

# UNIVERSITY STUDENT CONDUCT CODE

- I. General Principles
- II. Definitions
- III. Offenses
- IV. Composition of the University Student Conduct System
- V. University Student Conduct Code Procedures
- VI. Sanctions
- VII. Appeals
- VIII. Record Retention
- IX. Report on Student Conduct
- X. Temporary Suspension
- XI. Amendment of the Code
- XII. Titles and Successors

The Office of Student Conduct & Community Standards has incorporated the use of gender neutral pronouns. All pronoun references should be interpreted to include singular, plural, and student groups.

## **I. General Principles**

- A. Purpose: The University Student Conduct Code sets forth community standards and expectations for Washington University students. These community standards and expectations are intended to foster an environment conducive to learning and inquiry. Freedom of thought and expression is essential to the University's academic mission. Respect for different points of view is essential. Nothing in this Code should be construed to limit the free and open exchange of ideas and viewpoints, even if that exchange proves to be offensive, distasteful, disturbing or denigrating to some.
- B. Inherent Authority: The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community, notwithstanding the provisions in this Code.

- C. Interpretation of Regulations and Standard of Conduct: To the extent feasible and practicable, disciplinary regulations at the University are in writing in order to give students general notice of prohibited conduct. The regulations are not a criminal code; they should be read broadly and are not designed to define misconduct in exhaustive terms.
- D. Proceedings: Disciplinary proceedings conducted pursuant to the Code shall be informal, fair, and expeditious. Procedures governing criminal or civil courts, including formal rules of evidence, are not applicable. Deviations from the procedures in this Code shall not invalidate a proceeding or decision, except where such deviation has clearly resulted in significant prejudice to an accused student or to the University.
- E. Violations of Local, State, and Federal Law: Students may be accountable to both governmental authorities and to the University for acts which constitute violations of law and this Code. Student conduct allegedly constituting a felony or misdemeanor offense may be referred to appropriate law enforcement agencies for prosecution. Disciplinary proceedings at the University will not be subject to challenge on the ground that criminal charges involving the same incident have been filed, prosecuted, dismissed, reduced, or otherwise resolved or that such proceedings constitute double jeopardy.
- F. Violations of University Policies: Students alleged to have violated certain University policies, such as the Research Integrity Policy, may be subject to investigation and sanctions under both this Code and the other policy. Disciplinary proceedings at the University will not be subject to challenge on the ground that other charges involving the same incident have been filed or resolved or that such proceedings constitute double jeopardy.
- G. Time Limitations for Bringing a Complaint: Except as set forth herein, a complaint may be brought at any time, as long as the respondent is a current student of the University, as defined below, and has not graduated. Complaints involving alleged academic integrity violations may be brought against any current or former student. Potential complainants are

reminded that the University's ability to effectively investigate complaints can be hampered or negated by the passage of time. Therefore, potential complainants are encouraged to file complaints in a timely manner.

## II. Definitions

- A. Student: Any person registered in one or more courses in any school, college, or professional school of Washington University, at either the undergraduate or graduate level. Teaching or research assistants, if also registered as students, are classified as student for the purposes of this Code. Additionally within the scope of this definition shall be any person (1) who has accepted an offer of admission to a School at Washington University, but has not yet matriculated, for example, a pre-freshman student, (2) who is not now a student, but has a continuous relationship with the University, including, but not limited to, continuing to reside on University property or taking a leave of absence; or (3) who is not now a student, but is accused of an academic integrity violation during their period of enrollment.
- B. Campus: All property owned, leased, managed, or rented by Washington University in St. Louis.
- C. Member of the University Community: Any Washington University faculty member, student, employee, or Trustee, as well as any person on Campus who is an employee of an entity with a continuous relationship with Washington University.
- D. Student Group: Any organization of two (2) or more Washington University students that is recognized by Student Union, Congress of the South 40, the Interfraternity Council, Women's Panhellenic Association, the Graduate-Professional Council, or graduate student governments in any of the eight graduate-professional schools; or utilizes (or seeks to utilize) Campus space; or attempts to take action, of any kind, in a collective manner on Campus or at any officially arranged University activity.

### III. Offenses

- A. The following forms of misconduct by a student or student group are subject to disciplinary action when they occur on Campus or when they occur off Campus and adversely affect the University community and/or the pursuit of its objectives. Attempts to commit acts prohibited by this Code, and agreements among two or more students to commit acts prohibited by this Code may be punished to the same extent as commission of the prohibited act itself.
1. Academic or professional misconduct, including, but not limited to, cheating, plagiarism, fabrication of data or records, impermissible collaboration on assignments, misrepresentation of student status or identity, resume or credential falsification, unauthorized use of prescription medication to enhance academic performance, unauthorized use of electronic resources, violation of test-taking conditions or rules, or otherwise violating the applicable Academic and/or Professional Integrity Policy. Knowingly making false allegations of academic misconduct against any student will itself be considered a form of academic misconduct.
  2. Interfering with the rights of other members of the University community or visitors to the University to engage in educational, recreational, residential, administrative, professional, business, and ceremonial activities, or other functions.
  3. Physical abuse or threatening physical abuse of any member of the University community or visitor to the University.
  4. Stalking, hazing, engaging in domestic, dating, or interpersonal violence, or any other conduct which harasses, threatens, or endangers the safety or health of, any member of the University community or visitor to the University.

5. Sexual contact with any member of the University community or visitor to the University without that person's consent, including, but not limited to, rape and other forms of sexual assault.

**Consent consists of mutually understandable words and/or actions which indicate that an individual has freely chosen to engage in sexual activity.** In the absence of such words and/or actions, consent does not exist. Consent may not be inferred from silence, passivity, lack of physical resistance, or lack of verbal refusal alone.

**Consent to engage in sexual activity must be knowing and voluntary.** For example, sexual activity is not knowing and voluntary and therefore not consensual when any participant is physically forced, passed out, asleep, unconscious or beaten. Sexual activity is also not knowing and voluntary and therefore not consensual if it is the result of coercion. A person's words or conduct amount to coercion if they eliminate the other person's ability to choose whether or not to engage in sexual activity.

Examples of coercion could include the following, so long as the conduct rises to a level that eliminates the other person's ability to choose whether to engage in sexual activity: threats (express or implied) of substantial emotional or psychological harm or any physical harm, confinement, or other similar conduct.

Consent to engage in sexual activity must exist from the beginning to end of each instance of sexual activity, and for each form of sexual contact. Consent may be withdrawn by either party at any time.

An individual who is incapacitated is unable to give consent. In such circumstances, the respondent will be held responsible if the respondent either knew or a reasonable person in the same position

would have known that the other party was incapacitated and therefore could not consent to the sexual activity. Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless due to a medical condition or the voluntary or involuntary consumption of drugs and/or alcohol, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring.

6. Conduct which is disorderly, lewd, indecent, or which disturbs the peace on University-owned or affiliated premises or at functions sponsored by, or participated in by, Washington University or a Washington University student group.
7. Possession (concealed or otherwise), storage, or use on Campus of firearms or a facsimile, explosives, explosive fuels, fireworks, dangerous chemicals, or other dangerous weapons, except as specifically authorized in advance by the Washington University Police and appropriate University officials.
8. Use, possession, manufacture, distribution or facilitation of distribution of narcotics or other controlled substances, including prescription medication, except as expressly permitted by law, or possession on Campus of drug paraphernalia as defined by Washington University.
9. Use or possession of a hookah on the Danforth Campus or in any Residential Life managed facility.
10. Use, possession, manufacture, or distribution of alcoholic beverages except as expressly permitted by law or University policy.
11. Unauthorized or fraudulent use of the University's resources, including, but not limited to, facilities, telephone system, mail system, electronic communication devices, electronic databases, course management programs, computer systems, or use of any of the above for any illegal act.

12. Knowingly furnishing false information to a University official, or anyone acting on the University's behalf, including, but not limited to, (a) the falsification of information in applications for admission or financial aid, (b) the intentional passing of an insufficient funds check or fraudulent money order in payment of any financial obligation to the University, or (c) filing a false police report.
13. Intentional dishonesty before any decision-making individual or body of the University, including knowingly making false allegations against any student or student group.
14. Knowingly making a false claim to represent the University or a student group of the University.
15. Refusal to identify oneself, failure to display a University identification card or other identification, possessing, or providing false identification to any appropriate University official or designee upon reasonable request.
16. Failure to comply with the reasonable and lawful request of University officials or designees acting in the performance of their duties.
17. Theft, attempted theft, unauthorized taking or use of any University, public, or private property.
18. Knowingly possessing stolen property.
19. Unauthorized entry, deliberate destruction of, damage to, malicious use of, or abuse of any University, public, or private property.
20. Knowingly or recklessly violating a published University policy, rule, or regulation; or participating in conduct which one should reasonably know to be a violation of a published University policy, rule, or regulation.
21. Failure to appear before the University Student Conduct Board (SCB), University Sexual Harassment Investigative Board (USHIB),



OSCCS, or other University official or administrative body as directed, or to properly comply with or complete a sanction imposed under the University Student Conduct System or through other administrative bodies.

22. Intentionally or recklessly disabling, or causing the false activation of life safety equipment, including, but not limited to, exit door alarms, emergency telephones, fire safety equipment, closed circuit television systems, emergency notification systems, and identification card and door access systems.

23. Formally charged with, convicted of, or found guilty of a crime such that the student's continued presence on the University Campus poses a substantial threat to the ability of others to continue their normal University functions and activities.

B. Offenses by Student Groups: Student groups or organizations and their officers may be held responsible for violations of this Code by members or others associated with the group or organization who have received the tacit, or overt consent, or encouragement of the group or organization or its leaders, officers, or spokespersons. Student groups or organizations are subject to the same sanctioning provisions set forth in this Code as individual students, including but not limited to revocation of student group status.

## IV. Composition of the University Judicial System

A. The University Judicial System shall consist of the following<sup>[1]</sup>

1. Office of Student Conduct and Community Standards

- a. Responsibilities: The Office of Student Conduct and Community Standards (OSCCS) receives and investigates complaints of violation of this Code and either adjudicates the complaint or, in its discretion, refers the complaint to the appropriate University office or administrative body for investigation and/or hearing. If the OSCCS adjudicates the complaint and a violation is found, the OSCCS imposes appropriate sanctions. The OSCCS does not hear allegations of academic misconduct, and does not have the authority to suspend, expel, or otherwise directly terminate the status of a student found in violation of this Code, unless by agreement.
- b. Selection: The Director of the OSCCS is appointed by the Chancellor, or their designee, following consultation with the Vice Chancellor for Student Affairs. The appointee may be a faculty member or staff member. In the event that staff members in the OSCCS are unavailable to serve, the Vice Chancellor for Student Affairs, Dean of Students or their designee may serve as the Student Conduct Administrator or appoint an appropriate University official to serve temporarily in that capacity.

2. University Student Conduct Board

- a. Composition: The SCB is composed of six (6) faculty members, six (6) undergraduate student members, six (6) graduate – professional student members, six (6) administrative or staff members, and one additional member who shall serve as Chairperson.

b. Responsibilities

- A. The SCB hears and decides cases referred to it by the OSCCS, the undergraduate School or College Academic Integrity Officers or Panels, Graduate – Professional schools, and the suspending authority following a temporary suspension; and cases involving allegations of academic misconduct in the absence of a School or College Academic Integrity Panel. The SCB hears and decides appeals from temporary suspensions, appeals referred to it by the Chairperson of the SCB, and appeals from sanctions issued by the OSCCS. The SCB also performs other duties as called for by this Code.
- B. The Chairperson of the SCB presides over all hearings conducted before the SCB and convenes pre-hearing proceedings as needed; rules on appeals from decisions of the OSCCS and undergraduate School or College Academic Integrity Panels; and performs other duties as called for by this Code.

c. Selection

- A. Members of the SCB are appointed for two (2) year terms, beginning on January 1. Faculty members are appointed by the Faculty Senate Council; student members are appointed by the Student Union and the Graduate-Professional Student Council; and administrative or staff members are appointed by the Chancellor. Each year, three (3) faculty members are appointed; three (3) undergraduate student members are appointed; three (3) graduate – professional student members; and three (3) administrative or staff members are appointed. If a vacancy exists or scheduling conflict arises members may be appointed

throughout the year by the OSCCS. Members may be reappointed, but no member shall serve more than two (2) consecutive terms. Members of the Faculty Senate Council, Student Union Executive Council, officers of the Graduate and Professional Student Council, and officers of the University shall not serve on the SCB.

B. The Chairperson of the SCB is appointed annually by the Chancellor. The Chairperson must be a member of the University community. The Chairperson may be appointed, without limitation, for consecutive terms. If a vacancy exists or scheduling conflict arises, a temporary Chairperson may be appointed by the OSCCS.

d. The panel convened for a hearing normally consists of three (3) student members and three (3) members of the faculty, administration or staff, plus the Chairperson. A quorum consists of four (4) members, plus the Chairperson. Student members shall comprise a portion of the hearing panel in every case. Every attempt shall be made to provide peer representation for both graduate and undergraduate students. The OSCCS, in consultation with the Chairperson, shall determine which faculty, administration or staff members shall comprise the remainder of the panel. In making this determination, faculty members only shall be designated whenever the sole allegation is academic misconduct. If the allegations do not relate solely to matters of academic misconduct, faculty, administration, and staff members, in any combination thereof, may serve.

3. The Gender Equity and {the booklet doesn't include "Gender Equity"} Title IX Compliance Office and the University Sexual Assault Investigation Board

- a. The Gender Equity and Title IX Compliance Office receives and investigates complaints that involve allegations of sex discrimination, sexual assault, sexual harassment, dating violence, domestic violence, or stalking. The Gender Equity and Title IX Compliance Office either investigates the complaint or, in its discretion, may refer the complaint to another appropriate University office or administrative body (e.g. the SCB, USHIB, or Human Resources) for investigation and/or hearing. If the Gender Equity and Title IX Compliance Office, or its designee, investigates a complaint against a student respondent and a violation is found, the Gender Equity and Title IX Compliance Office may impose appropriate sanctions.
- b. The University Sexual Harassment {in the booklet this uses Assault instead of Harassment, so the acronym is different} Investigation Board (USHIB) is composed of faculty, staff and student members and is governed by separate investigation procedures set forth in the Student Title IX Grievance Process and the Student Gender Equity Grievance Process.
- c. The USHIB {acronym} investigates complaints referred by the Gender Equity and Title IX Compliance Office or the OSCCS that involve allegations of sexual assault or sexual harassment alleged to have been committed by a student(s) in violation of the Code. Complaints may allege other violations of the Code, in which case the USHIB {acronym} may investigate and exercise jurisdiction over such complaints in their entirety as long as the additional charges arise out of the same set of facts and circumstances or are related to the alleged incident of sexual assault or harassment. The USHIB {acronym} may elect to refer the other charges to the Gender Equity and Title IX Compliance Office, OSCCS or SCB for hearing and resolution.

- d. Following a determination by the USHIB {acronym} Panel that it is more likely than not that a respondent has committed a sexual assault or engaged in sexual harassment in violation of the Code, sanctions will be imposed in accordance with the USHIB procedures and may include suspension or expulsion.
4. Authority Retained by Individual Schools, the Office of Residential Life, and Greek Life
- a. Each School or College of the University may establish an academic integrity officer and/or panel to hear and decide cases of alleged academic misconduct involving undergraduate students of that School or students taking courses taught by faculty in that School.
    - A. The composition of any hearing panel shall be determined by each School or College.
    - B. Such a panel may impose sanctions other than suspension or expulsion in any case where academic misconduct is found. No School or College integrity officer or panel may suspend or expel an undergraduate student for academic misconduct. Where an allegation of academic misconduct is serious enough to warrant suspension or expulsion, the complaint shall be heard by the panel or officer to determine whether a violation has occurred. If a violation is found, the matter will then be referred to the SCB for hearing on the imposition of sanctions.
  - b. Each Graduate or Graduate Professional School of the University may establish an academic integrity officer and/or panel to hear and decide cases of alleged academic or professional misconduct by graduate or graduate professional students of that School.

- A. Appropriate persons in each school shall determine the composition of the panel and the scope of the panel's authority, which shall not exceed the parameters set out immediately below.
  - B. Such a panel may impose or recommend to the Dean of the student's Graduate or Graduate Professional School appropriate sanctions, including suspension or expulsion, in any case where academic or professional misconduct is found.
  - C. Any appeal from a decision of a Graduate or Graduate Professional School academic and professional integrity panel, including, where the panel is vested with such authority, the panel's decision to impose the sanctions of suspension or expulsion, shall be made to the Dean of that School. Their decision shall be final. Each Graduate or Graduate Professional School is permitted, but not required, to establish an intermediate level of appeal that the student must complete prior to initiating a final appeal to the Dean.
  - D. Except for cases falling within Section IV.A.3.b(3) above, any appeal from a decision of a Dean of a Graduate or Graduate Professional School to suspend or expel a student shall be made in accordance with the provisions of Section VII.B.1 of this Code.
- c. If a School or College does not establish an academic integrity officer or panel or if an established officer or panel fails to function, complaints of academic or professional misconduct shall be heard by the OSCCS or, in the event of possible suspension or expulsion, the SCB.
  - d. Complaints filed with individual Schools or Colleges shall be governed by the procedures created by those bodies. The

procedures created by these Schools or Colleges shall be approved by the OSCCS.

- e. The Office of Residential Life may, in consultation with student representatives of the appropriate residential community, establish rules and regulations, in addition to this Code, to govern the conduct of students living in the University residential colleges and other housing subject to Residential Life regulations. The Office of Residential Life may impose sanctions upon students who violate such rules. Repeated violations of such rules, or serious offenses, may be referred to the OSCCS for further disciplinary proceedings. The foregoing authority supplements, but does not supersede rights retained by the University in Housing contracts and leases. Nothing in this paragraph precludes further proceedings under this Code.
- f. The Office of Campus Life may, in consultation with student representatives of the Greek community, establish rules and regulations, in addition to this Code, to govern the conduct of organizations and persons who are members of the Greek community. The Office of Campus Life may impose sanctions when such rules are violated. Repeated violations of such rules or serious offenses may be referred to the OSCCS for further disciplinary proceedings. The foregoing authority supplements, but does not supersede rights retained by the University in Housing contracts and leases. Nothing in this paragraph precludes further proceedings under this Code.

#### B. Student Decision-Making Bodies

Certain student groups have established decision-making bodies which receive and investigate all allegations of violations of their legislation, procedures, or policies. The pendency before the decision-making body of any student group of any case arising from an incident alleged to



constitute a violation of this Code, shall not bar or postpone proceedings under this Code.

# V. University Student Conduct Code Procedures

## A. Initiation of Proceedings

1. Proceedings concerning an alleged violation of this Code are initiated with a written complaint. The complaint is a brief written statement describing the conduct alleged to be in violation of the Code.
2. Complaints of alleged violations of this Code may be filed against any student or student group by any member of the University community.
3. Complaints limited to alleged academic misconduct or professional misconduct.
  - a. Complaints limited to alleged academic misconduct or professional misconduct shall be filed with the Academic Integrity Officer of the School or College in which the misconduct allegedly occurred or, where no such panel exists, with the OSCCS.
  - b. If a complaint involving alleged academic misconduct against an undergraduate student is filed with a School or College Academic Integrity Officer and the case is viewed as serious enough that suspension or expulsion is a possible sanction, the complaint shall be heard by the Officer or Panel for a determination as to whether a violation occurred. If a violation is found, the matter shall be referred to the SCB for hearing on the imposition of sanctions.
4. Complaints involving alleged offenses other than academic or professional misconduct.
  - a. Complaints alleging any offense other than academic or professional misconduct shall be filed with the OSCCS or, if applicable, the Gender Equity and Title IX Compliance Office).

- b. When a complaint is filed with the OSCCS or Gender Equity and Title IX Compliance Office, that office shall promptly consider and investigate the complaint, notify the student or student group against whom the complaint has been filed, and give the respondent(s) an opportunity to be heard. The OSCCS or Gender Equity and Title IX Compliance Office shall conduct meetings with the parties and any witnesses in an informal manner, seeking to obtain relevant information.
- c. If the OSCCS or Gender Equity and Title IX Compliance Office determines that there are not reasonable grounds to believe that a violation of the Code occurred, the complaint shall be dismissed, and the complainant and student or student group complained against shall be informed, in writing, of this action.
- d. If the OSCCS or Gender Equity and Title IX Compliance Office determines that there are reasonable grounds to believe that a violation of the Code has occurred, the OSCCS or Gender Equity and Title IX Compliance Office shall either:
  - a. determine whether a violation of the Code has occurred and, if so, impose a sanction; or
  - b. refer the complaint to the SCB, USHIB, or an appropriate University administrative body for investigation and hearing. In any case where the OSCCS believes that suspension or expulsion is a possible sanction, the case shall be referred to the SCB or USHIB. The OSCCS or Gender Equity and Title IX Compliance Office may refer to the SCB or USHIB any other complaint at their sole discretion.
- e. If the complaint is not referred to the SCB, USHIB or other University administrative body, the OSCCS or Gender Equity and Title IX Compliance Office shall render a written decision

within a reasonable time, and deliver same to the respondent(s) by mail, electronic means, or hand delivery. The OSCCS or Gender Equity and Title IX Compliance Office shall, to the extent permitted by law, inform the complainant of the decision and any sanctions.

- f. If the complaint is referred to the SCB or USHIB, the OSCCS or Gender Equity and Title IX Compliance Office shall prepare a notice of referral, which shall include the provision(s) of the Code allegedly violated, and have it served by mail, electronic means, or hand delivered to the student or student group charged and the Dean of the School or College in which the student(s) is/are enrolled. The OSCCS or Gender Equity and Title IX Compliance Office shall also furnish a copy to the complainant. When a complaint is filed with the OSCCS or Gender Equity and Title IX Compliance Office and is referred to the SCB or USHIB, a hold shall be placed on the respondent's academic records until final disposition of the case.

- B. The pendency of any case arising from an incident alleged to constitute a violation of the Code in any municipal, state, federal court, or agency shall not bar or postpone proceedings under this Code unless (1) the OSCCS elects to defer proceedings until a final resolution of the case in the court or agency system; or (2) with the exception of allegations involving sexual harassment or sexual assault set forth below, the student has been charged with a felony offense and requests a deferral of proceedings. The request for deferral shall result in the student's immediate withdrawal from student status and removal from all University premises until the matter is heard and resolved under this Code. The student's request must precede the initiation of a hearing by the SCB. Postponement of a hearing shall not postpone a respondent's obligation to fulfill sanctions imposed by the OSCCS. In cases involving allegations of sexual harassment or sexual assault, the University will ordinarily not delay its investigation if criminal

charges are filed. At the request of law enforcement authorities, however, the University may postpone the University investigation and proceeding while the authorities gather evidence.

C. Organizational Procedures of the University Student Conduct Board

1. The SCB shall set times and places for hearings, and establish procedures not inconsistent with this Code to govern the conduct of its hearings. Hearings may be scheduled at any time, including during the summer and during University breaks.
2. No student shall be subject to more than one SCB hearing on a charge or charges resulting from any act or series of related acts alleged in violation of the Code. The SCB may consolidate all charges pending against a student at the time of hearing. Nothing in this provision shall prohibit a hearing on charges arising from acts which take place or are discovered after earlier charges are filed.
3. The SCB shall not conduct a hearing until the respondent has received the statement of charges against themselves. If the respondent fails to appear for the hearing, the SCB may postpone the hearing or, in the alternative, may conduct a hearing to determine whether a violation of the Code occurred and impose sanctions if appropriate. If the SCB decides to postpone the hearing, the SCB may decide to suspend the student from the University until the student does appear before the SCB for the hearing on the charges.
4. Prior to a SCB hearing, the Chairperson of the SCB may convene a pre-hearing conference with the parties. At that conference, the parties shall be prepared to discuss the witnesses and evidence they intend to introduce, the issues they anticipate, and any matters that may require resolution by the Chairperson. The Chairperson may, at their sole discretion, confer separately with the complainant or respondent.

5. The respondent and the complainant each may choose (at the student's own expense) to be assisted by and accompanied to the hearing and pre-hearing conference by one individual, for example, a friend, faculty member, advisor, or parent. Where the victim of alleged misconduct is not a party, but a testifying witness, the victim may be accompanied by an individual, subject to the limitations below. If the accompanying individual is an attorney, the student shall provide the attorney's name and telephone number to the OSCCS at least one week before the scheduled hearing.
6. The function and role of the accompanying individual is to provide support, advice, or assistance to the person requesting their presence. The accompanying individual (including attorneys) shall not be permitted to testify, serve as a witness, examine parties or witnesses, or provide statements or arguments to the SCB. Therefore, if the individual witnessed the events at issue or has other information relevant to the proceedings, they shall not accompany the student. The respondent and the complainant are each responsible for stating their own case to the SCB.
7. A list of expected witnesses, the name and title of the accompanying individuals, and copies of any documents expected to be presented in support of the charges, or in defense of the charged party, shall be provided to the OSCCS at least five (5) business days before the hearing. Where a student includes the opinion or recommendations of medical professionals, such opinions or recommendations shall be submitted ten (10) business days prior to the hearing. A student submitting documentation from a medical professional also should submit a copy of the medical professional's curriculum vitae. If additional witnesses or documents are obtained after the submissions period described above, the Chairperson shall decide whether the witnesses or documents may be allowed, and the hearing may be postponed at the sole discretion of the Chairperson of the SCB. A party is not obligated to call all witnesses on the list.

Each party is permitted to call witnesses to rebut testimony offered by the other party. The Chairperson may recess a hearing if they conclude that the Board requires additional evidence or information.

8. The following persons may be present during a SCB hearing: the Chairperson of the SCB and Board members, the respondent and an accompanying individual; the complainant and an accompanying individual; witnesses and their accompanying individuals, where authorized by the Chairperson; the OSCCS; and a member of the Office of the Executive Vice Chancellor and General Counsel. Witnesses and their accompanying individuals, if any, may be present only when testifying unless the Chairperson specifically requests a witness be present for any other portion of the hearing.
9. The Chairperson of the SCB may, at their own discretion, direct any student to appear as a witness at a hearing of the SCB. The Chairperson also may call witnesses, including, but not limited to, medical experts, on their own initiative. The failure of a student to appear at a SCB hearing following receipt of such a directive shall subject that student to disciplinary action under this Code.
10. The procedure at a hearing before the SCB shall be as follows:
  - a. The complainant and the respondent shall have the opportunity to present statements summarizing their respective cases and the evidence to be presented.
  - b. The complainant shall present their evidence. The complainant may decide whether or not to testify during the hearing. Except as otherwise noted in this subsection, the respondent and members of the SCB may question the complainant's witnesses.
  - c. The respondent shall have the opportunity to present evidence. The respondent may decide whether or not to testify during the hearing. Except as otherwise noted in this

subsection, the complainant and members of the SCB may question the respondent's witnesses.

- d. The complainant and the respondent shall have the opportunity to present concluding remarks.
- e. In cases referred to the SCB by the OSCCS, the OSCCS may be called as a witness by the complainant or the respondent, or by the SCB itself.
- f. In any hearing before the SCB, members of the SCB may ask questions of any participant in the hearing (including the complainant, the respondent, and any witness) at any time during the hearing, and may also recall witnesses and/or request that additional witnesses be called. The Chairperson may determine in some cases that it is appropriate for all questioning by the parties to be directed through the Chairperson or their designee. In such cases, the parties will be permitted to submit questions of the other party and witnesses to the Chairperson five (5) days in advance of the hearing.
- g. If, after questions have been put to a party or other witness by the Chairperson or SCB, a party believes that there are further questions that need to be asked of the other party or witness, the party may advise the Chairperson that they have additional questions and submit those questions to the Chairperson for consideration. The Chairperson or their designee retains discretion throughout this process regarding whether to accept and pose suggested questions.

11. Evidence shall be considered which tends to prove or disprove the charges. Prior conduct and offenses unrelated to the charges shall not be considered in determining whether the respondent has committed the offense except in unusual circumstances. The



Chairperson of the SCB shall rule on whether evidence or testimony will be considered.

- 12.If the SCB concludes that the evidence presented does not warrant a finding that the respondent committed the charged offense(s), the proceedings are terminated.
- 13.If the SCB concludes that the respondent committed the charged offense(s), or if the respondent decides to admit to the charge(s), the complainant, the respondent, and the University shall be given an opportunity to present additional evidence for consideration by the SCB in deciding what sanction(s) to impose. The additional evidence may consist of evidence of prior conduct (including prior offenses) by the respondent, evidence as to the respondent's character, the respondent's applicable University records, or any other evidence which could assist the SCB in determining an appropriate sanction. Any such additional evidence shall be presented at a hearing before the SCB conducted in accordance with the procedures set forth above.
- 14.A verbatim record (which may be in the form of an audio recording) shall be kept of all pre-hearings and disciplinary hearings conducted by the SCB at the expense of the University. A verbatim record may be kept of any proceedings before other panels or persons at the request and expense of the party charged. The party charged must make such a request no more than two days in advance of the hearing. Deliberations of the SCB or other hearing panels shall not be recorded. Both parties, but not the witnesses, shall have the right to review such records in the OSCCS, but may not make copies. All recordings shall remain the property of the University and shall be destroyed upon closure of the case by the Student Conduct Administrator unless required by law to be maintained.

#### D. Decisions

1. A decision-maker (whether the OSCCS, the SCB, or other University administrative body) must find in favor of the respondent unless the decision-maker is persuaded that it is more likely than not that the student committed the offense(s) charged. The respondent shall be afforded the benefit of the presumption of innocence.
2. If a respondent elects not to provide their own version of events to the decision-maker (whether the OSCCS, the SCB, or other University administrative body), the decision-maker may, but is not required to, draw adverse inferences from the student's silence.
3. In cases decided by the SCB, the following shall apply:
  - a. A majority vote of the members of the SCB participating in the case shall be required for a decision.
  - b. The Chairperson of the SCB may participate and vote.
  - c. Any decision of the SCB shall be made in writing. Copies of the decision, redacted as necessary, shall be mailed, e-mailed, or delivered to the complainant, the respondent, and the respondent's parents if the parents will receive notification pursuant to this Code, and other University officials with a need to know as determined by the OSCCS or the Chairperson of the SCB.

## VI. Sanctions

4. Subject to the limitations described in paragraph C of this section, sanctions combinations of sanctions, may be imposed following a determination that a violation of the Code has occurred:
  - a. Warning: notice of a finding that it is more likely than not that an offense has been committed and that continuation or repetition of such violation within a specified time period will result in more severe sanctions.
  - b. Deferred Penalty and Probation: any of the listed sanctions may be deferred by the adjudicatory body or person for a specified time period, not to exceed two (2) calendar years. Should the student, during the period of probation, be determined to have committed another violation of this Code, the deferred penalty shall take effect, in addition to the sanction imposed for any new offense.
  - c. Restitution: reimbursement for actual damage or loss caused by the violation of the University Student Conduct Code, either through appropriate repairs or monetary compensation.
  - d. Fine: monetary penalty of not more than Seven Hundred and Fifty Dollars (\$750.00).
  - e. Educational Remedies: meetings with University officials or others, unpaid University or community service, or other educational assignments. These may include, but are not limited to, referrals to Student Health Services, attendance at workshops or panel discussions, letters of apology, and reflective essays. Service assignments may occur on or off Campus. Conditions may be specified for the completion of the sanction. Where a violation involves drug use, the OSCCS or SCB also may require the student to participate in drug screening on a scheduled or random basis. Any and all costs

associated with the screening are the responsibility of the student.

- f. Disciplinary Activity Limitation: ineligibility for participation in any or all elected and appointed positions within the University; also ineligibility for participation in all forensic, athletic, dramatic, musical, social, or other University recognized activities for a specified period of time.
  - g. Denial of Access to Certain University Facilities: exclusion from University owned or leased facilities; including housing, athletic fields, grounds, or parts of these facilities indefinitely or for a specified period of time.
  - h. Temporary Removal from University Housing: ineligibility to reside in University Housing, including off Campus University owned, leased, managed, or rented apartments, for a specified period of time.
  - i. Permanent Removal from University Housing: permanent ineligibility to reside in University Housing including off Campus University owned, leased, managed, or rented apartments.
  - j. Suspension: removal from student status in the University for a specified period of time. This sanction will be permanently noted on a student's official transcript.
  - k. Expulsion: permanent removal from student status in the University. This sanction will be permanently noted on a student's official transcript.
5. A student's entire academic integrity, disciplinary record, and criminal history, if appropriate and relevant in the discretion of the Chairperson, may be considered in determining appropriate sanction(s)

6. The sanctions of expulsion and suspension may only be imposed by:  
(i) the SCB; (ii) the USHIB; (iii) the Chancellor, Provost, Vice Chancellor for Students or Dean of a Graduate or Graduate Professional School; or (iv) in Graduate and Graduate Professional Schools that grant such authority, the Academic and Professional Integrity Panel. The OSCCS and the other University judicial panels without authority to expel or suspend may impose any of the other sanctions, except as such authority is limited by Section IV.A. of this document.
7. Academic Misconduct: if academic misconduct is determined to have occurred, the body making the determination may recommend to the faculty member responsible for the course in which academic misconduct occurred that the grade of the student involved be lowered, or no credit given. However, the final decision in any grading determination shall rest with the faculty member. The SCB may recommend this sanction in addition to any other sanctions imposed.
8. Notification of Dean and Parents or Legal Guardians:
  - a. The parents or legal guardians of any student who is legally dependent upon their parents or legal guardians and who is suspended or expelled shall be informed of the decision of the SCB.
  - b. The parents or legal guardians of any student under the age of 21 who has admitted committing or been found under this Code to have committed an offense under Section III.A.8 or III.A.10 may be notified of such violation or violations by the Office of the Dean of Students. The Office of the Dean of Students shall have discretion to determine when a violation or violations of Sections III.A.8 or III.A.10 are of sufficient severity or number to warrant notifying parents or legal guardians. Nothing contained in this section shall be

construed to prohibit the University from disclosing to parents or legal guardians information relating to a health or safety emergency involving the student or as otherwise permitted by law.

- c. The Dean of the School or College in which the student is enrolled shall be informed of any SCB decision involving the student. If the student is an exchange student, visiting student or other non-degree student and is regularly enrolled elsewhere, notice of the outcome of any judicial matter may be provided to the student's home college or university.
- d. Decisions of the SCB and decision-making bodies (or persons) other than the SCB, which do not involve academic or professional misconduct, shall be reported to the Dean of Students.
- e. Student Union, the Graduate-Professional Council, and/or the sponsoring student governing body will be made aware of specific details regarding violations of the Code by a student group under its auspices at the time that the matter is resolved.

#### 9. Failure to Comply with Sanctions

If a student fails to comply in a timely fashion with any of the sanctions assigned, a hold may be placed on his or her University records. The hold will be removed upon full completion of the sanctions assigned.

## VII. Appeals

10. Time Limit for Appeals: any appeal authorized by the Code must be filed within fourteen (14) calendar days of the date of the written decision by the decision-making body or person. An appeal is filed when personally delivered to or electronically received by the appellate authority or bearing a United States Postal Service postmark or other documentary evidence of timely delivery to an independent delivery service.

11. Appeals of SCB Decisions and Decisions of Deans of Graduate or Graduate Professional Schools to Suspend or Expel a Graduate or Graduate Professional Student:

- a. A student complainant, a student respondent determined by the SCB to have violated this Code, or a graduate student or graduate professional student suspended or expelled by the Dean of a Graduate School or Graduate Professional School shall, within the period of time specified by this Code, have the right to appeal to the person designated by the Chancellor to serve as the appeal officer, or their designee. Such appeal shall be made in writing to the appeal officer and shall be limited to grounds that a fair hearing was not provided or that the sanction imposed was insufficient or excessive. A student appealing a SCB decision shall also deliver a copy of the appeal to the OSCCS. When such appeal is taken, the appeal officer shall not substitute their judgment of the facts for that of the SCB or of the Dean. The scope of the appeal officer's review shall be limited to determining whether a fair hearing was provided and whether the sanction imposed, given all the relevant facts and circumstances, was insufficient or excessive.

- b. The appeal officer, if they grant the appeal, may order a new hearing, may reduce or modify the sanctions assessed by the SCB or the Dean. The decision of the appeal officer is final.
- c. In the event of the absence or disqualification of the appeal officer, the appeal will be determined by the Chairperson of the Faculty Senate Council, or their designee.
- d. The University may not appeal any adverse decision of the SCB.
- e. Sanctions will be stayed pending the disposition of any appeal, except that a temporary suspension or any interim protective measures will remain in effect. If a hold has been placed on a student's records, it will remain until final disposition of the case.

12. Appeals of Decisions of the OSCCS and Academic Integrity Panels of Undergraduate Schools and Colleges:

- a. Any final decision of the OSCCS or an Academic Integrity Panel of an Undergraduate School or College may be appealed, in writing, to the SCB Chairperson, or their designee, with a copy to the OSCCS, within the period of time specified by this Code. An appeal may be filed either by the complainant or the respondent(s) or student group.
- b. The Chairperson of the SCB, upon receiving an appeal, shall provide a copy of the appellant's request and supporting materials to the appellee. The Chairperson, in their sole discretion, may request that the appellee provide a response and seek additional materials as needed. The Chairperson of the SCB, or their designee, shall not substitute their own judgment of the facts, and the scope of their review shall be limited to determining whether the written material submitted indicates that either no fair hearing had been



provided to the appellant or that the sanction imposed, given all relevant facts and circumstances, was insufficient or excessive.

- c. If the Chairperson, or their designee, determines that an unfair hearing has occurred, they shall take one of the following actions:
  - a. Remand the case to the OSCCS or Academic Integrity Panel with specific instructions to assure a fair hearing. Upon remand, the OSCCS or the Academic Integrity Panel may modify the sanctions previously imposed.
  - b. Convene a hearing of the SCB to hear the matter de novo. Should the SCB hold a hearing de novo, the hearing shall be conducted in accordance with the procedures set out in Section V.C. of this Code. Statements made by the parties or witnesses in the prior, underlying hearing may be disclosed to the SCB. The SCB may impose a sanction in excess of that imposed by the prior adjudicator.
- d. If the Chairperson, or their designee, determines that the sanctions were insufficient or excessive, they may modify the sanctions previously imposed.
- e. Sanctions will be stayed pending the disposition of any appeal. If a hold has been placed on a student's records, it will remain until final disposition of the case.
- f. The decision of the SCB, or its Chairperson, shall be final in any appeal from the OSCCS or Academic Integrity Panel, and no appeal to the appeal officer shall occur.

### 13. Appeals of Decisions of the Office of Residential Life or Greek Life:

- a. Any final decision of the Office of Residential Life or Greek Life may be appealed in writing to the OSCCS within the period of

time specified by this Code. The OSCCS, or their designee, shall not substitute their own judgment of the facts. The scope of their review shall be limited to determining whether the written materials submitted indicates that either no fair hearing had been provided to the appellant or that the sanction imposed, given all the relevant facts and circumstances, was excessive.

- b. If the OSCCS decides to sustain the contentions of the appellant, in whole or part, the OCCS shall fashion a remedy or form of relief appropriate to the facts and circumstances of the case.
- c. Sanctions will be stayed pending the disposition of any appeal; provided however, that nothing contained in this Code shall in any way impair the enforcement of the terms of the housing contracts and leases entered into between the University and students residing in residential housing, including, but not limited to, reassignment and cancellation or other interim protective measures.

## **VIII. Record Retention**

Subject to Section V.14., records of the University OSCCS and the SCB directly related to non-academic cases heard under the University Student Conduct System shall be destroyed after a period of ten years from the date of final adjudication. If a student withdraws from the University prior to final adjudication, the records shall not be destroyed. Records of the University OSCCS, the SCB, and the USHIB directly related to allegations of academic misconduct or cases resulting in suspension or expulsion, and any applicable transcript notations, shall be maintained indefinitely.

## **IX. Report on Student Conduct**

Each semester the OSCCS shall prepare a Report on Student Conduct summarizing the complaints filed in the previous semester, the types of conduct involved, and the outcomes, including a description of the sanctions, if any. The Report shall be circulated to the University administrators at the discretion of the OSCCS and the Vice Chancellor for Students.

## **X. Temporary Suspension**

14. The Chancellor, Vice Chancellor for Students, Dean of Students, or their respective designees, may suspend a student for a temporary period if (1) there is evidence that the student has committed an offense under this Code or the student has been indicted or otherwise formally charged with a crime; and (2) there is evidence that the continued presence of the student on the University Campus or in the University community poses a substantial threat to themselves or others or to the ability of others to continue their normal University functions and activities.

15. The suspending authority (the person imposing the suspension) shall limit the scope of the temporary suspension to that necessary to protect those possibly affected by the actions of the suspended student. Access to parts of University owned, leased, managed, or rented property, the Campus, or to certain activities, may be limited.

In cases of seriously disruptive or dangerous behavior, the suspending authority may deny the student access to the University owned or leased property, Campus, and/or prohibit class attendance and participation in University activities and events.

16. If a student is suspended for a temporary period, the suspending authority shall prepare a written notice of the suspension and shall have the notice served, by mail or electronic means, or hand delivered, on the suspended student. The written notice shall include a brief statement of the scope of the suspension and the reasons therefore, and a brief statement of the procedures provided in cases of temporary suspension under this Code.
17. A student suspended for a temporary period shall be given an opportunity to appear personally before the suspending authority within five (5) business days from the date of service of the notice of temporary suspension. If the student asks to appear personally before the suspending authority, only the following issues shall be considered:
  - a. Whether the suspending authority's information concerning the student's conduct is reliable;
  - b. Whether under all the circumstances, there is a reasonable basis for believing that the continued presence of the student on Campus poses a substantial threat to the student or to the rights of others to engage in their normal University functions and activities; and
  - c. Whether the scope of the temporary suspension is reasonable.
18. Within ten calendar days of the date of a temporary suspension, the suspending authority shall file a statement of charges against the suspended student with the SCB, and shall have the statement of charges served, by mail or electronic means or hand delivered, upon

the suspended student and the Dean of the School or College in which the student is enrolled.

19. A temporary suspension shall end when rescinded by the suspending authority, or upon the failure of the suspending authority to file a statement of charges within a reasonable time or, if not rescinded and if a statement of charges is promptly filed, when the case is heard and decided by the SCB or other University administrative body.

## **XI. Amendment of the Code**

The amendment process may be initiated by any member of the campus community, the Student Union, the Graduate-Professional Council, the Faculty Senate Council, or any faculty, staff or student group by the submission of proposed changes to the Office of the Dean of Students. The Dean of Students, or their designee, shall promptly distribute copies of the proposed changes to the Office of the General Counsel, Student Union, the Graduate-Professional Council, and the Faculty Senate Council for adoption or rejection. Review of the Code shall be initiated by the Office of the Dean of Students no less than every three years.

## **XII. Titles and Successors**

Because the titles, positions, or groups stated in this Code may change, the functions or responsibilities assigned by this Code shall be performed by persons or groups that assume the functions of the positions or groups stated in this Code.

Effective July 1, 2017

[1] The Office of Student Conduct & Community Standards has incorporated the use of gender neutral pronouns. All pronoun references should be interpreted to include singular, plural, and student groups.