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Student Code of Conduct

Purpose of this Policy

To advance the educational objectives of Utah Valley University, this Student Code of Conduct ("Student Code") establishes standards and procedures necessary to maintain a community conducive to UVU's three core values: exceptional care, exceptional accountability and exceptional results. This Student Code supports the intellectual, personal, social, and ethical development of all members of the community by promoting the values of civility, integrity, inclusivity, respect, and responsibility. Students at the university are expected to uphold these values through the exercise of their personal freedom and reasoned discourse. This Student Code also establishes the conduct expectations for students of Utah Valley University, outlines students' rights and due process procedures for addressing alleged student violations of university policies, delineates the range of disciplinary sanctions for violations and establishes procedures for appeal of disciplinary sanctions.

Policy

For a full version of this UVU Policy 541, please visit www.uvu.edu/policies, and click on Policy Manual.

Behavior which violates the Student Code of Conduct should be reported to the office of Student Conduct 801-863-5841 (non-emergency) or Campus Police 801-863-5555 (emergency).

4.1 Scope of this Policy

4.1.1 This policy applies to all students admitted to the University or enrolled in university courses, either full-time or part-time, and to all student conduct that occurs on university campus or at university-sponsored activities. It also applies to off-campus conduct, not otherwise protected by law, that adversely affects the university community and/or fulfillment of the University's mission, values, and operations. The Dean of Students or designee shall decide whether the Student Code shall be applied to misconduct occurring off-campus on a case-by-case basis. If a student withdraws from the University while a disciplinary matter is pending, the University may continue to apply this Student Code and its processes for resolving that specific disciplinary matter.

4.1.2 The University may respond to allegations of student misconduct at any time even if the alleged misconduct occurs before classes begin, after classes end, during breaks within the semester, or during the break between semesters. The University may also institute its conduct proceedings after a degree is awarded in the event misconduct is subsequently discovered. Where warranted, the University retains the right to revoke an awarded certificate, diploma, or degree.

4.1.3 All academic and behavioral misconduct complaints are subject to the due process procedures for investigation, resolution, and appeals as set forth in this Student Code, with the exception of sexual misconduct and protected class discrimination and harassment, which are exclusively subject to the procedures found in UVU Policy 162 Sexual Misconduct and UVU Policy 165 Discrimination, Harassment, and Affirmative Action.

4.2 Student Responsibilities and Rights

4.2.1 Nothing in this policy shall be interpreted to deny the rights of individuals protected by the U.S. Constitution, including their protected rights to freedom of speech and association, including as set forth in UVU Policy 161 Freedom of Speech.

4.2.2 The University expects all students to engage in responsible conduct, to obey the law, to maintain integrity, and to uphold high standards of individual honesty in all their actions and academic work. The University promotes an environment that values inclusivity and civility, and encourages students to be thoughtful and respectful in their dealings with other members of the campus community.

4.2.3 Students are responsible for knowing the information and procedures in this policy and other university policies applicable to students. The University publishes this Student Code in its catalog, online and in print, and in the University's Online Policy Manual. The University reserves the right to modify this policy. Alleged policy violations are governed by the policy version in place at the time of the alleged violation. However, Student Code procedures effective at the time of the reporting of the alleged violation will govern the investigation and resolution.

4.2.4 Students shall promptly participate in good faith in informal or formal student conduct investigations related to this policy. If the complainant or respondent fails to participate, the Student Conduct Office may make findings without the response of that party, potentially leading to an unfavorable outcome for that party.

4.2.5 As members of the university community, students have certain rights in addition to their constitutional rights and protections. Students should respect each other's rights. The University will endeavor to safeguard these rights for all.

4.2.5.1 Academic Evaluation. Students have the right to performance evaluation based on a written syllabus, to accurate information regarding changes in course programs or university requirements and reasonable accommodation of those already enrolled in a program or class(es), to receive academic credit and/or degrees when all specified requirements and coursework have been satisfied, and to make academic appeals including but not limited to grade changes and withdrawals. See UVU Policy 152 Accommodations for Individuals with Disabilities; UVU Policy 523 Grading; UVU Policy 601 Classroom Instruction and Management; UVU Policy 635 Faculty Rights and Professional Responsibilities.

4.2.5.2 Due Process. Students have the right to be protected from unreasonable decision-making by the University and to have access to University policies that affect them. The University is committed to providing students with balanced and fair systems of misconduct resolution. This Student Code is administrative in nature and is not a civil or criminal proceeding. Students are presumed not responsible for misconduct until responsibility is established by a preponderance of the evidence. Students' non-participation or silence during any process under this policy will not be used against them, but the University's decisions will nonetheless be made on the available information. The University complies with Utah State Board of Regents' Policy R256 Student Disciplinary Processes, which sets forth minimum standards of due process for student disciplinary processes related to behavioral (non-academic) misconduct matters that may result in either expulsion or a minimum ten-day suspension.

4.2.5.3 Freedom from discrimination. Students have the right to be treated fairly and with dignity regardless of race, color, national origin, age (40 and over), marital status, sex, sexual orientation, gender identity, gender expression, pregnancy, childbirth, or pregnancy-related conditions, disability, religion, genetic information, height, weight, veteran status, or other bases protected by applicable federal, state, or local law, and as revised in UVU Policy 165 Discrimination, Harassment, and Affirmative Action and UVU Policy 162 Sexual Misconduct.

4.2.5.4 Freedom from sex discrimination and sexual misconduct. Students have the right to be free from sex discrimination in UVU educational programs and activities, including but not limited to educational programs, employment, admissions, and university-sponsored activities, consistent with Title IX of the Educational Amendments of 1972. Sexual misconduct, including sexual harassment, sexual violence, sexual assault, relationship violence, and stalking, are types of sex discrimination prohibited by Title IX and/or UVU Policy 162 Sexual Misconduct. Students also have the right to a prompt and equitable response from the University when the University learns of any form of sex discrimination.

4.2.5.5 Freedom of Speech. Students have the right to free exchange of ideas and to artistic expression, the right to free speech, open discussion, inquiry, and academic freedom in the University and on the university campus without prior restraint or censorship, subject to limitations on unlawful/unprotected speech and to clearly stated, reasonable, and nondiscriminatory rules regarding time, place, and manner. See UVU Policy 161 Freedom of Speech.

4.2.5.6 Ombuds. Students have the right to access the University's Ombuds Office for consultation and assistance resolving matters of personal and school issues, including but not limited to concerns and conflicts regarding other students, faculty, university policies and processes, and housing disputes.

4.2.5.7 Privacy, Confidentiality, and Records. Students have the right to be protected from the University's improper disclosure of a student's educational record consistent with the Family Educational Rights and Privacy Act of 1974 and UVU Policy 542 Student Records Access. Students also have the right to inspect all records pertaining to themselves, which are not considered by the University to be private records of university personnel. Students are entitled to request corrections or expungement to educational records they consider inaccurate or misleading. Also see UVU Policy 635 Faculty Rights and Professional Responsibilities.

4.2.5.8 Student Government and Student Organizations. Students have the right to form and operate an organized student association or club within the guidelines prescribed by the University. Students also have the right to representation through student government on university committees, councils, commissions, and other formally constituted bodies that make general policy and procedure decisions directly affecting students or that govern student activities and conduct. See UVU Policy 532 Associated Student Organization and Club Membership.

4.3 Standards of Student Conduct

4.3.1 Students are individually responsible for their conduct. In addition, student organizations may be held collectively responsible for the conduct of their student members during student organization activities or while acting on behalf of or at the request of the student organization.

4.3.2 Students shall not engage in academic or behavioral (non-academic) misconduct as described in this section. Categories of prohibited misconduct include but are not limited to the following:

4.3.2.1 Abuse of student conduct process. Abuse or interference with university student conduct processes, including but not limited to falsification, distortion, or misrepresentation of information; failure to provide information or documents, or destruction of information or documents during the student conduct process; attempting to discourage an individual's honest participation in or use of the student conduct process; verbal or physical abuse and/or intimidation or any other retaliation of a party, witness, or other participant in a student conduct process; failure to comply with the sanction(s) imposed by the student conduct administrator; or influencing or attempting to influence another person to commit an abuse of the student conduct process.

4.3.2.2 Academic misconduct and other acts of dishonesty. All forms of academic misconduct and other acts of dishonesty, including but not limited to cheating, plagiarism, fabrication, and/or possessing or providing to the University any false, falsified, altered, forged, or misleading information, materials, documents, accounts, records, identification, or financial instruments.

4.3.2.3 Alcohol. Use, possession, distribution, being under the influence of alcoholic beverages or paraphernalia on the university campus or at university-sponsored events or activities, and other conduct prohibited by UVU Policy 157 Alcoholic Beverages, Unlawful Drugs, and other Illegal Substances. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under 21 years of age.

4.3.2.4 Animals. Animals on campus, or other conduct prohibited in UVU Policy 160 Animals on Campus. Service dogs or miniature horses that are trained to perform work or tasks related to a disability are permitted.

4.3.2.5 Damage or destruction. Unauthorized damage to or destruction of university property or the personal property of a member of the university community.

4.3.2.6 Discrimination. Protected class discrimination as defined by UVU Policy 165 Discrimination, Harassment, and Affirmative Action, including but not limited to negative or adverse conduct towards university employees or students in the terms or conditions of employment; university admission or education; access to university programs, services, or activities; or other university benefits or services on the basis of inclusion or perceived inclusion (in the case of disability, sexual orientation, gender identity, or gender expression) in one or more of the protected classes that has the effect of denying or limiting participation in university employment or in a university program or activity.

4.3.2.7 Disruptive behavior. Disruption, obstruction, or interference with university operations, teaching, learning, research, administration, other university activities, and/or other authorized non-university activities that occur on the university campus as defined in section 3.22.

4.3.2.8 Drugs. Use, possession, distribution, manufacturing, or being under the influence of illegal drugs or other controlled substances or drug paraphernalia, including abuse, misuse, sale, or distribution of prescription or over-the-counter medications, and other conduct prohibited in UVU Policy 157 Alcoholic Beverages, Unlawful Drugs, and other Illegal Substances.

4.3.2.9 Federal, state, or local law or regulation. Violation of federal, state, or local law or regulations that adversely affects the university community and/or the pursuit of its objectives.

4.3.2.10 Fire safety. Violation of local, state, federal, or university fire policies, including but not limited to causing a fire that damages university or personal property or that causes injury to another; improper use of university fire safety equipment; or tampering with or improperly engaging a fire alarm or fire detection/control equipment while on university property.

4.3.2.11 Gambling. Activities that violate state or federal law regarding gambling, including but not limited to risking anything of value for a return or risking anything of value upon the outcome of a contest, game, gaming scheme, or gaming device when the return or outcome is based upon an element of chance; and is in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome. Gambling includes a lottery and fringe gambling.

4.3.2.12 Harm to person(s). Intentional or reckless physical harm, threats, intimidation, hazing, bullying, cyberbullying, coercion, retaliation, and/or other conduct, including assisting in the foregoing, that threatens or endangers the health or safety of any person. Additionally, participation or cooperation by person(s) being harmed does not excuse the violation.

4.3.2.13 Misuse of computing facilities. Unauthorized use of computing facilities and other conduct prohibited in UVU Policy 441 Appropriate Use of Computing Facilities, including but not limited to attempting to gain access to any system or account without authorization from a system administrator; sharing passwords or accounts; copying or changing system files or software without authorization from a system administrator; using destructive or invasive software; displaying images, sounds, or messages that are obscene where others may be affected by them; consuming inordinate amounts of system resources; crashing machines or systems deliberately; and using the university computing facilities for disruptive or illegal activities.

4.3.2.14 Other policies. Violation of other written university policies, guidelines, or practices.

4.3.2.15 Retaliation. Reprisals or retaliation as defined in this Student Code and other applicable policies.

4.3.2.16 Sexual misconduct. Sexual misconduct, as defined by UVU Policy 162 Sexual Misconduct, includes but is not limited to acts and attempts of dating and relationship violence; domestic violence; discrimination based on sex, pregnancy, pregnancy-related conditions, sexual orientation, gender identity, or gender expression; hostile environment based on sex, pregnancy, pregnancy-related conditions, sexual orientation, gender identity, or gender expression (including intimidation and hazing/bullying); sexual harassment; sexual assault (including nonconsensual sexual contact or nonconsensual sexual intercourse); sexual exploitation (including engaging in sexual trafficking); and stalking.

4.3.2.17 Theft. Intentional and unauthorized taking of, attempted taking of, or maintaining possession of university property or others' personal or public property, including goods, services, or other valuables.

4.3.2.18 Tobacco. Smoking, vaping, or using electronic cigarettes or tobacco inside campus buildings and within 25 feet of entrances, windows, and air intake vents, or other conduct prohibited in UVU Policy 158 Tobacco.

4.3.2.19 Trademark/copyright violations. Unauthorized use (including misuse) of university or organizational names, logos, images, or other university trademarks or copyrighted materials, or other conduct prohibited by UVU Policy 135 Use of Copyrighted Materials.

4.3.2.20 Unauthorized access. Trespassing, misuse of access devices or privileges to university property, or unauthorized entry to or use of buildings or offices, including unauthorized possession, duplication, or use of any means of access to any university building (i.e., keys, proximity cards, etc.), or propping open or other unauthorized use of alarmed doors for entry into or exit from a university building.

4.3.2.21 Weapons. Unauthorized possession or use of a firearm, ammunition, explosives, dangerous weapons, or dangerous chemicals on university property. UVU students must adhere to Utah law regarding the lawful possession of permitted and concealed firearms on public university campuses.

4.3.2.22 Wheeled devices. Skateboards, roller blades, roller skates, bicycles, hoverboards, and similar wheeled devices are not permitted inside university buildings or on any stairways, structures, landscaped areas, or concourses, or other areas as prohibited by UVU Policy 403 Restrictions on the Use of Skateboards, Roller Blades, Roller Skates, Bicycles, Motorcycles, and Hoverboards.

4.4 Non-University Legal Cases

4.4.1 University student conduct processes may apply to a student charged with conduct that potentially violates both the law and this Student Code (that is, if both possible violations result from the same alleged conduct). Processes under this Student Code may be carried out before, after, or at the same time as civil or criminal cases at the discretion of the Dean of Students or designee or as otherwise required by law. Determinations made or sanctions imposed under this Student Code are not subject to change when civil or criminal charges addressing the same alleged incident or act are dismissed, reduced, or resolved in favor of or against the student.

4.4.2 When a student is charged by federal, state, or local authorities with a violation of law, the University will not request special consideration for that individual because of their status as a student. If the alleged offense is also being processed under the Student Code, the University may advise off-campus authorities of the existence of the Student Code and of 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 policies or sanctions).

4.5 Reporting, Investigations, and Disciplinary Proceedings

4.5.1 Reports of any suspected or alleged violation(s) of the Student Code shall be made to the Student Conduct Office.

4.5.2 In responding to reports of alleged violations of the Student Code, the University shall provide prompt, fair, and impartial investigations and disciplinary processes. During these processes, both complainant and respondent shall be provided equitable rights and opportunities, including notice and an opportunity to be heard, as outlined in section 5.0.

4.5.3 The University may sanction any student who violates this Student Code and other applicable university policies, up to and including expulsion from the University.

4.5.4 If a student has been disciplined for serious violations of institutional policies regarding sexual misconduct, sex discrimination, harassment, or other serious misconduct resulting in suspension or expulsion, the University may enter a notation on the student's transcript in accordance with the Family Educational Rights and Privacy Act.

4.5.5 The University prohibits retaliation as defined in this policy. The University shall take steps to prevent retaliation and respond to threats or acts of retaliation, up to and including expulsion from the University. Individuals who deliberately make false or malicious accusations of violation of this Student Code or other applicable university policies may be subject to disciplinary action, up to and including expulsion from the University. However, a no-violation finding does not in itself constitute proof of a false or malicious accusation.

4.6 Interim Measures

4.6.1 The Director of Student Conduct or designee may institute interim measures before the final resolution of an alleged incident of misconduct, including ensuring the safety and well-being of members of the campus community, preservation of university property, or if the student poses an ongoing threat of disruption or interference with the operations of the University. Interim measures may include but are not limited to

4.6.1.1 University issued no-contact directive(s);

4.6.1.2 Providing an escort;

4.6.1.3 Making reasonable adjustments to exams, assignments, and/or providing alternative course completions options in collaboration with faculty;

4.6.1.4 Making adjustment to class schedules, including the ability to transfer course sections or withdraw from a student course without penalty;

4.6.1.5 Making adjustments to living, transportation, and working situations;

4.6.1.6 Limiting a student's or organization's access to certain university facilities or activities pending resolution of the matter;

4.6.1.7 Interim suspension, which may include denial of access to campus (including classes) and/or all other activities or privileges for which the student might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate.

4.6.1.8 Any measure deemed necessary and appropriate by the student conduct administrator in compliance with this policy.

4.6.2 Interim measures do not replace the student conduct process, which will still proceed in a timely manner.

4.7 Sanctions

4.7.1 The University may sanction any student who violates this policy, up to and including expulsion from the University. Sanctions are intended to educate students on the effects of their behavior and invoke change in future decision making. Sanctions shall be applied in a fair manner and be assigned in accordance with two criteria: (1) educational value for the student found in violation of this policy; and (2) the sanction being commensurate and consistent with the type of violation and any prior misconduct. Except in urgent circumstances where there is significant threat of harm, disruption, or of undermining the integrity of the educational environment, the student conduct administrator shall not impose irreversible sanctions (i.e., denying access to class, final exams, or other student programs).

4.7.2 One or more of the following sanctions may be imposed upon students for violation(s) of the Student Code or other university policies.

4.7.2.1 Academic sanctions. Sanction of academic nature including but are not limited to failing grades, reduced grades, and/or redoing academic exercises.

4.7.2.2 Disciplinary no-contact directive. Specified parameters restricting communicative contact and/or physical proximity with a university community member or campus entity.

4.7.2.3 Discretionary sanctions. Educational meetings or interventions, behavior agreements, work assignments, essays, service to the University, or other related alternative, educational and/or restorative remedies.

4.7.2.4 Expulsion. Permanent separation of the student from the University.

4.7.2.5 Fines. Fines may be imposed as published on the Student Conduct Office website.

4.7.2.6 Group sanctions. Sanctions imposed upon student organizations found to have violated the Student Code as listed above, including loss of all privileges or status.

4.7.2.7 Loss of Privileges. Denial of specified privileges for which the student might otherwise be eligible for a designated period of time.

4.7.2.8 Probation. A written reprimand for violation of specified standards. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any university standard(s) during the probationary period. Probation may also include specific conditions that the student must meet.

4.7.2.9 Restitution. Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

4.7.2.10 Revocation or withholding of degree. Revocation or withholding award of a degree or certificate otherwise earned.

4.7.2.11 Suspension. Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission will typically be specified at the time of the suspension.

4.7.2.12 University-sponsored housing sanctions. Removal, probation, or reassignment.

4.7.2.13 Warning. A written notice to the student that the student is violating or has violated university standards of student conduct as laid out in this policy and that the misconduct must not be repeated.

Policy

5.1 Reporting

5.1.1 While all members of the university community are encouraged to report any suspected violation(s) of the Student Code to the Student Conduct Office, university employees are required to report any suspected student violation(s) of the Student Code to the Student Conduct Office within 24 hours of learning of the alleged violation. The Student Conduct Office will then forward the report to the appropriate student conduct administrator as outlined in section 5.8.1.

5.1.2 While all members of the university community are encouraged to report any suspected violations of UVU Policy 162 Sexual Misconduct or Policy 165 Discrimination, Harassment, and Affirmative Action, university employees (except licensed counselors and health providers, as provided in Policy 162) are required to report any suspected violations of Policy 162 to the Office of Equal Opportunity and Affirmative Action/Title IX within 24 hours of learning of the alleged violation. Any reports of such violations that may be received by the Student Conduct Office will be immediately reported to the Office of Equal Opportunity and Affirmative Action/Title IX.

5.1.3 Individuals may submit reports of alleged violations of the Student Code or other university policies through several methods listed on the Student Conduct website at https://www.uvu.edu/studentresponsibilities, including options for reporting anonymously.

5.1.4 Reports made through tip/crisis reporting methods designated on the student conduct website will be forwarded to the UVU Police, Associate Dean of Students, Director of Crisis Services, and other individuals as needed for an effective response. Each report will be individually assessed to determine the nature, severity, and likelihood of harm to members of the university community and the appropriate response.

5.2 Amnesty

5.2.1 The University encourages all community members to proactively assist others whose health or safety are at risk. The University will not pursue student conduct process against a reporting student, a complainant, a respondent, or witness for personal involvement in minor policy violations, including but not limited to the use of alcohol, marijuana or other drugs, at or near the time of the incident as long as the reporting student's behavior did not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion with any student regarding their personal involvement in minor policy violations.

5.2.2 If the same person or student organization repeatedly requests amnesty for substantially similar minor policy violations, the student conduct administrator may deny amnesty to that person or student organization.

5.3 Safe Harbor

5.3.1 Students who have a drug or alcohol addiction may be granted safe harbor from discipline. If a student self-reports their own addiction to the appropriate university officials before the threat of drug testing and/or discipline, the University may decide not to initiate a conduct complaint. A written action plan by the student may be used to track cooperation with the safe harbor program. Failure to follow the action plan may nullify the safe harbor protection and the University may initiate student disciplinary processes.

5.4 Collective Violations by Student Organizations

5.4.1 When violations of this Student Code occur at events sponsored or co-sponsored by a student organization, its officers and membership may be held collectively and/or individually responsible when:

5.4.1.1 The student organization's leader(s) or officer(s) gave consent to, or encouraged, the behavior; or

5.4.1.2 The student organization's leader(s) or officer(s) knew or should have reasonably known about the behavior.

5.4.2 Hearings for student organizations follow the same student conduct process as for individuals. In any such action, determinations as to violations and sanctions may be made collectively to the student organization and/or individually and will be proportionate to the involvement of each individual and the student organization.

5.5 Confidentiality and Recordkeeping

5.5.1 University personnel involved in student conduct processes shall maintain confidentiality to the extent allowed by the Utah Government Records and Management Act (GRAMA), the federal Family Educational Rights and Privacy Act (FERPA), the federal Health Information Portability and Accountability Act (HIPAA), and other applicable laws governing record protection and/or mandatory reporting.

5.5.2 The Student Conduct Office strives to maintain confidentiality throughout the investigation and appeals hearing process.

5.5.3 The Student Conduct Office is responsible for maintaining appropriate records directly related to alleged violations, investigations, findings, sanctions, etc. as described in section 5.15 If complaints are found to be without merit, records of the complaint and processes will not be entered onto a student's disciplinary record, but the Student Conduct Office will keep record of the case in its internal databases.

5.5.4 Complainants, respondents, witnesses, and any other participants in the conduct process are prohibited from recording interviews, hearings, and other meetings before, during, and after the disciplinary process.

5.6 Support Persons and Advisors

5.6.1 As required by Utah State Board of Regents' Policy R256 Student Disciplinary Processes, in matters of behavioral (non-academic) misconduct where the University believes in good faith, based on facts known by the University at the time or when additional facts are discovered later, that the student conduct matter may result in expulsion or a minimum ten-day suspension, the additional protections provided in this section apply. Students may waive any rights described in this section. This section does not apply to UVU Police Department law enforcement activities.

5.6.1.1 Before interviewing the student, the investigator or representative of the Student Conduct Office shall notify the student in writing of the allegations (including the time and place of the alleged misconduct, where available) made against the student and of the student's right to have a support person or advisor throughout the process who may be, but need not be, an attorney. This notice will be given at least 24 hours before a student is interviewed about the student conduct matter. If a student wishes to seek counsel from a support person or advisor, the University shall reschedule the interview, giving the student reasonable time to obtain a support person/advisor.

5.6.1.2 In meetings and interviews under section 5.12 and section 5.13 of this policy on behavioral (non-academic) misconduct matters, student complainants and respondents may be accompanied by a support person/advisor of the student's choice, who may be an attorney. During such meetings or interviews, the support person or advisor may only advise the student and may not actively participate in the investigation or process.

5.6.2 During any appeals hearing under section 5.14 of this policy, student complainants and respondents may each have a support person/advisor of their choice, who may be an attorney, advocate for them.

5.6.3 A support person/advisor may not be an employee of the University who would have a conflict of interest in serving in the support person/advisor role. Support persons/advisors must be willing to agree maintain the confidentiality of student conduct investigation and appeals hearing processes.

5.6.4 The University may proceed with the investigation and hearing processes in a timely fashion without the complainant or respondent if that party fails to respond or declines to participate. The University may set reasonable deadlines and move forward with processes regardless of whether a party and/or a party's support person/advisor is able to accommodate those deadlines.

5.7 Preliminary Review

5.7.1 After receiving a report of an alleged violation of the Student Code or other applicable university policies, the student conduct administrator shall promptly conduct a preliminary review to determine if interim measures are needed, if a violation of the Student Code is alleged, and if an investigation is necessary to resolve a genuine dispute of material facts.

5.7.2 If the student conduct administrator determines that no violation of the Student Code has been alleged and/or there's no genuine dispute of material facts, the administrator shall issue a written notice of this decision to the respondent, complainant (if required by law), and the Student Conduct Office.

5.7.3 A preliminary review dismissal shall be final with no additional internal appeals available to the parties.

5.7.4 If the student conduct administrator determines that a violation of the Student Code or other policy has been alleged and that an investigation is necessary to resolve a genuine dispute of material facts, then the Administrator may proceed with an investigation of the alleged violation.

5.7.5 The student conduct administrator shall report the complaint to the Director of Student Conduct or designee.

5.7.6 At the recommendation of the student conduct administrator, the Director of Student Conduct or designee may apply an interim measure to a student or student organization or invoke other safety measures, as provided in section 4.6, pending the outcome of the investigation and subsequent proceedings.

5.7.6.1 The Dean of Students or designee will notify the student in writing of this action, including a brief description of the reason for the interim measure. When required by law, such as in sexual misconduct cases, applicable notices will be provided to both complainants and respondents. A student who receives an interim suspension may request a meeting with the Dean of Students or designee to present information and/or reasoning as to why the interim measure is inappropriate or unnecessary.

5.7.6.2 At the discretion of the Dean of Students or designee, and in collaboration with faculty and/or the appropriate academic dean(s), alternative coursework options may be approved to minimize impact on the student during any interim measure.

5.8 Delineation of Authority

5.8.1 For purposes of this policy, the Dean of Students shall delegate authority for the investigation, resolution, decision-making (including appeals), and sanctions based on the type of misconduct as defined in section 3.1 and 3.2 as follows:

Type of Misconduct	Student Conduct Administrator	Student Conduct Appeal Decision Maker
Academic	Faculty member of course in which misconduct occurred	Academic dean of college/school or designated chair of department in which misconduct occurred
Behavioral	Director of Student Conduct or designee	Dean of Students or designee

5.9 Informal Resolution

5.9.1 Informal resolution may include an inquiry into the facts but typically does not include an investigation. Informal resolution is flexible and includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted preventive educational and training programs, or providing remedies for the individual harmed by the offense. Informal resolution also includes options such as discussions with the parties, making recommendations for resolution, and conducting a follow-up review after a period of time to ensure that the resolution has resolved concerns effectively.

5.9.2 Because each alleged violation is different, the student conduct administrator shall tailor each resolution to the specific facts of the case, including determining whether the alleged violation is appropriate for informal resolution. Informal resolution may result in resolutions such as behavior agreements and/or sanctions combined with educational or restorative measures.

5.9.3 Informal resolution is encouraged to resolve concerns at the earliest stage possible with the cooperation of all parties involved. Participation in the informal resolution process is voluntary. Informal resolution may be appropriate for anonymous and/or third-party reports, or when respondents accept responsibility for their violations. Information resolution may be inappropriate when one or both of the parties are reluctant to participate in good faith, or when there are allegations of violent behavior.

5.9.4 Any unsuccessful informal resolution, including but not limited to noncompliance with the informal process, may be referred for student conduct hearing.

5.9.5 After concluding informal resolution, the student conduct administrator shall notify the complainant and respondent in writing of the resolution that was agreed upon.

5.9.6 Participation in informal resolution does not prohibit either party from terminating informal resolution and/or requesting an investigation at any point during the informal resolution process. Where a report is closed after informal resolution, the matter may later be reopened at the discretion of the student conduct administrator when requested by the complainant and/or if the student conduct administrator determines there is good cause to do so.

5.10 Investigation

5.10.1 If the student conduct administrator determines an investigation is necessary, the University shall conduct a reliable and impartial investigation by interviewing relevant witnesses, collecting relevant documentary evidence, and preparing a written summary of findings. The purpose of the investigation is to establish whether there is a reasonable basis, based on a preponderance of the evidence, for concluding that the alleged violation of the Student Code has occurred. The University reserves the right to engage an outside investigator to conduct the investigation if it is determined there is a conflict of interest or other compelling reason to do so.

5.10.2 If a student withdraws from the University before the completion of an investigation and hearing, the University may continue to investigate and apply this process for resolving the specific disciplinary matter in the student's absence. If a respondent is found to have violated university policy, the University may restrict the respondent's readmission on terms or under circumstances it may prescribe at the time of the finding.

5.10.3 Complainants, respondents, and witnesses shall be treated with respect throughout the investigation process, disciplinary process, and other proceedings.

5.10.3.1 Accordingly, the University endeavors through this policy and diligent effort to secure the following for complainants and respondents:

5.10.3.1.1 Reasonably prompt and equitable resolution of allegations for respondents and complainants,

5.10.3.1.2 Freedom from retaliation for making a good faith report or for participating in any investigation or proceeding under this policy.

5.10.3.1.3 Timely and equal access to allegations for respondents and complainants, and the opportunity to respond to information that will be used against them in any disciplinary proceeding.

5.10.3.1.4 The opportunity for complainants and respondents to offer information, present evidence, and identify witnesses during an investigation.

5.10.3.1.5 Interim measures made available for complainants, respondents, and witnesses, and the opportunity to request modifications necessary for physical and/or emotional safety.

5.10.3.1.6 Timely notice of meetings where complainants' and respondents' presence is necessary.

5.10.3.1.7 Simultaneous notification to complainants and respondents, in writing, of the results of any proceedings.

5.10.3.1.8 The opportunity for complainants and respondents to articulate concerns or issues about proceedings under this policy.

5.10.3.1.9 Reasonable time for complainants and respondents to prepare responses, as permitted under this policy.

5.10.3.1.10 Written notice to complainants and respondents of any necessary extensions of timeframes under this policy.

5.10.3.1.11 Reasonable accommodations for all participants in the student conduct process who have a disability and who request disability accommodations. Such requests may be made to the student conduct administrator, who will refer such requests to the appropriate ADA coordinator and then implement approved accommodations.

5.11 Notices to Complainants and Respondents

5.11.1 The student conduct administrator will give written notice to:

5.11.1.1 Complainant(s) of their options to report to other campus and community authorities as applicable, when complainants allege a violation of the Student Code to the student conduct administrator.

5.11.1.2 Complainants and respondents, if the student conduct administrator's inquiry advances beyond preliminary review according to section 5.7, of the time and place of alleged policy violation(s), which policies were allegedly violated, and how those policies were violated. The student conduct administrator will also provide the parties with written notice to appear at a pre-hearing meeting. If additional violations are later alleged, a further notice shall be provided to the complaining and responding students.

5.11.1.3 Complainants and respondents of their ability to participate in campus investigations and/or student conduct processes by providing relevant information and recommending relevant witnesses. If students choose to not participate in the process, the case may proceed without them and a decision may be made without any input from the student.

5.11.1.4 Complainants and respondents of their right, in behavioral (non-academic) misconduct matters, to be accompanied by a support person/advisor of their choice, who may but need not be an attorney, throughout the student conduct process. Students must notify the student conduct administrator at least five school days in advance of the pre-hearing meeting of their support person/advisor's identity and the nature of the student's relationship to the support person/advisor. The University has the right to disqualify a support person/advisor when their participation would create a conflict of interest or a potential disruption in the student conduct process.

5.11.1.5 Complainants and respondents of how to request information for disability accommodations and/or language translation services.

5.12 Pre-Hearing Meeting

5.12.1 The student conduct administrator will conduct a pre-hearing meeting with the respondent. The complainant and/or others may be invited to attend the same or a separate pre-hearing meeting, depending on the circumstances. If any party chooses not to attend, the pre-hearing meeting may still proceed.

5.12.2 The pre-hearing meeting will occur promptly after the student conduct administrator determines, after preliminary review, that an investigation/pre-hearing is necessary.

5.12.3 Parties will be given the opportunity to present relevant information in response to the alleged misconduct before and during the pre-hearing meeting.

5.12.4 The pre-hearing meeting and outcomes will be shared with the parties to the extent allowed by law, but will otherwise remain confidential.

5.12.5 If the respondent does not admit to the alleged violation(s) and/or the allegations cannot be resolved by mutual consent, the matter will be considered in a student conduct hearing.

5.12.6 If the respondent accepts responsibility for the violation, but sanctions are not agreed to, sanctions will be determined in a student conduct hearing.

5.12.7 During the pre-hearing meeting, investigation, or other pre-hearing processes in behavioral (non-academic) misconduct matters, the complainant's and/or respondent's support person/advisor may only advise the student and may not actively participate.

5.13 Student Conduct Hearing

5.13.1 Allegations of misconduct and/or sanctions not resolved during the pre-hearing meeting will be referred to a student conduct hearing, which will be scheduled as promptly as possible after the pre-hearing meeting. The student conduct administrator may delay the hearing if further investigation is needed or other circumstances require a delay. Hearing proceedings may be conducted over the course of multiple meetings.

5.13.2 The participating parties will receive notice of hearing meetings and access to all evidence to be considered at the hearing at least five school days in advance.

5.13.3 Student conduct hearings will be conducted according to the following procedures:

1. The student conduct administrator will conduct the student conduct hearing with the respondent. The complainant and/or others will be invited to attend the hearing. If either party fails to attend the hearing without good cause and without prior notice to the student conduct administrator, the hearing may proceed. Neither party is required to participate in the hearing for the hearing to proceed. The University reserves the right to modify hearing procedures to protect the safety of all parties involved.
2. Student conduct hearings and outcomes will be shared with the parties to the extent allowed by law, but will otherwise remain confidential.
3. Student conduct hearings will be conducted by the student conduct administrator.
4. In behavioral (non-academic) misconduct matters, the complainant and respondent have the right to be assisted by a support person/advisor of their choice during the Student Conduct Hearing and during any subsequent appeal hearings. Parties must notify the student conduct administrator at least five school days in advance of the hearing of their support person/advisor's identity and the nature of their relationship to the support person/advisor (including whether the support person/advisor is an attorney). The University has the right to disqualify a support person/advisor when that person's participation would create a conflict of interest or potentially disrupt the student conduct process. (If the complainant or the respondent do not provide the required information about their support person/advisor at last five days in advance, the support person/advisor may attend but shall not participate in the hearing.) Support persons/advisors may give opening statements, advise students throughout the hearing, question witnesses as allowed by the student conduct administrator, and present a closing statement. Support persons/advisorsmay not serve as witnesses. Neither the Rules of Civil Procedure nor the Rules of Evidence apply to these hearings.
5. If the complainant, respondent, and/or other witnesses have concerns for their personal safety, well-being, or fear confrontation during the hearing, they may request other reasonable means of participating. the student conduct administrator will determine whether the proposed means are reasonable.
6. Reasonable efforts will be made to accommodate the schedules of all participants in the hearing. Typically, no more than one extension will be granted.
7. In student conduct hearings involving more than one respondent, the student conduct administrator may permit separate or joint student conduct hearings concerning each student.
8. The complainant, respondent, and the student conduct administrator may arrange for witnesses to present relevant information during the student conduct hearing.
9. Records, exhibits, and written statements will be accepted if deemed relevant by the Student Conduct Administrator.
10. All procedural questions are subject to the final decision of the student conduct administrator.
11. After all pertinent information has been received, the student conduct administrator shall deliberate on all available information and determine, based on a preponderance of the evidence, whether the respondent hasviolated the Student Code.
12. The respondent and complainant will receive prompt notice of hearing decisions in writing to the student's university email address, or hand-delivered, typically within five school days of the hearing date, unless circumstances require delay. The notice will include whether the policy was violated, actions taken to resolve the complaint, and any applicable sanctions to both respondents and complainants to the extent allowed by law.
13. A finding of not-in-violation will resolve the matter with no further action or appeals.
14. Disciplinary sanctions may be imposed upon respondent(s) found in violation of the Student Code and communicated to the respondent in a written sanction letter. Elements of the sanctions may be imposed either singularly or in combination with other sanctions. Sanctions do not take effect until the completion of the appeal process, if any, unless otherwise specified by the student conduct administrator.

5.14 Appeal Process

5.14.1 Respondent(s) or complainant(s) may appeal a decision or sanction of the student conduct administrator to the Student Conduct Appeal Panel within five school days of the decision. These appeals shall be in writing and shall be delivered to the Student Conduct Office via email or postal mail. Untimely requests will not be considered absent extraordinary circumstances. Activities such as graduation, study abroad, internships/externships, business travel, or educational, sabbatical, or extracurricular activities generally do not in themselves constitute extraordinary circumstances.

5.14.2 When requesting the appeal, the respondent or complainant must identify in the written request at least one or more of the following grounds for appeal:

1. New evidence unavailable to the party during the investigation has been discovered that could substantially impact the investigation, findings, and/or resolution.
2. Substantial departure from the procedures outlined in this Student Code or that the process was unfair and/or biased, which substantially impacted the outcome of the investigation or hearing. The duration of the investigation or severity of the sanction are not considered procedural errors.
3. Findings lacked substantial evidence such that no reasonable person would reach the same conclusion as the student conduct administrator.
4. The sanction imposed is substantially disproportionate to the severity of the violation (i.e., too severe or not severe enough).

5.14.3 Unless the appeal panel (the composition of which is explained below) determines by majority vote that one or more of the grounds stated in 5.14.2 has been met and that modifications to the original decision should be recommended, the student conduct administrator's decision or sanction shall be upheld.

5.14.4 While an appeal is pending, the student conduct administrator may impose interim measures.

5.14.5 The Student Conduct Office shall promptly convene a three-member appeal panel from the Policy 162/165 review panel pool. The appeal panel will include one faculty, one staff, and one student.

5.14.6 Panel members must be in good standing with the University and must not have any relevant conflict of interest. The student conduct administrator will notify the parties of the panel members' identities and appeal procedures in this policy. Within 3 school days of receiving this notice, parties may request in writing that a review panel member be disqualified based on bias or conflict of interest and explain the reasons for this request. If the Student Conduct Office, in consultation with the Office of General Counsel, confirms a bias or conflict, a new panel member shall be selected.

5.14.7 The Office of General Counsel will appoint an impartial attorney to preside over the appeal hearing as hearing officer. This attorney must have no prior involvement in either advocacy or investigatory matters related to the conduct matter. The hearing officer will ensure order, fairness, due process, efficiency, and civility at the hearing, and ensure a relevant and sufficient evidentiary record for the panel's consideration. To advance this aim, the hearing officer may set time limits proportionate to the complexity of the case; exclude irrelevant and unduly repetitious exhibits, witnesses, questions, statements, or other information; and exclude material deemed privileged under the law. Formal rules of evidence do no apply. The appeal panel shall consult with the hearing officer during the appeal process regarding legal, procedural, policy, and other questions as needed. The hearing officer, in consultation with the panel, will review and respond to any pre-hearing questions or objections from the parties related to hearing matters.

5.14.8 Once the panel is confirmed, they shall promptly determine, based on a preponderance of the evidence, whether the appeal request meets one or more criteria under section 5.14.2.

5.14.9 The Student Conduct Office shall then notify parties in writing of the appeal hearing panel's determination and, if a hearing is warranted, of the appeal hearing date, which will be scheduled promptly.

5.14.10 The hearing officer may conduct a pre-hearing conference to formulate or simplify the issues; obtain admission of fact and documents that will avoid unnecessary proof; arrange for the exchange of proposed exhibits; outline expectations for the hearing; or agree to other matters that may expedite the orderly conduct of the hearing.

5.14.11 The complainant and respondent will be allowed to attend the entire appeal hearing, excluding deliberations. In behavioral (non-academic) misconduct matters, the complainant's and respondent's support person/advisor, if any, will be allowed to attend the entire appeal hearing, excluding deliberations. Admission of any other person to the appeal hearing shall be at the discretion of the hearing officer.

5.14.12 The scope of the appeal hearing and the standard of review shall be limited to those stated in section 5.14.2. Along with written notice of the hearing date, the Student Conduct Office shall provide the review panel and parties copies of a summary of the case (where applicable), written findings, sanction letter, the written request for appeal, and any additional opposition statements already provided by the parties.

5.14.13 The appeal hearing is an opportunity for the parties to be heard by the appeal panel in person about the issues and criteria being considered for the appeal, including addressing the information in the summary of the investigation, any supplemental statements or new evidence unavailable during the investigation, any written impact or mitigation statements, to identify witnesses for the panel's consideration, and to respond to any questions from the appeal panel.

5.14.14 In behavioral (non-academic) misconduct matters, the respondent and complainant have the right to be assisted by a support person/advisor of their choice, who may be, but need not be, an attorney and who may participate during the appeal hearing. Parties must notify the Student Conduct Office at least 5 school days in advance of the hearing of their selected support person/advisor and the nature of their relationship to the support person/advisor (including whether the support person/advisor is an attorney). The University has the right to disqualify a support person/advisor when their participation would create a conflict of interest or would create the potential for disrupting the student conduct process. If the complainant or the respondent do not provide the required information about their support person/advisor at least five days in advance, the support person/advisor may attend but shall not participate in the appeal hearing. Support persons/ advisors may give opening statements, advise students throughout the hearing, question witnesses as allowed by the hearing officer, and present a closing statement. Support persons or advisorsmay not serve as a witness. Neither the Rules of Civil Procedure nor the Rules of Evidence apply to these hearings.

5.14.15 Documents, evidence, other statements, and requests for the appearance of witnesses to be considered at the hearing may be made by the panel, respondent, complainant, and/or student conduct administrator, and must be submitted in writing to the Student Conduct Office at least 5 school days before the hearing, and must include explanations of how each document or request is relevant to the reasons for the appeal. Only witnesses and other evidence that are relevant to the section 5.14.2 bases for appeal may be considered by the appeal panel. It is the responsibility of the party requesting a particular witness to invite that witness to attend the hearing.

5.14.16 In the event that any party fails to attend the appeal hearing without good cause and prior notice to the Student Conduct Office, the appeal panel may proceed with the hearing. Neither party is required to participate in the hearing for the appeal panel to proceed.

5.14.17 The hearing, except for deliberations, will be audio recorded by the appeal panel chair, who will give the recording to the Student Conduct Office. A copy of the audio file and/or transcription will be made available for review by either party upon request. Participants are prohibited from recording interviews and other meetings before and after the hearing.

5.14.18 Each party has up to 60 minutes to present their portion of the case (opening statement, testimony of the party and party's witnesses, questioning the other witnesses if any, and closing statement). The hearing officer will keep track of time.

5.14.19 The hearing officer will begin the hearing by asking the student conduct administrator to provide an oral summary of the investigation process, findings, and conclusions contained in the case summary and sanction letter.

5.14.20 The respondent and complainant shall each have the opportunity to make a personal statement, relevant to the scope of the appeal and bases for the appeal, including the personal impact of the alleged misconduct and/or sanction, the relief sought, and mitigating or aggravating information. In behavioral (non-academic) misconduct matters, each party's support person/advisor shall also have the opportunity to make an opening statement relevant to the scope of appeal. Each party, or their respective support person/advisor, may call witnesses that the hearing officer deems relevant to the scope of the appeal, question witnesses through the hearing officer, present evidence, and make concluding remarks.

5.14.21 The panel may question any party and witness. Only the person to whom a question is directed may answer (for example, support persons/advisors shall not be permitted to answer the appeal panel's questions on a party's behalf.)

5.14.22 Panel deliberations and voting shall occur in closed session from which all other persons are excluded. The hearing officer shall be present during the deliberations but shall have no vote. A majority vote by the members of the panel who attended the hearing shall decide whether the appealing party has shown one or more bases for appeal stated in section 5.14.2.

5.14.23 The panel shall provide the Student Conduct Office a summary of their findings and recommendation(s) regarding whether and how to uphold, modify, or remedy the conduct and/or sanction decision or process within 5 school days of the appeal hearing. The Student Conduct Office will promptly provide the recommendation(s) to the appropriate dean or designee as outlined in section 5.1.1.

5.14.24 The student conduct appeal decision maker, in consultation with the Office of General Counsel as needed, is responsible for reviewing the recommendations of the appeal panel, all the information that was available to the appeal panel, and determining whether to (1) remand the investigation to the original or an alternate student conduct administrator for additional investigation; (2) affirm the student conduct administrator's original decision; (3) adopt the sanction and resolution recommendation(s) of the appeal panel; and/or (4) determine an alternative outcome. If the matter is remanded for further investigation, the appropriate student conduct administrator shall promptly investigate and provide a written summary of the new evidence considered and/or changes to the findings, if any, to the student conduct appeal decision maker, who shall then determine sanctions or resolutions.

5.14.25 The student conduct appeal decision maker shall promptly notify the respondent and complainant in writing of their decision and the rationale for the outcome. The decision of the student conduct appeal decision maker is final, with no additional internal appeals available.

5.15 Records

5.15.1 The Student Conduct Office shall submit and maintain for confidential storage all Student Conduct Office records, including investigation findings, informal remedies, disciplinary action, and any subsequent appeals. Student Conduct records shall typically be retained for ten years after a student's graduation or withdrawal.

5.15.2 Records documenting informal resolution and or remedies and investigations resulting in no-conduct violation shall also be submitted to and maintained by the Student Conduct Office, but will not be entered in to a student's permanent disciplinary record with the University.

5.15.3 Student Conduct disciplinary records are educational records as defined by FERPA and shall be private. Access shall be limited to university officers on a need-to-know basis. Disciplinary sanctions resulting from serious violations of institutional policies regarding sexual misconduct, sex discrimination, harassment, or other serious misconduct resulting in suspension or expulsion may be notated on the student's official transcript. Additionally, the University may disclose to an alleged victim of any crime of violence or non-forcible sex offense the final results of a disciplinary process conducted by the institution against the alleged perpetrator of that crime, regardless of whether the institution concluded a violation was committed.

5.15.4 Transcript notations regarding suspension and/or expulsion shall not contain any information about the underlying conduct, but will state that formal disciplinary action resulting in suspension and/or expulsion has been imposed. If a student withdraws from the University before the completion of an investigation and prior to a final determination, an updated transcript will be sent to any transferring institutions if suspension and/or expulsion are determined.

5.15.5 Transcript notations for suspension shall remain on a student's transcript for the duration of the suspension, and typically not longer than one year after the suspension period. Transcript notations for expulsion will typically remain on a student's transcript indefinitely.

5.15.6 Students may apply to the Dean of Students or designee to have their disciplinary records and/or transcript notation removed. Factors relevant to the decision to retain or remove specific records and/or transcript notations include the amount of time that has elapsed since the infraction, whether the student has graduated, and the seriousness of the infraction and the resulting sanctions.

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