual nature, including sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Hostile environment sexual harassment is based on a person's actual or perceived gender and is conduct that a reasonable person would consider so offensive, severe, persistent, or pervasive as to interfere with a person's ability to participate in educational or work activities or programs. Sexual harassment can be verbal, written, graphic, physical or through digital, online, or social media communications. Sexual harassment may occur between persons of any sex/gender, and anyone can be sexually harassed. Harassment on the basis of sex may also occur without sexual advances or sexual overtones when conduct is directed at an individual or group because of their sex or gender.
  - d. Dating and Domestic Violence. Both dating and domestic violence are prohibited forms of misconduct under this policy and do not have to involve sexual interaction. They frequently involve a pattern of abusive behavior

within an intimate relationship where one partner uses fear and intimidation to harm or control the other.

1. Dating violence is any act of violence committed against a person who is, or has been, in a social relationship of a romantic or intimate nature by a person accused of the violation. It can include verbal statements and/or physical actions and can include, but is not limited to, name-calling, hitting, threat of physical harm, and/or damaging property. Under New Jersey criminal law, dating violence is prosecuted as a form of domestic violence

2. Domestic violence involves criminal acts that are committed against a current or former spouse, an intimate partner, a person with whom the parties have a child in common, or with whom they live or once lived. Under New Jersey law, domestic violence includes, but is not limited to, criminal acts of homicide, assault, threats, kidnapping, criminal restraint, false imprisonment, sexual assault, criminal sexual contact, lewdness, criminal mischief, burglary, criminal trespass, harassment, and stalking.

e. Stalking. Stalking is also a prohibited form of misconduct that does not have to involve sexual interaction. Stalking is a course of conduct (or series of acts) directed at a person on at least two or more occasions that would cause a reasonable person to fear for their personal safety or the safety of others or suffer substantial emotional distress. Stalking can include pursuing/following, unwanted communication, whether directly or through third parties, trespassing, surveillance, or other acts likely to intimidate, annoy, or alarm.

In matters involving allegations of sexual misconduct or discrimination, terms and conditions shall be interpreted consistent with the requirements of the Policy Against Sexual Misconduct, Sexual Harassment and Retaliation.

6. Intentional setting of a fire. Actions that create a fire hazard. Misuse or abuse of fire safety equipment, including the setting of false alarms, the misuse of emergency exits, the wrongful discharge of fire extinguishers, or tampering with alarm systems and/or smoke alarms. Included in this is failure to immediately evacuate a building or area upon the sounding of an alarm. Refer to the [Fire Safety Policy](#) for further detail.
7. Attempted or actual theft of property of the University or property of a member of the University community or other personal or public property, on or off campus.
8. Vandalism and/or damage to property of the University or property of a member of the University community or other personal or public property, on or off campus.
9. Hazing, defined as an act which endangers the mental or physical health or safety of an individual, or which destroys or removes public or private property, regardless of intent, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim does not waive responsibility for any participant. Apathy or acquiescence in the presence of hazing

are not neutral acts; they are violations of this Code. Students are further reminded of their obligations under [New Jersey state law](#), which can be found here -

10. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
11. Unauthorized use, possession, duplication or use of keys or ID card to any University premises, facility, or service. Unauthorized entry to any University premises, facility, or event.
12. Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University website.
13. Violation of any federal, state, or local law or regulation. Note that charge and/or conviction of any federal, state, or local law is not necessary to establish a violation of this policy within the scope of the University.
14. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances (i.e., prescription drugs) except as expressly permitted by federal law. This includes possession or use of any form or type of paraphernalia associated with controlled substance(s). Paraphernalia includes but is not limited to bong, hookahs, rolling papers, etc.

Parents or legal guardian will be notified if their student is found to be in violation of this policy.

15. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by University regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.

Being responsible and knowledgeable means knowing and abiding by New Jersey state laws and University policies regulating the use of alcohol. Students should be specifically aware of the following:

- a. Furnishing alcohol to someone under 21 years of age is a serious violation of University policy and of New Jersey state law.
- b. Students who are 21 years of age or older may have alcohol in their rooms or apartments, as permitted by the Housing Agreement signed by all resident students. Alcohol is not permitted in public areas of the residence halls such as halls, baths, lounges, and lobbies.
- c. Kegs, bars, punch containing alcohol, beer bong, and drinking games are not permitted on campus or in/at University premises.
- d. Open containers of alcohol are not permitted to be outside on campus grounds at any time. This includes walkways around the residence halls.
- e. Intoxication, as exhibited by behavior, is prohibited, and will subject the student to disciplinary action. Inappropriate behavior relating to alcohol use will be regarded as a serious violation of the Student Code. The involvement of alcohol and/or other drugs is not considered a legitimate excuse for violation of any University policy.

- f. Parents or legal guardians of students under 21 years of age will be notified if their student is found to be in violation of the University's alcohol policy.
16. Use, possession, or storage of any firearm, explosive, other weapon, fireworks, or dangerous chemicals. This includes, but is not limited to:
    - a. Firearms are defined as any gun, rifle, pistol, or handgun designed to fire bullets, BBs, pellets, or shots (including, but not limited to, paintballs), regardless of the propellant used.
    - b. Explosives and fireworks including, but not limited to, firecrackers, cherry bombs, smoke bombs, and similar devices.
    - c. Knives that are longer than three (3) inches, other weapons, objects that could be construed as weapons or items that pose a potential hazard to the safety or health of others. Other weapons include but are not limited to clubs, chains, brass knuckles, martial arts weapons, and any object carried or used for the purpose of inflicting or threatening bodily injury or damaging/destroying University property or the property of others.
    - d. Unauthorized hazardous materials or chemicals.
  17. Unsportsmanlike behavior at any University-sponsored event, on or off-campus.
  18. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
  19. Conduct that is disorderly, lewd, or indecent; breach of peace; or assisting another person to breach the peace on University premises or at functions in which the University or members of the University community participate or sponsored.
  20. Unauthorized use of electronic or other devices to make and/or publish an audio or video record of any person without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress.
  21. Theft or other abuse of computer facilities and resources, including but not limited to:
    - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
    - b. Unauthorized transfer of a file.
    - c. Use of another individual's identification and/or password.
    - d. Use of computing facilities and resources to interfere with the work of another student, faculty member or University official.
    - e. Use of computing facilities and resources to send annoying, harassing, obscene or abusive messages.
    - f. Use of computing facilities and resources to interfere with normal operation of the University computing system.
    - g. Use of computing facilities and resources in violation of copyright laws.
    - h. Any violation of the [University Information Appropriate Use Policy](#).

22. Any misconduct that is bias-based and/or a violation of the [University's Policy Against Discrimination, Harassment, and Retaliation](#). In matters involving allegations of bias, terms and conditions shall be interpreted consistent with the requirements of the Policy Against Discrimination, Harassment and Retaliation.
23. Abuse of the University's discipline system, including but not limited to:
  - a. Initiation of a Review proceeding knowingly without cause or reason.
  - b. Attempting to influence or discourage an individual's proper participating in, or use of, the discipline system.
  - c. Attempting to influence the impartiality of any Student Conduct Administrator or member of a Review Board prior to, and/or during and/or after, any disciplinary review, hearing or appeal proceeding.
  - d. Harassment (verbal or physical) and/or intimidation of any Student Conduct Administrator or member of a Review Board prior to, during and/or after, any disciplinary review, hearing or appeal.
  - e. Failure to comply with the sanction(s) imposed under the Review process.
24. Engage in or offer gambling or any game of chance for money or any other thing of value, soliciting, selling, or raffling of any item or services of any kind for personal gain without approval of the appropriate University official.
25. Students are responsible for the actions of their guests. Guests must be in the presence of the student host at all times. The student is responsible for advising the guest of all University policies.
26. Actions that are inconsistent with the University's mission as an institution of Catholic higher education.
27. Encourage, support, or influence another individual to violate University policy. The intent of this policy is to advise students of their responsibilities within the campus community. All students are expected to behave in a proper manner while enrolled at Seton Hall, as well as in the course of normal participation in any community. When a student becomes aware of a real or potential violation(s) of University policy, s/he is expected to advise those who may engage in the action that such action is a violation of policy, report the potential violation to a University official and not participate in the violation by remaining present.
28. Violating university requirements or public health orders in place to reduce the risk of spreading infectious disease.
  - a. Failing to follow any and all applicable federal, state, and/or local public health orders. If multiple orders apply or in the event of conflict between or among them, students are required to follow the most restrictive public health order.
  - b. Failing to follow University policies, procedures, and any other requirements in place to help reduce risk of contracting or spreading infectious diseases.
  - c. Failing to comply with any additional or more specific actions required by a campus department or unit to limit the spread of infectious disease, while participating in a program or activity, utilizing a service or benefit, or using University facilities.

## ARTICLE IV - REVIEW AND HEARING PROCEDURES AND SANCTIONS

### A. VIOLATIONS AND REVIEW BOARD HEARINGS

1. Any person may file a report against a student for violation of a University rule or regulation. The report shall be prepared in writing and directed to the Associate Dean of Students who will assign the matter to the appropriate Student Conduct Administrator. The report should be submitted as soon as possible after the event takes place to maximize the University's ability to respond promptly and effectively.
2. An investigation may be conducted to determine if the report: 1) lacks sufficient cause to support further action at the present time; 2) merits further adjudication; and/or 3) if it can be resolved by mutual consent of the parties involved and, on a basis, acceptable to the Student Conduct Administrator.

A dismissal due to insufficient information at the present time does not preclude the matter from being reconsidered should additional information become available at a later time. A resolution by mutual consent shall be final, and there shall be no subsequent proceedings.

3. The Respondent has three choices in response to any alleged violation(s) 1) accept responsibility for the alleged violation(s); 2) deny responsibility for the alleged violation(s); 3) permanent withdrawal from the University prior to assignment of the matter for resolution.

If the Respondent accepts responsibility for violating any University rule, the Student Conduct Administrator shall issue the appropriate sanction(s).

If the Respondent denies responsibility for violating any University rule but based upon a preponderance of the evidence the Student Conduct Administrator finds the violation did occur, the Student Conduct Administrator shall issue the appropriate sanction(s). If the appropriate sanction would be Suspension or Expulsion, then the matter will be referred to the Review Board for adjudication.

The Student Conduct Administrator always reserves the option to refer the matter to the Review Board.

4. All meetings and hearings associated with any conduct matter will be scheduled to avoid conflict with a Respondent or Complainant's enrolled academic class schedule. This is the only reason that a meeting or hearing may be rescheduled.

If a Respondent or Complainant chooses to ignore a written request for or chooses to not attend a meeting with a Student Conduct Administrator, then the matter will be decided, including any assigned sanction(s), without benefit of input from the Respondent or the Complainant. Such disposition shall be final, and there shall be no subsequent proceedings, including no opportunity for appeal.

5. In the event of a Review Board hearing, notice of the date and time of a hearing, with the associated alleged violation, shall be presented to the Respondent in written form by the Associate Dean of Students at least six (6) days prior to the scheduled hearing using the

Respondent's University assigned University e-mail address.

The Review Board shall be composed of at least two (2) members selected by the Associate Dean of Students from those appointed by the Dean of Students to serve on the Board. At least one (1) of the two (2) members shall be a student. However, if the referred matter is for an alleged violation of the sexual misconduct policy, then the Board will not include students.

6. Hearings shall be conducted by a Review Board according to the following guidelines below:
  - a. Review Board hearings shall be conducted in private.
  - b. In cases when a University official has submitted an investigative report, they shall be present throughout the hearing to answer questions from the Board, the Complainant, and the Respondent. They may submit questions to the Board Chair to be asked of other participants in the hearing.
  - c. The Complainant, Respondent, and their advisors, if any, shall be allowed to attend the entire portion of the Hearing at which information is received (excluding deliberations). The presence of any other person at the hearing shall be at the discretion of the Dean of Students.
  - d. The Board Chair shall determine the order of events for the hearing. In addition, the Chair shall decide how questions between the Complainant and Respondent will be handled. The Chair, in their sole discretion, may allow questions to be posed directly or in writing and submitted to the Chair first. The Chair may disallow or modify any question posed at the hearing. The Chair may also end questioning if they deem that the questioning has become repetitive, is not relevant to the matter before the Board, or is harassing in nature.
  - e. In Review Board hearings involving more than one Respondent, the Associate Dean in their sole discretion, may permit the hearings concerning each Respondent to be conducted either separately or jointly.
  - f. The Complainant and the Respondent have the right to be assisted by an advisor they choose at any point during the disciplinary process, including any meeting or hearing. However, the advisor shall not also be a participant in the matter such as a witness.

The Complainant and/or the Respondent is responsible for presenting their own information, and therefore, advisors are not permitted to speak or to participate in or delay any Review Board meeting, proceeding, or hearing. An advisor who does not adhere to these limitations will not be permitted to remain present in the meeting or hearing.

A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the hearing because delays will not be allowed due to the scheduling conflicts of an advisor.

The Associate Dean of Students shall be notified by the Complainant or the Respondent at least two (2) days prior to the hearing if either plan to have an advisor present for the hearing and if so, the identity of the advisor.

- g. The Complainant and the Respondent shall inform the Investigator and/or the Associate Dean of Students of any witnesses who have direct knowledge of the matter being reviewed. As part of its investigation or review, the University may identify additional witnesses. The University will request witnesses to present pertinent information to the Investigator(s) and/or the Review Board.

The Board Chair will determine the order of witnesses during the hearing. Witnesses will be asked to provide only that information which is directly relevant to the matter before the Review Board. The witnesses will also be asked to answer any questions from the Complainant, the Respondent and/or the Board members. Any question of whether potential information will be received or if a specific question may be posed, shall be resolved by the Board Chair in consultation with the Dean of Students.

- h. Pertinent records, exhibits and written statements may be accepted as information for consideration by the Board at the discretion the Chair. Such documents and information must be provided to the Associate Dean of Students at least two (2) days prior to the hearing.
  - i. All procedural questions are subject to the final decision of the Board Chair in consultation with the Dean of Students.
  - j. After the portion of the hearing concludes in which all pertinent information has been received, the Review Board and the Board Chair shall go into closed session for deliberation. The Board shall determine, by majority vote, whether the Respondent has violated each section of the Student Code as alleged and assign appropriate sanction(s) if any.
  - k. The Board's determination shall be made on the basis of preponderance of the evidence - whether it is more likely than not that the Respondent violated a University rule or regulation. The Board's decision will be given to the Respondent in writing, normally within ten (10) days of the conclusion of the hearing. In cases of an allegation of violence and/or sexual misconduct, the decision will be given in writing to the Respondent and the Complainant simultaneously. The Complainant will be notified of any sanction which may directly impact the Complainant.
  - l. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Review proceedings.
7. There shall be a single verbatim record, such as a digital recording, of all hearings before a Review Board, except deliberations shall not be recorded. The record shall be the property of the University.

Either the respondent or the complainant may make a transcript of the recording. The requesting party shall hire an experienced and licensed court reporter at their own expense.

The written transcript is first provided to the University to review for error. The University will then provide the transcript, with correction if needed, to the requesting party. It should also be noted that if the other party is a student, he/she will also have access to the transcript as part of their educational record.

8. If a Respondent or Complainant does not appear before a Review Board hearing, the information available shall be presented and considered even if the Respondent or Complainant is not present. The Board will make a decision about responsibility for alleged violation(s) and sanction(s) based upon the information received.
9. The Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of Dean of Students to be appropriate. Such means may also be used in rare circumstances when the Complainant, Respondent, and/or other witnesses are unable to be physically present at the hearing.

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## B. SANCTIONS

1. The following sanctions may be imposed upon any student found to have violated a University rule or regulation. To determine the sanction or combination of sanctions, the following is considered:
  - The severity of the violation
  - The Respondent's previous record of disciplinary sanction(s) if any
  - The effect of the Respondent's misconduct upon the University community
  - Consistency with previously issued sanction(s) for similar misconduct
  - a. Warning —A notice in writing to the student that the student is violating or has violated a University rule or regulation.
  - b. Loss of Privileges— Privileges within the University community may be restricted or revoked for a specific period of time.
  - c. Fines— A dollar amount required to be paid to the University, appropriate to the level of violation.
  - d. Restitution—Compensation for loss, damage, or injury to the University. This may take the form of appropriate service and/or monetary or material replacement.
  - e. Educational/Discretionary Sanctions – Sanctions intended to contribute to the education of the student, the University community and/or to be a form of social restitution. Examples include but are not limited to:

Developmental exercises – requirement to attend, plan and/or participate in a program, workshop, or other appropriate activity.

University-mandated service – service assignment for a number of hours or the equivalent that is appropriate to the violation.

Educational class – attendance at a class or workshop appropriate to the violation such as Fire Safety class or Alcohol/Drug Education class.

Administrative Reassignment of Housing – A temporary or permanent relocation of a person’s housing assignment in University-operated housing.

- f. Probation I – A written reprimand for violation of a University rule or regulation. Probation I is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to have violated any University rule or regulation during the probationary period. This sanction may impact a student’s eligibility for housing selection.
- g. Probation II—A written reprimand for violation of a University rule or regulation. Probation II is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to have violated any University rule or regulations during the probationary period. This sanction will impact a student’s eligibility for housing selection and eligibility to participate in other University activities (e.g., leadership positions, Greek Life new member education, etc.). A student on Probation II is considered to be “not in good social standing” and may also be prevented from engaging in Study Abroad and internship opportunities.
- h. Residence Hall Suspension—Separation of the student from University-operated housing for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- i. Residence Hall Expulsion—Permanent separation of the student from University operated housing.
- j. University Suspension—Separation of the student from the University for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified. Such conditions will normally include, but not be limited to, evidence that behavior leading to Suspension has been addressed and/or modified. Further, when a student is permitted to return from Suspension, additional sanctions are normally applied including, but not limited to, extended Probation II, restricted access to housing or other facilities and/or programs.
- k. University Expulsion—Permanent separation of the student from the University without opportunity for readmission.
- l. Revocation of Admission and/or Degree—Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of any

University rule or regulation in obtaining the degree, or for other serious violations committed by a student prior to the actual start of classes or graduation.

- m. Withholding Degree—The University may withhold the awarding of a degree otherwise earned until the completion of the process set forth in Student Code of Conduct Review process, including the completion of all sanctions imposed, if any, at its sole discretion.

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#### C. STUDENT DISCIPLINARY RECORD

1. Other than University suspension, University expulsion or revocation or withholding of a degree, disciplinary sanctions will not be made part of the student's transcript but shall become part of the student's disciplinary record. Cases involving the imposition of sanctions other than University suspension, University expulsion or revocation or withholding of a degree are not maintained seven (7) years beyond the date of the original incident.
2. All records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Respondent(s) and the Complainant.

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#### D. INTERIM SUSPENSION

In certain circumstances, the Dean of Students, or their designee, may impose a University or residence hall suspension prior to the meeting with a Student Conduct Administrator and/or a hearing before the Review Board.

1. An interim suspension may be imposed at the discretion of the Dean of Students for reasons including but not limited to, a) to prevent disruption of, or interference with, the normal operations of the University; b) to protect the best interests of the University; c) to ensure the safety and well-being of members of the University community or preservation of University property; d) to ensure the student's own safety and well-being.
2. During an interim suspension, a student shall be denied access to University operated housing and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Students may determine to be appropriate.
3. An interim suspension does not replace the regular Code of Conduct Review process, which shall proceed on schedule, up to and through a Review Board hearing, if applicable.
4. The student shall be notified by the Dean of Students or their designee, in writing, of the interim suspension as soon as possible and the notice should include instruction for a subsequent meeting at which the student shall have the opportunity to establish why the Interim Suspension is unnecessary.

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## E. APPEAL/RESPONSE PROCESS

1. A decision reached by the Review Board and/or a sanction imposed by a Student Conduct Administrator may be appealed or responded to by either the Respondent or the Complainant within five (5) days (i.e., appeal/response period) of notification of the decision. Such appeals or responses shall be in writing and shall be delivered to the Associate Dean of Students who will forward it to the appropriate Appeal/Response Authority. Appeals/Responses submitted by third parties, including legal representation, will not be considered.

This is the only period for appeal. Should one party decide to appeal/respond, and the other does not, the party not appealing/responding does not receive a new five (5) day period.

2. The appeal/response shall not exceed 1,500 words (the equivalent of three typed pages, single space, with one-inch margins). Appeals/responses that exceed 1,500 words will not be considered.
3. The response may express support of the original decision. If the appeal is to express support of the original decision, it must be based upon one or more of the following grounds for response:
  - a. The original decision was based upon the preponderance of evidence available at the time of the hearing.
  - b. The sanction (or lack thereof) accurately reflects the decision of responsibility found, if any, by the Review Board or applicable Student Conduct Administrator.
  - c. Impact Statement reflecting the impact of the matter on the student writing the response statement.
4. If the appeal is to express disagreement with the original decision and/or sanction it must be based upon one or more of the following grounds for appeal:
  - a. The severity of the sanction(s) is disproportionate to the violation(s) committed.
    - b. There was a significant procedural error by the Review Board or applicable Student Conduct Administrator, citing specific examples.
  - c. To consider new information sufficient to alter a decision not brought out in the original hearing because such information and/or facts were not reasonably available at the time of the hearing.
5. A review of an appeal/response shall be limited to a review of the verbatim record of the hearing and supporting documents from the hearing or review along with the written appeal/response.
6. If sufficient grounds for appeal are evident, the Appeal/Response Authority will take action on the appeal/response. The Appeal/Response Authority may reduce the severity of the sanction, increase the severity of the sanction, or sustain the sanction. The Appeal/Response Authority may reverse the decision of finding of responsibility. When circumstances warrant, as determined by the Appeal/Response Authority, the case may be referred to a different Review Board for additional proceedings.

If sufficient grounds for appeal are not evident, the Appeal/Response Authority will deny the appeal and the original sanction will stand.

7. The decision of the Appeal/Response Authority will be in writing to both the Complainant and the Respondent. The decision must be delivered to both parties within 15 (fifteen) days of the last date of the appeal period. The decision of the Appeal/Response Authority is final.
8. The sanction(s) imposed as a result of the original hearing shall be in effect until such time as an appeal is granted and the sanction(s) is changed. Any exception to this shall only be made at the discretion of the Dean of Students.

#### **ARTICLE V - INTERPRETATION AND REVISION**

Any question of interpretation or application of the Student Code of Conduct shall be referred to the Dean of Students or their designee for final determination.

Revised – 8/25/21