

FRANKLIN PIERCE UNIVERSITY
COLLEGE AT RINDGE

STUDENT CODE OF
CONDUCT

REVISED August 2008

August 2008

Dear Student,

The Student Code of Conduct represents the collective leadership efforts of faculty, students, and administration who are involved with the University's judicial system. Their contributions to this document reflect a connected effort to develop within our student body a strong, personal awareness of individual responsibility towards one's self, toward fellow students, and toward the entire university community and all that it represents. This document is an affirmation of the University's belief that every student has the obligation and responsibility to understand and appreciate that this is an academic community, dedicated to the free and open examination and exchange of ideas in the pursuit of knowledge. That is why our University exists, and it is to this purpose that our faculty, administration, alumni, and trustees have committed themselves.

As in any society, our academic community recognizes the necessity to establish clearly defined standards of behavior that are defined to preserve and protect our educational mission. To this point, the Student Code of Conduct expresses those values and beliefs to which the University community is committed. It is our expectation that each of you will share in this understanding and adopt these values and beliefs in your personal lives.

Through your admission to Franklin Pierce University, you joined the proud company of the Pierce Family. As in any caring, supportive family, our community is dedicated to every aspect of your well-being—academic, social, physical, and spiritual. We are here to serve you, and we expect that each of you will approach this experience with a genuine desire to learn, a willingness to be receptive to new ideas, and with a commitment to actively question and be constructively challenging and respectful in all of your academic and social relationships.

We welcome you to our academic community: we look forward to sharing this experience with you. We hope that your years at Franklin Pierce University will contribute significantly to your future.

Sincerely,

Jim Earle, Ph.D.
Vice President for Student Affairs

FRANKLIN PIERCE UNIVERSITY

STUDENT CODE OF CONDUCT

As a part of its educational mission, the University has developed this Student Code of Conduct. The University believes that its proper role is to offer opportunities for the personal growth of its students. Hence, the development of responsible conduct is promoted by the Franklin Pierce Community. Students are expected to become familiar with and adhere to the University's standards and policies for student conduct. Furthermore, students are responsible for their actions, and those who violate the Code of Conduct will be subject to disciplinary action.

Membership in the Franklin Pierce Community is a privilege that shall not be abused.

Students accepting the offer of admission and matriculation at Franklin Pierce University assume the obligation of conducting themselves in a manner compatible with the University as an educational institution, and agree to abide by all published regulations governing the student body. Minimal regulations are necessary to ensure respect for basic individual rights. The University acknowledges and respects the right of each student, and does not view itself as a sanctuary from the law.

ARTICLE I: DEFINITIONS

1. The term "University" means Franklin Pierce University.
2. The term "student" includes all persons taking courses at the University, both full-time and part-time. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered students.
3. The term "faculty member" means any person hired by the University to conduct classroom activities.
4. The term "University official" and "University employee" includes any person employed by the University performing assigned administrative or professional responsibilities.

5. The term "member of the University community" includes any person who is a student, faculty member, staff member, or University official. A person's status in a particular situation shall be determined by the Student Affairs Office.
6. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, including adjacent streets and sidewalks.
7. The term "judicial body" means any person or persons authorized by this document or by the Vice President for Student Affairs to determine whether a student has violated the Student Code and to recommend or to assign imposition of sanctions.
8. The term "organization" means any number of persons who have complied with formal requirements for recognition by the University.
9. The term "appellate authority" means any person or persons authorized by this document or by the Vice President for Student Affairs to consider an appeal resulting from a judicial body's determination that a student has violated the Student Code or from the sanctions imposed by that body.
10. The term "shall" is used in the imperative sense.
11. The term "may" is used in the permissive sense.
12. The term "policy" is defined as the written regulations of the University as found in, but not limited to this document, the Student Handbook, the University Catalog, and the Honor Code.
13. The term "advisor" is defined as a member of the University community (faculty, staff or student) selected by an accused student to assist him/her at a judicial hearing. The role of the advisor is limited to direct assistance to the student; as it is the responsibility of the student to present his/her own testimony, evidence, etc., the advisor may not address the hearing board/officer directly or on behalf of the student unless requested by the Hearing Officer or the Chair of the Judicial Board to do so, or, upon request of the accused student, the Hearing Officer or the Chair of the Judicial Board grants such request upon good cause shown. A student bringing a complaint to the hearing board/officer may also have an advisor of his/her choosing from within the university community.

14. The term "sanction" is defined as the action issued by a judicial body as a result of a student being found to be in violation of a university regulation. Such action may be educational and/or punitive in nature.

ARTICLE II: JUDICIAL AUTHORITY

1. The Vice President for Student Affairs is the person designated by the University President to be responsible for the oversight and administration of the Franklin Pierce University, College at Rindge Student Code, to include determination of definition of all policies and statements within the Code.
2. The Associate Dean of Student Affairs, as coordinator of the Student Code and the student judicial system, shall ensure the composition of judicial bodies and appellate authorities in accordance with this document and established university policies. The Associate Dean of Student Affairs shall determine whether or not charges are brought against a student, which judicial body or appellate authority shall be authorized to hear each case, and shall work in cooperation with the advisor for the Judicial Board to provide appropriate training and orientation for successful accomplishment of the Judicial Board's responsibilities.
3. The Vice President for Student Affairs shall develop policies for the administration of the judicial system and procedural rules for the conduct of hearings, which are consistent with provisions of this document and established university policies.
4. The Director of Judicial Affairs is responsible for the investigation of all possible violators of this code.
5. Decisions made by a judicial body shall be final, pending the established appeal and review process.
6. A judicial body may be designated as arbiter of disputes within the student community in cases which do not involve a violation of the Student Code. All parties must agree to arbitration, and agree to be bound by the arbitrated decision.
7. Violations of the University's Honor Code relating to academic integrity are referred to the Provost. In cases involving academic integrity when it is likely that both the Honor Code and the Student Code of Conduct have been violated, the Student Code of Conduct will have jurisdiction. Any amendments to the Honor Code need a 2/3 vote by the Senate and are subsequently forwarded to the Vice President for Student Affairs for approval before the amendment becomes policy.

ARTICLE III: PRESCRIBED CONDUCT

A. JURISDICTION OF THE UNIVERSITY

Generally, university jurisdiction and discipline shall be limited to conduct which occurs on university premises or at university-sponsored events off university premises, or which adversely affects the university community and/or the pursuit of its objectives.

Off-Campus Study

Students who participate in any university or university-affiliated program off the Rindge Campus (i.e. Study Abroad, The Walk, Internships) are subject to student conduct regulations described in this **Code of Conduct**, in addition to any laws governing the country where they are studying. Authority for the code may be delegated to Field Directors/Advisors by the Associate Dean of Student Affairs. In addition, students attending foreign universities are also subject to the conduct regulations of that university.

B. CONDUCT - RULES AND REGULATIONS

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article IV.

1. **Acts of dishonesty**, including but not limited to, the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty. (See Academic Catalogue: "Plagiarism or Other Forms of Cheating").
 - b. Furnishing false information to or withholding pertinent information to an investigation from any University official, faculty member or office.
 - c. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
 - d. Tampering with the election process of any University-recognized student organization.
2. **Physical abuse** to include any physical act which is abusive, intimidates, threatens or endangers the physical health or safety of any person. Included in this regulation are all actions which constitute sexual assault, including incidents of sexual penetration, sexual fondling, forced

unclothing of another individual, or other coerced sexual acts. "Sexual Assault" is defined as any form of sexual conduct without the full consent of the victim(s). Any form of unwanted touching is also considered sexual abuse, and as defined in this Code, physical abuse.

For the purpose of Franklin Pierce University's policy and judicial procedures, consent is defined as the act of willingly agreeing to engage in specific sexual behavior. Silence or non-communication is not to be interpreted as consent and a person in a state of diminished judgment cannot consent. Consent requires that a person is able to freely choose between two options: yes and no. A person is incapable of giving consent if he/she is asleep, unconscious or otherwise unable to communicate. No one who has been threatened or coerced or drugged can consent. A person may be unable to give consent when he/she is under the influence of alcohol and/or drugs or is mentally handicapped. A current or prior sexual or dating relationship does not constitute consent. A person can withdraw consent at any time during the course of a sexual encounter. Pursuing sexual contact in any form whatsoever with an unwilling or non-consenting partner is sexual assault. How exactly we know when the person we're with is consenting to, or refusing a sexual advance can be at times difficult to discern; nevertheless the entire responsibility for correct discernment is upon the person making the advance. Both the accuser and accused will be informed of the outcome of any campus disciplinary proceedings involving sexual assault.

3. **Acts which endanger the safety or welfare of any person(s)** to include, but not limited to, the "propping" of a residence hall entrance door, the removal of screens from windows, breaking glass outside of buildings, blocking fire egresses, dismantling locks or other building safety equipment, etc.
4. **Verbal abuse** to include profanity, intimidation, harassment or other conduct which is abusive, threatens, intimidates, or endangers the health or safety of any person.
5. **Disorderly Conduct or Disruptive Behavior(s)** which is lewd, indecent, or a breach of peace. This is to include, but not be limited to, obstruction or disruption of teaching, research, study, residential living, administration, disciplinary proceedings, other university programs and activities or other authorized non-university activity on university premises.
6. **Alcohol Policy and Regulations**

- a. Underage possession or use of alcoholic beverages is prohibited. By state law, no one under 21 years of age is permitted to consume, purchase, transport, or possess any alcoholic beverage. The University does not condone violation of criminal law, including underage drinking. All matters relating to alcohol on university premises, or at university-sponsored events, are governed by laws of the State of New Hampshire. As members of the general public in this state, students are charged with full knowledge of these laws.

Additionally, the University has designated certain residence halls (such as Mt. Washington, New Hampshire, Granite, Monadnock, Edgewood, and Cheshire) as alcohol-free, or as "dry," as these buildings primarily house students under 21. No student, regardless of age, may possess or consume alcoholic beverages in these buildings or other residential areas designated by the Director of Residential Life.

- b. Open containers of alcohol are prohibited in public areas (i.e. residence hall lounges, hallways, stairwells, parking lots, courtyards, etc.).
- c. Intoxication as exhibited by impaired behavior or excess consumption that could cause personal injury is prohibited and will subject the student to disciplinary action.
- d. Common sources of alcohol are prohibited by the University. "Common source" is defined as a large amount of alcohol present which is in excess, or beyond a reasonable amount, for the number of people present who are 21 years of age or older. Common sources include, but are not limited to kegs, beer balls, and "around the world parties." This regulation is due to the University's recognition that too often common sources of alcohol contribute to irresponsible consumption and associated negative behaviors.
- e. Consumption of alcohol should at all times be responsible. Therefore, the University will not tolerate irresponsible and potentially dangerous actions such as, but not limited to, the use of "funnels," drinking contests/games, "keg stands," "beer pong tables," etc. Devices for this purpose will be confiscated by the University. [See Student Handbook confiscated items]

- f. All policies related to social gatherings (parties) involving alcohol in the residence halls or the Raven's Nest are administered by the Director of Residential Life (for residence halls) or the Assistant Dean for Student Involvement and Co-Curricular Programs (for Raven Nest). Students shall adhere to these stated policies. The University may prohibit social gatherings in designated residence halls without warning.
- g. A student's presence where any aspect of the alcohol policy is being violated, even if he/she is not directly involved in the specific act, constitutes a violation of university policy. This policy is in recognition of the responsibility every student has to uphold community standards, including the Student Code and the Honor Code; a student who passively, or actively, supports another's violation of university policy is not upholding such standards. Students are referred to #22 below for further clarification of what is expected.
- h. The involvement of alcohol and/or other drugs is not considered a legitimate excuse for violation of university policy. Irresponsible behavior related to alcohol use will be regarded as a violation of the Student Code.
- i. Providing, distributing or selling alcohol to a person under the age of 21 or a person impaired by alcohol is prohibited.
- j. Alcohol Education Policy-Franklin Pierce University's policy is clear with regard to a student's possession/use/abuse of alcohol and any controlled substance. Respecting state and federal laws, the University's policies govern alcohol use on university premises and at off-campus events sponsored by the university. The University is also fully committed to the education of students in all aspects of their lives. Therefore, as a part of the University's Student Code, the University is governed by the following.

Any student, who is involved in a violation of university policy related to the student's possession/use/abuse of alcohol or controlled substance, may be required to enroll in the following program in addition to any disciplinary sanction issued:

1. The student shall be required to attend an on-campus educational program related to alcohol/drug use and abuse;

2. Attendance at the educational program must comply with the date indicated by the judicial body issuing the sanction;
 3. Any cost associated with any educational program (Approximately \$100.00), is the responsibility of the student and must be paid before the assigned date of attendance at the workshop (the fee will be used to cover the cost of the program as well as campus-wide educational activities);
 4. The student may be required, in addition to the educational program, to meet with an outside mental health professional for an assessment of his/her alcohol use. The student shall be required to comply with the recommendation(s) of the provider. It will be up to the student to make all the arrangements.
 5. Any student who fails to complete the above, or who does complete the above and again violates the University's alcohol policy, shall expect further disciplinary action which may include suspension from the residence halls, or for commuter students, suspension from non-academic activities, or suspension from the university.
7. **Use, possession, or distribution of narcotics or other controlled substances**, except as expressly permitted by law (e.g. prescription drugs), is forbidden. Federal and state law regarding narcotics and controlled substances shall be strictly observed and enforced.

It shall also be considered a violation of this code to sell any substance believed to be a drug/narcotic by either the "seller" or "buyer," which is not a controlled substance.

Drug related devices are forbidden on university premises; in addition to being university policy, this is in accordance with state law.

A student's physical presence, where any aspect of the narcotics or other controlled substances policy (including alcohol) is being violated, even if he/she is not directly involved or does not participate in the specific act, constitutes a violation of university policy provided that the student knew that such violations were occurring in his/her presence. This policy is in recognition of the responsibility every student has to uphold community standards, including the Student Code and Honor Code, a student who passively or actively supports another's violation of university policy is not

upholding such standards, see #22 below. This provision also applies to actions of a student's guest(s), as specified in paragraph #21 below.

8. **Theft**, or attempted theft, of property, belonging to the University, a member of the university community, or a campus guest is a violation of the Student Code. Included in this policy is the removal of university property from its designated place (e.g., removal of lounge furniture to a student's room).
9. **Illegal entry**, entering into a student's room or other unauthorized location by a student or student's guest, without the permission of one or more residents of the room or approved personnel is a violation of the Student Code.
10. **Vandalism**, damage to, or attempted damage to property belonging to the University, a member of the university community, or a campus guest is an offense to the community and violation of the Student Code. Included in this policy is the "trashing" of public areas.
11. **Misuse or abuse of fire safety equipment**, including the activation of false alarms, the misuse of emergency exits, the wrongful discharge of fire extinguishers, or tampering with alarm systems, sprinkler systems, and smoke alarms constitutes a serious violation of the Student Code. Such violations endanger the life safety of the community. Further, students are required to evacuate any building when a fire alarm is sounding. Students may be fined for activation of an alarm system as established by the town ordinance (see Article IV, Section G, number 4).
12. **Possession or use of firearms, other weapons, or explosives**, is not permitted on any campus location. Violation of this policy is considered a serious offense and may lead to immediate separation from the university. Examples of weapons or explosives includes, but is not limited to: fireworks, handguns, rifles, pellet guns, BB guns, swords, bow and arrow, martial arts weapons, brass knuckles, small pocket knives, sling shots, pellets, bullets, ammunition, etc. The University does not store such weapons or explosives nor may they be stored in vehicles, apartments, or any other place on campus.
13. **Failure to comply** with the directions of a University official in the performance of his/her duties or **failure to identify oneself** to a University official by producing a Franklin Pierce student identification card when requested to do so is a violation of the Student Code.

14. **Abuse of the Judicial System.** This policy shall include, but not be limited to:
 - a. Failure to obey the summons of a judicial body or university official;
 - b. Falsification, distortion, or misrepresentation of information before a judicial body;
 - c. Disruption or interference with the orderly conduct of a judicial proceeding;
 - d. Initiating a judicial charge knowingly without cause;
 - e. Attempting to discourage, hinder or present an individual's proper participation in, or use of, the judicial system;
 - f. Harassment (verbal or physical) and/or intimidation of a member of a judicial body or witness prior to, during, and/or after a judicial proceeding;
 - g. Failure to comply fully with the sanction(s) imposed by a judicial body under the Student Code; and or
 - h. Influencing or attempting to influence the integrity and/or the impartiality of a member of a judicial body or witness prior to, and/or during the course of the judicial proceedings.
15. **Motor vehicle regulations,** as published by the Office of Campus Safety.
16. **Littering,** or failure to dispose of trash and other discarded materials in the proper receptacles. This includes, but is not limited to, recyclable materials, and cigarette butts.
17. **Violation of published University policies, rules, or regulations.** Included in this policy, but not limited to are:
 - a. All regulations published by Residential Life or Judicial Affairs such as, quiet hours, registration of guests, residence halls closing, spring weekend policies, senior week policies, etc.
 - b. All regulations contained within the College at Rindge Student Handbook, University Catalog, College at Rindge Code of Conduct and any other University publication.
 - c. The University Honor Code. The signing of this document is ceremonial. In accepting admission and matriculating in the University, one agrees to uphold and abide by the Honor Code. It is every student's responsibility to read, understand, and abide by these principles.
 - d. Smoking is prohibited within 10 feet of any dwelling egress or window. [passed by SGA, 2003]

18. **Violation of any federal, state or local law.** As the University is part of a larger community, students are expected to observe all federal, state and local laws, in addition to university policies.
19. **Participation in a campus demonstration which disrupts the operations of the University** and infringes on the rights of other members of the university community; leading others to disrupt scheduled and/or normal activities on University premises; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
20. **Theft or other abuse of the University's technological equipment or services (i.e. computers, services, telephones, voicemail, etc.).** This policy includes, but is not limited to:
 - a. Unauthorized entry into a file, to use, read, or change, the contents, or for any other purpose;
 - b. Unauthorized transfer of a file;
 - c. Unauthorized use of another individual's identification, access code, security code, or password;
 - d. Use of computing and voice mail facilities to interfere with the work of another student, faculty member or university official;
 - e. Use of computing and voice mail facilities to interfere with normal operation of the University computing system; and or
 - f. Use of the telecommunications and computing system to harass (including obscene and/or abusive messages), intimidate, or threaten another individual.
 - g. Violation of any rules outlined in the student computer use policy.
21. **Actions of a student's guest(s) which violate any university policy** are the responsibility of the host student. Therefore, if a student's guest(s) violates university policy, the guest(s) shall be required to leave university premises immediately, be forbidden on university premises in the future, and the host student may face disciplinary action as if he/she himself/herself had violated the policy.
22. **Actively or passively supporting another individual to violate any University policy.** The intent of this policy is to advise students of their responsibilities within the campus community. All students are expected to behave in a responsible manner while enrolled at Franklin Pierce University, as well as in the course of normal participation in any community. In the circumstance that a student becomes aware of real or potential violation(s) of university policy, then specific behavioral responses are expected to include advising others that such action is a

violation of policy, informing a university official of the violation and not participating in the violation by remaining passively present.

C. VIOLATION OF LAW AND UNIVERSITY DISCIPLINE

1. If a student is charged with an off-campus violation of federal, state, or local law, this may constitute a violation of the Student Code (see #18 in previous section). Disciplinary action may be taken and sanctions imposed.
2. University disciplinary proceedings may be instituted against a student charged with violation of a law, which is also a violation of the Student Code. For example, if a student violates the Student Code with an action which also results in criminal and/or civil charges, university disciplinary proceedings will be followed. The University's proceedings are separate and distinct from criminal proceedings; therefore, action by the University will not be impeded by, nor influenced by, criminal or civil litigation. Proceedings under the Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
3. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his/her status as a student. If the alleged offense is also the subject of a proceeding before a judicial body under the Student Code, however, the University may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the university community.

ARTICLE IV: JUDICIAL SYSTEM AND PROCESS

A. THE JUDICIAL PROCESS

1. Any member of the university community may file a complaint against any student for misconduct. Complaints should be prepared in writing and directed to the Associate Dean of Student Affairs and the Director of Judicial Affairs. Any complaint should be submitted as soon as possible after the incident related to the complaint(s). The Associate Dean of Student Affairs may ask the Director of Judicial Affairs to investigate the complaint.
2. The Associate Dean of Student Affairs shall determine if charges should be initiated and which authority shall have jurisdiction to hear and decide the case.
3. If a student is charged or is in the process of being charged with a violation of the Student Code of Conduct, he/she will not be permitted to withdraw from the University. A student may not escape judicial or financial responsibilities through the withdrawal or leave of absence process. Students must receive permission to withdraw or exercise a leave through the Associate Dean or his/her designee.

B. THE JUDICIAL SYSTEM

There are four types of judicial bodies within the University's judicial system on the College at Rindge campus. The first body is the Experience Director, the second body is the Director of Residential Life, the third body is the Associate Dean of Student Affairs, and; the fourth body is Hearing Boards. At any time, however, the Vice President for Student Affairs may choose at his/her discretion to hear any case in place of another judicial body. The Vice President for Student Affairs may invite other members of the community to assist him/her in hearing the case.

With the exception of Judicial Board hearings, cases will be heard administratively on an informal basis. Administrative hearings are to take the form of an educational dialogue with the involved student(s). The only record maintained in administrative hearings and judicial board hearings will be the written decision of the judicial body. Judicial Board hearings will take place on a more formal basis. A tape recording of the proceedings is maintained, until the appeal process has been exhausted.

1. **The Experience Director** is responsible for those cases that are least serious in nature and are related to the residence halls. Hearings are structured on an informal basis and the Experience Director is limited to the following types of sanctions: Written Warning, Educational Sanction, Fines, Restitution, Censure, and Conduct Probation (see Section G).
2. **The Director of Residential Life and the Associate Dean of Student Affairs** are responsible for the most serious cases. Hearings are structured on an informal basis. The Director/Associate Dean may impose any sanction listed within the Student Code, provided that a sanction issued is consistent within the guidelines for such sanctions (see Section G).
3. **Hearing Boards.** In certain cases, the Associate Dean of Student Affairs may opt to refer cases to one of two types of hearing boards, either a student Judicial Board or an administrative hearing board.
 - a. **The Judicial Board** is comprised of nine students appointed by the chairperson. The Judicial Board hears cases referred by the Associate Dean of Student Affairs, and advises the Associate Dean of Student Affairs as to whether or not the accused student violated the Student Code and recommends a sanction(s) when appropriate. The Judicial Board is advisory in nature, and final decisions are the responsibility of the Associate Dean of Student Affairs.
 - b. **Administrative Hearing Board.** At the request of the Associate Dean of Student Affairs, individual members of the Judicial Board or other members of the community may be requested to assist another judicial body in an administrative hearing.

The Associate Dean of Student Affairs, at his/her discretion, will refer to a Hearing Board those cases in which the accused student states he/she is not guilty of the alleged violation, although this is not required. At such times as the Judicial Board is not available for hearing cases (i.e. mid-terms, final exams, vacation periods, etc.), the Associate Dean of Student Affairs, his/her designee, or an Administrative Hearing Board will hear the case. It should be noted that the Associate Dean of Student Affairs will decide if a case will be heard by which judicial body.

The scheduling of any disciplinary hearing will be done as expeditiously as possible. Normally, cases before an Experience Director will be heard within five (5) days of being charged with the alleged violation. Cases before the Director of Residential Life or the Associate Dean of Student Affairs will normally be heard within ten (10) days of being charged with the alleged violation. Cases

heard by the Judicial Board or Administrative Hearing Boards will normally be heard within fourteen (14) days of being charged by the Associate Dean of Student Affairs with the alleged violation.

At the discretion of the Associate Dean of Student Affairs, the Director of Judicial Affairs, the Office of Campus Safety or the Office of Residential Life will assist with the judicial system. This includes, but not limited to, the filing of complaints, the investigation of complaints and the presentation of cases to a judicial body. Charges may only be filed by the appropriate judicial body, as determined by the Associate Dean of Student Affairs.

C. HEARING PROCEDURES

1. **Administrative Hearings** (This includes cases heard by Experience Directors, the Director of Residential Life, the Associate Dean of Student Affairs, the Vice President for Student Affairs, or any Administrative Hearing Boards).
 - a. The accused student shall receive a letter electronically from the appropriate judicial body requesting a meeting by a specified date to discuss the alleged incident, such a meeting date being at least two (2) days after the date of the letter. It is the responsibility of every student to check his/her university e-mail account on a daily basis to receive hearing information, as well as other important university communications.
 - b. Each student is expected to attend his/her hearing. If the student fails to meet with the judicial body by the date specified, the judicial body shall decide the matter, to include disciplinary sanction, without the benefit of the accused student's input.
 - c. An administrative hearing is normally conducted as an educational dialogue between the judicial body and the accused student; an educational dialogue has the full participation of all parties and is done for the purpose of learning from the situation, as well as upholding community standards. Other parties with direct knowledge of the incident in question may be present, but only at the request of the judicial body. Administrative hearings are conducted in private. Decisions regarding who is present-beyond the accused, complaintant, advisors, and approved witnesses-will be at the complete discretion of the judicial body.
 - d. An accused student may have an advisor of his/her choosing from within the university community present at the hearing. The

advisor may be selected from faculty, staff, and students. The advisor shall not participate directly in any aspect of the hearing; the advisor may only address the accused student. It is the student's responsibility to present all aspects of his/her own defense.

- e. The judicial body's decision shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
- f. The only record which shall be made of an administrative hearing is the written decision of the judicial body, which will be maintained in the student's personal file in the Office of Student Affairs.

2. Judicial Board Hearings

- a. The accused student shall receive a letter from the Associate Dean of Student Affairs stating the alleged violation(s) of the Student Code. Included in the letter shall be the date, time, and place of the hearing.
- b. The accused student is strongly encouraged to meet with the Associate Dean of Student Affairs prior to the hearing to review hearing procedures, to review the student's basic rights at the hearing, to inform the Associate Dean of Student Affairs of any witnesses he/she expects to have present, to indicate any evidence he/she plans to present, and if chosen by the student, the name of the advisor who will be present for the student.
- c. Judicial Board hearings are conducted in private, with only the participants and advisor(s) being present. Admission of any other person to the hearing shall be the decision of the chairperson of the Board.
- d. In hearings involving more than one accused student, the chairperson, at his/her discretion, may permit hearings concerning each student be conducted separately.
- e. Pertinent records, exhibits and written statements may be accepted as evidence for consideration at the hearing by the Board at the discretion of the chairperson.
- f. All procedural questions related to the hearing are subject to the final decision of the chairperson.

- g. The only witnesses permitted to present testimony to the Board will be those persons with direct (not second-hand or hearsay) knowledge about the events or matters under consideration by the Board. The number of witnesses will be determined by the chairperson of the Judicial Board.
- h. The Board hearings follow prescribed procedures and the Board is advised by a faculty or staff member, who is appointed by the chair-person in consultation with the Associate Dean of Student Affairs and serves as a non-voting member of the Board. The advisor to the Judicial Board may, at his/her discretion, advise the accused student and/or the accused student's advisor, as to procedural matters during the hearing.
- i. An accused student may have an advisor of his/her choosing from within the university community present at the hearing. The advisor may be selected from faculty, staff, and students. The advisor shall not participate directly in any aspect of the hearing; the advisor may only address the accused student. It is the student's responsibility to present all aspects of his/her own defense.
- j. There shall be a single verbatim record in the form of a tape recording with Judicial Board hearings, not including the deliberations. The record shall be held in confidence and shall be destroyed after the appeal process has been exhausted.
- k. After the hearing, the Board shall determine (by majority vote) whether the student has violated the Student Code and, if appropriate, a sanction(s) for such violation. The Board's decision shall be on the basis of whether it is more likely than not that the accused student violated the Student Code. The Board's decision and appropriate sanction will be recommended to the Associate Dean of Student Affairs or his/her designee. The Associate Dean of Student Affairs shall communicate in writing his/her decision to the accused student.

D. INTERIM SUSPENSION

- 1. Interim Suspension may be imposed only: a) to ensure the safety and well-being of members of the university community or preservation of university property; b) to ensure the student's own physical or emotional safety and well-being; or c) if the student's presence is viewed as either

- dangerous to persons or property, or disruptive to normal campus functions or to members of the university community.
2. During the Interim Suspension, a student is denied access to the residence halls and/or to university premises and/or all other university activities or privileges for which the student might otherwise be eligible, as the Vice President for Student Affairs or his/her designee may determine to be appropriate.
 3. Any student placed on interim suspension must contact the Director of Judicial Affairs on the next business day.
 4. The student may return to campus at the appointed time for his/her judicial hearing or such time the Vice President of Student Affairs or his/her designee determines is appropriate.

E. THE APPEAL PROCESS

An accused student may appeal a decision of any level of the judicial system within five (5) days of written notification of the decision. A person(s) bringing the complaint or accusation does not have the opportunity for appeal. The decision of any appellate authority is final.

1. The Appeal Authority

- a. Appeals presented from cases heard by an Experience Director are directed to the Director of Residential Life.
- b. Appeals presented from cases heard by a Director of Residential Life are directed to the Associate Dean of Student Affairs.
- c. Appeals presented from cases heard by the Associate Dean of Student Affairs are directed to the Vice President for Student Affairs.
- d. Appeals presented from cases heard by the Vice President for Student Affairs are directed to the President of the University.
- e. Appeals presented from cases heard by the Judicial Board are directed to the University's Appeals Board.

- f. Appeals presented from cases heard by an Administrative Hearing Board are directed to the Vice President for Student Affairs.

2. Grounds for Appeal

One or more of the following grounds for appeal must be present; these are the only grounds upon which a judicial decision may be appealed:

- a. There is significant new information relevant to the case which was not available at the time of the original hearing.
- b. There is evidence that the person(s) or Board that held the original hearing was unduly biased in deciding the matter.
- c. The sanction imposed was capricious (e.g. the sanction was excessive when compared with previous sanctions for similar violations under similar circumstances for students with similar disciplinary records).

3. Process for Administrative Appeals

An administrative appeal is one, which is heard by the Director of Residential Life, the Associate Dean of Student Affairs, the Vice President for Student Affairs, or the President of the University.

- a. The appeal must be in writing and must state the specific ground(s) for appeal.
- b. The appeal must be delivered to the appropriate Appellate Authority.
- c. The Appellate Authority shall determine what evidence, documentation, etc. is necessary to consider the appeal. The Appellate Authority will not normally meet with the student presenting the appeal; thus, the written appeal should be thorough and complete.
- d. If sufficient grounds for appeal are evident, the Appellate Authority will take action on the appeal. Choices of action are to sustain, decrease, increase, modify, or void the sanction. When circumstances warrant, as determined by the Appellate Authority, the case may be referred back to the original level of judicial system for review of the case (e.g. where new evidence exists, which was not available at the time of the original hearing) he/she

may choose to have the case reheard (e.g. the original judicial body was unduly biased). Whenever a case is referred back to the original judicial body, the original sanction, unless modified or vacated by the Appellate Authority, will remain in full force and effect, pending such further review or rehearing. The outcome of the new hearing, whether by the original body or a new one, becomes the final decision on the case.

- e. If sufficient grounds for appeal are not evident, the Appellate Authority will identify this to be the case, and the appeal will not be heard; the original sanction will stand.

4. Process for University Appeals Board

The University Appeals Board considers only those appeals presented from cases heard by the Judicial Board. The University Appeals Board is appointed and consists of one (1) administrator, one (1) faculty or staff member from an academic division, and one (1) student. Members of the Appeals Board will read and consider an appeal. The findings of the University Appeals Board shall be advisory to the University President and final action on such appeals will rest with the President.

- a. The student should consult with the Associate Dean of Student Affairs for information related to the University Appeals Board and its process. It is the student's responsibility to thoroughly understand the process before proceeding to an appeal. Any questions should be made to the Associate Dean of Student Affairs.
- b. The appeal must be presented in writing within five days of written notification of the decision and must state the ground(s) for appeal.
- c. The appeal must be delivered directly to the Associate Dean of Student Affairs within the time period specified within the original Judicial letter.
- d. Normally, neither the President nor the Appeals Board will meet with the student presenting the appeal in determining sufficiency of the grounds for appeal.
- e. Normally, the Appeals Board will meet within ten (10) days of receipt of the appeal from the Associate Dean of Student Affairs to determine sufficiency of grounds for appeal.

- f. If sufficient grounds for appeal are present, the Appeals Board will recommend action on the appeal to the University President. Choices of action are to decrease, sustain, increase, modify, or void the original sanction. When circumstances warrant, as determined by the Appeals Board, a case may be referred back to the original level of the judicial system for a review of the case (e.g. new evidence not available at the time of the original hearing), or the Appeals Board may choose to have the case reheard (e.g. the original judicial body was unduly biased). Whenever a case is referred back to the original judicial body, the original sanction, unless modified or vacated by the Appeals Board or the University President, will remain in full force and effect, pending such further review or rehearing. The outcome of the new hearing, whether by the original body or a new one, becomes the final decision on the case.
- g. If sufficient grounds for appeal are not present, the Appeals Board will advise the University President accordingly, and no appeal will be heard; the original sanction will stand.

5. Status Of A Student During An Appeal

Normally the sanction determined by the judicial body shall be in effect immediately and remain in effect, pending the appeal process. Any exception to this may only be made with the approval of the Vice President for Student Affairs and shall only be made for rare and extenuating circumstances.

Should the sanction be to separate a student from the University (University Suspension or University Expulsion), the Associate Dean of Student Affairs may allow a student to continue in classes if the student is not seen as a threat or danger to any member of the university community, or as a source of disruption to the normal operations to the university community. This provision is to prevent the assumption of the resolution, of the appeal process. Should the appeal process result in the original sanction being upheld, the student will be withdrawn from all enrolled classes as of the date of the original sanction, in accordance with policy recommended by the University's Academic Standards Committee.

F. NOTICE TO PARENTS AND ACADEMIC ADVISORS

Parents or guardians will be informed in any instance of their student being sanctioned with Censure or a more severe sanction. A student's academic advisor will also be informed in any instance of the student being sanctioned

with Censure or a more severe sanction. Administrators/staff determined to have a need to know will also be notified.

G. SANCTIONS

1. Determination of an appropriate sanction shall be based upon the seriousness of the violation and the student's previous disciplinary record. Students are expected to learn sufficiently from the disciplinary process so as not to have repeated violations of the Student Code. Should a student repeatedly violate other sections of the Student Code, the minimum sanction imposed would be at least as severe as the previous sanction.
2. Repeated violations of policies relating to underage possession/consumption of alcohol or irresponsible use of alcohol will result in progressively more severe sanctions. Sanctions will generally result in: a warning and educational sanction for first offense, conduct probation and work hours for a second offense, and university suspension for a third offense. [Passed by SGA, 1999]
3. Violations relating to damage and/or vandalism will result in a minimum of restitution and a 25% fine. A repeat violation will likely result in a residence hall suspension. [Passed by SGA, 2002]
4. Violations regarding the false activation of a fire alarm system may result in fines.
5. More than one sanction listed below may be imposed for any single violation.
6. With the exception of University Expulsion, disciplinary sanctions shall not be recorded on the student's permanent academic transcript, but shall become part of the student's personal record maintained in the Office of Student Affairs. Upon graduation, the student's personal record may be expunged of disciplinary sanctions with the exception of University Expulsion, upon written application by the student to the Vice President for Student Affairs.
7. Failure to comply fully with the conditions of any imposed sanction shall lead to more serious disciplinary action, including the possibility of suspension or expulsion from the residence halls and or suspension or expulsion from the University.

8. A written record of all disciplinary sanctions issued to a student will be maintained in the student's personal record maintained in the Office of Student Affairs.
9. The following sanctions may be imposed upon a student who has violated the Student Code.
 - a. **Written Warning** consists of formal notification that the student has violated the Student Code and advises that repetition will result in a more severe sanction. A written record of the warning is made.
 - b. **Educational Sanction** is a non-punitive sanction usually imposed in conjunction with another sanction. Educational sanctions may include, but are not limited to, professional counseling, change in residence hall, participation in an educational program, writing a research paper, a supervised work project, etc. The educational sanction must be completed within the manner and time stated as part of the sanction. Participation in certain programs may be withheld or restricted until educational sanctions are completed (e.g. participation in room lottery).
 - c. **Restitution** is full payment for the cost of damage(s), as determined by the University, of materials and labor for repair or replacement of damaged, destroyed, or stolen university property.
 - d. **Fines** may be assessed by the University for certain actions such as (but not limited to) false activation of a fire alarm.
 - e. **Censure** is an official reprimand for violation of the Student Code; repeated violations of the Student Code shall result in a more severe sanction; may be attached to the loss of specified privileges; an educational sanction is normally attached to Censure.
 - f. **Conduct Probation** is a serious reprimand for a violation of a specific university policy. The loss of specified privileges may also be involved. Conduct Probation is for a specified period of time, and more severe disciplinary sanction(s) will be imposed should the student further violate any university policy.
 - g. **Residence Hall Suspension** separates a student from the residence halls for a specified period of time, or until specified conditions are met. A student suspended from the residence halls may continue to attend classes and utilize the University's dining hall. However,

he/she shall not enter, nor be in the immediate vicinity of, any residence hall; this includes lawn areas, sidewalks, parking lots near the residence halls, etc.

- h. **Residence Hall Expulsion** is a permanent separation of the student from the residence halls. A student expelled from the residence halls shall also lose all future visitation privileges and utilization of the University's dining hall; the rationale for this is that a student permanently separated from the residence halls and associated group activities shall also lose the privilege of gathering in the dining hall with other students. The student may not enter, nor be in the immediate vicinity of any residence halls.
- i. **Suspension from Non-Academic Activities** is a separation of the student from all nonacademic activities and functions (e.g. visitation to the residence halls, student activities and programs, sport events, intramural/recreation programs, recreation facilities, athletics, etc.) for a specified period of time.
- j. **Expulsion from Non-Academic Activities** is a permanent separation of the student from all nonacademic activities and functions (e.g. visitation to the residence halls, student activities and programs, sport events, intramural/recreation programs, recreation facilities, athletics, etc.).
- k. **University Suspension** is a separation of the student from the University and all university premises, for a specified period of time, or until certain predetermined conditions are met. Readmission after university suspension is not automatic and must have the approval of the Associate Dean of Student Affairs.
- l. **University Expulsion** is the permanent separation of the student from the University, and all university premises. The expulsion will be noted on the student's academic transcript as follows "Expelled per Student Code of Conduct," and the effective date of the expulsion will be noted. This notation will be a permanent part of the student's academic transcript.

H. REVIEW BY PRESIDENT OF THE UNIVERSITY

In all matters concerning this Code, the decision of the University President is final. The University President reserves the right to review all decisions related to student judicial affairs and may sustain, decrease, increase, modify, or void the sanction. When circumstances warrant, as determined by the University

President, the case may be referred back to the original level of the judicial system for review of the case (e.g. when new evidence exists which was not available at the time of the original hearing).

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