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# STUDENT GUIDE TO UNIVERSITY POLICIES

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## MAIN MENU

The Student Guide to University Policies contains the following sections. It also exists in a **PDF version** for printing (requires **Adobe Acrobat Reader**).

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### Introduction

In order to promote the finest educational experience possible, the University of Delaware has established high standards of conduct for its students and student organizations. Individual students and student organizations are expected to know and comply with the policies in the Code of Conduct. Students who violate, attempt to violate, or aid others in violating its provisions may face sanctions for their actions. This Student Guide explains University standards and procedures.

Because this Student Guide is a University document, it may be useful to students to know how several **commonly used terms** are officially defined.

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### Code of Conduct

The **Code of Conduct** describes the behavior expected of all students. It is arranged alphabetically by category and establishes standards of behavior for students and student organizations at the University.

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### Student Conduct System

Alleged violations of the Code of Conduct are handled through the Undergraduate and Graduate **Student Conduct Systems**. This section describes the University's procedures for addressing violations.

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### Sanctions

The University reserves the absolute discretion to determine appropriate sanctions to be imposed upon a student for any infraction of the Code of Conduct. The **Sanctions** section describes the range of sanctions that may be applied.

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## Grievance Procedures and Special Problems

This section describes the process by which students may bring certain **grievances** to the attention of the University. It also provides students with information about assistance with **special problems**, such as medical leaves of absence, military service and missing students.

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## I. CODE OF CONDUCT

This Code of Conduct, which contains policies arranged alphabetically, establishes standards of behavior for students and student organizations at the University.

- **Academic Honesty**
- **Alcohol**
- **Complicity**
- **Disruptive Conduct**
- **Drugs**
- **Endangering the Safety of Others**
- **Failure to Comply**
- **False Information**
- **Guests**
- **Hazing**
- **Misuse of University Materials, Services or Property**
- **Off-Campus Conduct**
- **Residence Hall Regulations**
- **Responsible Computing and Use of University Computer Resources**
- **Sexual Assault**
- **Sexual and Other Unlawful Harassment**
- **Student Organizations**
- **Theft**
- **Weapons, Dangerous Instruments, and Explosive Chemicals or Devices on Campus**

**Note: A violation of the Code of Conduct may also constitute a violation of city, state, or federal law and vice versa. If so, simultaneous prosecutions may result. Students should be aware that student status does not insulate them from awareness of and compliance with other laws.**

### A. Academic Honesty

#### 1. Statement of Policy

All students must be honest and forthright in their academic studies. To falsify the results of one's research, to steal the words or ideas of another, to cheat on an assignment, or to allow or assist another to commit these acts corrupts the educational process. Students are expected to do their own work and neither give nor receive unauthorized assistance.

Any violation of this standard must be reported to the **Office of Student**

**Conduct.** The faculty member, in consultation with a representative from the Office of Student Conduct, will decide under which option the incident is best filed and what specific academic penalty should be applied.

## 2. **Academic Violations**

### a. **Plagiarism**

Plagiarism is the inclusion of someone else's words, ideas, images, or data as one's own. When a student submits academic work that includes another's words, ideas, images, or data, whether published or unpublished, the source of that information must be acknowledged with complete and accurate references and, if verbatim statements are included, with quotation marks as well. By submitting work as his or her own, a student certifies the originality of all material not otherwise acknowledged. Plagiarism includes, but is not limited to:

- i. The quotation or other use of another person's words, ideas, opinions, thoughts, or theories (even if paraphrased into one's own words) without acknowledgment of the source; or
- ii. The quotation or other use of facts, statistics, or other data or materials (including images) that are not clearly common knowledge without acknowledgment of the source.

### b. **Fabrication**

Fabrication is the use of invented information or the falsification of research or other findings. Fabrication includes, but is not limited to:

- i. The false citation or acknowledgment of a direct or secondary source, including the incorrect documentation of a source;
- ii. The citation, in a bibliography or other list of references, of sources that were not used to prepare the academic work;
- iii. The inclusion in an academic work of falsified, invented, or fictitious data or information, or the deliberate and knowing concealment or distortion of the true nature, origin, or function of such data or information; or
- iv. The unauthorized submission of an academic work prepared totally or in part by another.

### c. **Cheating**

Cheating is an act or an attempted act of deception by which a student seeks to misrepresent that he or she has mastered information that has not been mastered. Cheating includes, but is not limited to:

- i. Copying of all or any portion of another's academic work and submitting it, in part or in its entirety, as one's own;

- ii. Allowing another person to copy one's own academic work—whether intentionally or recklessly;
- iii. The unauthorized use or possession of a class textbook, notes, or any other material to complete or prepare an academic work;
- iv. The unauthorized collaboration with any other person on an academic exercise, including collaboration on a take-home or make-up academic exercise;
- v. The unauthorized use of electronic instruments, such as cell phones, PDAs, or personal response systems (clickers) to access or share information; or
- vi. The unauthorized completion for another person of an academic work, or permitting someone else to complete an academic work for oneself, including through the use of personal response systems (clickers).

d. **Academic Misconduct**

Academic misconduct is any other act that disrupts the educational process or provides a student with an academic advantage over another student. Academic misconduct includes, but is not limited to:

- i. The unauthorized possession, copying, distribution, sale, or other transfer of all or any part of an academic exercise, or the answers or solutions to an academic exercise, whether or not the exercise has been administered;
- ii. Changing, altering, attempting to change or alter, or assisting another in changing or altering any grade or other academic record, including grades or records contained in a grade book or computer file, that is received for or in any way attributed to academic work;
- iii. Entering any University building, facility, office, or other property, or accessing any computer file or other University record or storage for the purpose of obtaining the answers or solutions to an academic exercise or to change a grade;
- iv. Continuing to work on an academic exercise after the specified allotted time has elapsed; or
- v. Bribing another person to obtain an academic exercise, including answers to questions of an unadministered academic exercise.

e. **Other forms of academic dishonesty not described here but in violation of the Academic Honesty Statement of Policy.**

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**B. Alcohol**

## 1. Statement of Policy

All students must comply with applicable laws and these alcohol regulations.

### **Open Letter to All Students Regarding Drugs and Alcohol**

#### Medical Amnesty/Good Samaritan Policy

Student health and safety are of primary concern at the University of Delaware. As such, in cases of intoxication and/or alcohol poisoning, the University encourages individuals to seek medical assistance for themselves or others. If an individual seeks medical attention due to his/her level of intoxication, the Office of Student Conduct may not pursue conduct sanctions against the student for violations of the Alcohol Policy. In lieu of student conduct sanctions, the intoxicated student (and possibly the referring student) will be required to meet with a member of the Office of Student Conduct staff who may issue educational requirements such as alcohol education class and/or an alcohol and substance abuse assessment.

Those students who assist in obtaining medical attention for individuals who are intoxicated may not receive student conduct sanctions for violations of the Alcohol Policy of the Code of Conduct.

**Please note: Medical Amnesty will not be granted to students who do not seek medical assistance. Students who are confronted by university staff (ex. RA, UDPD) will be referred to the Office of Student Conduct for alleged policy violations.**

Students are encouraged to read the complete **Medical Amnesty/Good Samaritan Policy**.

## 2. Prohibited Activities

The University prohibits alcohol intoxication (regardless of age); the unauthorized possession, use, consumption, manufacture, sale, or distribution of alcohol; and driving while impaired due to alcohol consumption. Specifically this offense includes, but is not limited to:

- a. The possession, use, consumption, manufacture, sale, or distribution of alcohol by anyone under the legal age to do so;
- b. The possession, use, consumption, manufacture, sale, or distribution of alcohol in violation of any applicable law, including the laws of the State of Delaware or the City of Newark, Delaware;
- c. The possession, use, consumption, manufacture, sale, or distribution of alcohol in any University building, facility, or property except in the confines of a student's own residence hall room if the student is over the legal age to do so;
- d. The possession of beer kegs in any University building, facility, or property;

- e. The possession or use of any apparatus, including but not limited to beer pong tables and beer funnels, used to facilitate 1) the rapid consumption of alcohol or 2) drinking games; or
- f. A violation of any University policy or procedure concerning the use of alcohol or enacted to monitor or control the use of alcohol.

### 3. **Use of Alcohol Off-Campus**

The University accepts no responsibility for the possession, use, consumption, manufacture, sale, or distribution of alcoholic beverages by students off-campus, including at events or functions sponsored in whole or in part by one or more student organizations or individuals. A student hosting or attending an off-campus function should be aware of the applicable laws regarding alcohol and should be aware that the University may also impose sanctions upon the student for such behavior.

### 4. **Use of Alcohol On-Campus**

As described above, the possession, use, consumption, manufacture, sale, or distribution of alcoholic beverages is prohibited except when and where explicitly permitted by this Alcohol Policy.

#### a. **Student Organizations**

No student organization that hosts, organizes, conducts, or participates in an on-campus function or event sponsored or sanctioned by the University shall serve alcohol or permit the possession, use, consumption, manufacture, sale, or distribution of alcohol except as provided here.

- i. No alcoholic beverages shall be distributed, served, or sold at a function or event on-campus without the explicit, prior approval of the **Director of the Student Centers**.
- ii. Outside functions or events involving the use of alcohol are not permitted on campus.

#### b. **Alcohol in Residence Halls**

A resident over the age of 21 may possess or consume alcoholic beverages in his or her own room. No student under the age of 21 may possess or consume alcohol anywhere, including the student's room. The possession or consumption of alcohol by a student over the age of 21 is subject to the following limitations and conditions, and any violation of these conditions shall be a violation of this Code of Conduct.

- i. Possession of an open container or consumption of alcoholic beverages in any area other than a resident's room is prohibited.
- ii. A guest may only possess or consume alcohol if the guest is over the age of 21 and is visiting a resident's room where at least one of the assigned student residents is also of legal

drinking age and is present (*i.e.*, if a double-occupancy room is occupied by two students under the age of 21, those students shall not permit the consumption, possession, or use of alcohol by anyone, including guests, in that room. However, if one of the roommates is over the age of 21, he or she must be present to allow the possession or consumption of alcohol by guests who are over 21).

- iii. The student's (or a guest's) possession, use, or consumption of alcohol shall not infringe upon the privacy, peace, or enjoyment of other students or guests in the residence hall.
- iv. A residence hall student has a duty to know if there is or has been illegal use or possession of alcohol in his or her room. Therefore, the responsibility to establish lack of knowledge shall be on the resident in cases where the resident claims no knowledge of such use.

#### **c. Alcohol at the University Football Stadium**

The possession, use, consumption, manufacture, sale, or distribution of alcohol at the University football stadium is prohibited, except that alcohol may be possessed and consumed in the stadium parking areas only on the day of a home varsity football game and only by those of legal drinking age. Beer kegs and any alcohol-related games, activities or apparatus (such as a beer pong table, ice slides, beer funnels, etc.) are prohibited at all times, and alcoholic beverages are not permitted in the stadium. Individuals are not permitted to possess any open container containing spirits, wine, or beer, or consume any spirits, wine, or beer in stadium parking areas while the football game is in progress.

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### **C. Complicity**

#### **Statement of Policy**

A student shall not, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of this Code of Conduct. A student who has knowledge of another committing or attempting to commit a violation of the Code of Conduct is required to remove him or herself from the situation, and failure to do so when reasonable under the circumstances may be the basis for a violation of this policy.

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### **D. Disruptive Conduct**

#### **1. Statement of Policy**

A student shall not impair, interfere with, or obstruct the orderly conduct, process, or function of the University or any of its students, faculty

members, University officials, guests or the surrounding community.

## 2. **Prohibited Activities**

Specific violations of this standard include, but are not limited to:

- a. Committing or threatening to commit any act of violence against self or other;
- b. Threatening the health, safety, or welfare of another;
- c. Acting recklessly or in a manner that endangers or could reasonably be expected to endanger the health, safety, or welfare of the student or anyone else;
- d. Interfering with the freedom of movement of another person;
- e. Invading the privacy of another person;
- f. Bullying (Any deliberately hurtful behavior, usually repeated over time, with the desired outcome of frightening, intimidating, excluding or degrading a person. This includes, but is not limited to, physical assault, verbal abuse, teasing, ridiculing and spreading of rumors or private information about a person and may be done by any method of delivery, such as verbal, written or electronic);
- g. Stalking (Purposely and repeatedly engaging in behavior directed at a specific person which reasonably causes that person alarm, distress, fear or a change of normal behavior);
- h. Interfering with the right of another to enter, use, or leave any University building, facility, property, service, resource, or activity;
- i. Interfering with a faculty member or University official in the performance of his or her duty;
- j. Interfering with the freedoms of speech, religion, or association of another;
- k. Trespassing or the unauthorized entering or accessing of any University building, facility, property, service, resource, or activity;
- l. Instigating or otherwise encouraging others to engage in a fight, riot or other disruption;
- m. Making, exhibiting, or producing any inappropriate, loud, or disruptive noise or behavior;
- n. Exhibiting public nudity or lewd behavior; or
- o. Urinating in any area of University buildings, facilities, or property other than restrooms.

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### E. **Drugs**

## 1. **Statement of Policy**

The University prohibits the illegal possession, use, consumption, manufacture, sale, or distribution of drugs and drug paraphernalia. Any violations of this drug policy may be subject to sanctions by the undergraduate or graduate Student Conduct System and may be reported to all appropriate law enforcement authorities. The claim that the use of marijuana was done for medicinal purposes will not automatically be sufficient for dismissal of any pending charges nor for a determination that the student is not responsible for violating this policy. All University buildings, including residence halls, are designated as smoke-free for all substances.

### **Open Letter to All Students Regarding Drugs and Alcohol**

## 2. **Definitions**

The term "Drugs" broadly includes, without limitation, any stimulant, intoxicant (other than alcohol), nervous system depressant, hallucinogen, or other chemical substance, compound, or combination when used to induce an altered state, including any otherwise lawfully available product used for any purpose other than its intended use.

The term "Drug Paraphernalia" broadly includes any material, product, instrument, or item used to create, manufacture, distribute, use, or otherwise manipulate any drug and includes, but is not limited to, hypodermic needles and syringes.

## 3. **Prohibited Activities**

Specific violations of this standard include, but are not limited to:

- a. The possession, use, consumption, manufacture, sale, or distribution of any illegal drug or drug paraphernalia, prescription or prescription drug not prescribed to the student;
- b. The delivery, transfer, or intent to deliver, transfer, or manufacture any drug or drug paraphernalia;
- c. The misuse, sale, delivery, or transfer of a prescription or prescription drug;
- d. The possession of a prescription or prescription drug not issued to the student;
- e. Driving while impaired by any drug, whether it be legal or illegal; or
- f. A violation of any applicable local, state or federal law relating to drugs or drug paraphernalia.

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## F. **Endangering the Safety of Others**

### 1. **Statement of Policy**

A student shall not endanger the lives or safety of others.

## 2. **Prohibited Activities**

Specific violations of this standard include, but are not limited to:

- a. Creating an unsafe condition or environment which could cause harm to others;
- b. Setting or causing a fire;
- c. Tampering with, misusing or damaging fire or safety equipment, such as alarms, heat sensors, smoke detectors, hoses, and fire extinguishers;
- d. Failing to immediately exit any facility or building when a fire alarm has been sounded, or hindering or impairing the orderly evacuation of any University facility or building; or
- e. Disobeying a command by any University official or faculty member in connection with a fire, alarm, or other safety or security matter.

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## G. **Failure to Comply**

### 1. **Statement of Policy**

It is a violation to ignore, disobey, disregard, or otherwise violate any provision of this Code of Conduct or any applicable rule.

### 2. **Prohibited Activities**

Specific violations of this standard include, but are not limited to:

- a. Failing to comply with the directive of any University official or faculty member, including any sanction imposed by the Office of Student Conduct upon a group or individual;
- b. Failing to comply with the terms of any policy, procedure or agreement, including the University's **Housing and Dining Agreement**, **University Student Centers policies** or any other agreement between a student and a University official or department;
- c. Failing to comply with any applicable federal, state, or local law; or
- d. Failing to advise the University of an off-campus criminal charge(s) or conviction.

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## H. **False Information**

### 1. **Statement of Policy**

A student shall not provide false or misleading information.

## 2. Prohibited Activities

Specific violations of this standard include, but are not limited to:

- a. Making a false or misleading oral or written statement to any University official or faculty member (including, but not limited to, application for admission, financial aid, residency classification or participation in any special programs sponsored by the University) when the student knew or should have known the statement was false;
- b. Making a false or misleading oral or written statement that misrepresents the character, qualifications, or reputation of another;
- c. Falsely reporting a safety hazard (including but not limited to, a fire, explosive or incendiary device) by any means including by activating an emergency phone on campus when no emergency actually exists;
- d. Falsely reporting a crime or a violation of this Code of Conduct; or
- e. Possessing or displaying any form of false identification or any identification not one's own.

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#### I. Guests

##### **Statement of Policy**

Students are responsible for the behavior of their guests and must ensure that guests comply with University regulations, including the standards in this Code of Conduct. Students in residence halls are responsible for abiding by the Rules for Hosting Visitors in the Residence Halls.

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#### J. Hazing

1. Hazing is any action taken toward, or circumstance directed at, one or more students, which action or circumstance exposes such student(s) to unpleasant, harassing, embarrassing, degrading or hazardous conditions, the endurance of which is intended to be a condition upon which the student(s) may become a member of, or participate with, any group, regardless of whether the group is recognized by the University or has been formally organized. It is intended that the term "group" be interpreted in the broadest sense and could mean, for example, a particular section of a residence hall, students in a particular program or informal clubs or gatherings of students. Specific violations of this policy include, but are not limited to:
  - a. Requiring the consumption of any food, liquor, drug, or other substance;

- b. Requiring participation in physical activities, such as calisthenics, exercise, or other games or activities requiring physical exertion;
  - c. Exposing another to weather elements or other physically or emotionally uncomfortable situations;
  - d. Forcing fatigue from sleep deprivation, physical activities, or exercise;
  - e. Requiring anything that would be illegal under any applicable law, including laws of the State of Delaware or City of Newark, Delaware;
  - f. Requiring anything that can be reasonably expected to be morally offensive to another;
  - g. Committing or requiring any act that demeans another based on race, gender, ability, sexual orientation, religion, or age;
  - h. Committing any act of physical brutality against another, including, but not limited to, paddling, striking with fists, open hands or objects, and branding;
  - i. Kidnapping or transporting another with the intent of stranding him or her;
  - j. Committing verbal abuse;
  - k. Forcing or requiring conduct that can be reasonably expected to embarrass or adversely affect the dignity of another, including the performance of public stunts and activities such as scavenger hunts;
  - l. Intentionally creating work or labor for another;
  - m. Denying sufficient time for study or other academic activities; or
  - n. Committing or requiring another to commit any sexual act or engage in lewd behavior.
2. Students have a duty to avoid being hazed. Therefore, it shall be an offense under this section for a student to permit himself or herself to be hazed, subject only to the defense that the student could not reasonably have prevented the hazing.

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## **K. Misuse of University Materials, Services, or Property**

### **1. Statement of Policy**

A student shall not misuse any University material, service or property.

### **2. Prohibited Activities**

Specific violations of this standard include, but are not limited to:

- a. Destroying, damaging, misusing, or defacing any University building, facility, or property, or any private property on-campus or being used for a University-sponsored event;
- b. Destroying, damaging, misusing, reproducing, altering or defacing any student identification card, University-provided key or access card, residence hall key or access card, laboratory equipment, emergency phone, athletic equipment, or any material issued or owned by the University;
- c. Impairing or otherwise hindering another's use of a University material, service, or property;
- d. Reading, duplicating, removing, photographing, forging, counterfeiting, or altering any University document or record without authorization;
- e. Littering on or in any University property, facility, or building; or
- f. Engaging in conduct that may result in damage or destruction of any University building, facility or property, including without limitation skateboarding or rollerblading on steps, railings, banisters or curbing.

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## **L. Off-Campus Conduct**

### **1. Statement of Policy**

Violations of local, state, or federal law are subject to University action. A student who has pleaded guilty to or otherwise accepted responsibility for a violation (e.g. Probation Before Judgment or *no lo contendere*) should be aware that the University may also sanction the student.

### **2. Notification of Criminal Arrest**

- a. A student is responsible for notifying the University of any off-campus arrest.
- b. When the **Office of Student Conduct** (for undergraduate students) or the **Office of Graduate and Professional Education** (for graduate students) is informed of the arrest of a student, the University will send a letter to the student requiring that he or she make an appointment for an interview with the Office of Student Conduct or Office of Graduate and Professional Education. During this interview, the facts involved in the student's arrest, the student's obligation to keep the University informed of the progress of the criminal charge(s), and the student's obligation to advise the University of the final disposition of the criminal charge(s) will be discussed with the student.

### **3. Withdrawal When Certain Criminal Charges are Pending**

The University may withdraw any student when certain charges are pending against that student, subject to the procedures set forth in the

**Student Conduct System** section of this Guide.

Specifically, withdrawal may be mandated where the crime involves an act of violence, the sale, manufacture or delivery of drugs or any other conduct that is egregiously offensive to the University's mission.

#### 4. **Emergency Suspension**

The University may remove any student where the continued presence of the student on-campus poses a threat to safety or the rights, welfare, or property of another, subject to the procedures set forth in the **Student Conduct System** section of this Guide.

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### M. **Residence Hall Regulations**

#### **Statement of Policy**

A residence hall resident shall comply with all provisions of this Code of Conduct, and should refer to the **Residence Hall Regulations**, the **Housing Agreement**, and **Residence Hall Student Rights and Responsibilities** for additional rules and responsibilities that supplement the Code of Conduct. Residence hall residents are responsible for the behavior of their guests and for ensuring that guests comply with all University regulations.

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### N. **Responsible Computing and Use of University Computer Resources**

#### 1. **Statement of Policy**

All students must comply with local, state, and federal laws relating to **copyright**, security, and electronic media. Students must act **responsibly** and in accordance with relevant **laws**, contractual obligations, and the **Policy for Responsible Computing**.

All students must make certain that their computer is **secured** against viruses, worms, hacker attacks, and other intrusions. Further, students are responsible for all uses of their computer and will be held accountable for network traffic originating at their computer or traced back to their computer's IP number (Internet address).

All students **are expected to access and use their UD e-mail** and read e-mail in a timely manner. Faculty will send e-mail with important information about classes, and the administration, including the Office of Student Conduct, will send messages with timely, sometimes critical, announcements. These messages are sent to the "udel.edu" e-mail address assigned to each student. If students prefer to use a different e-mail service, they must still check their UD e-mail account or be sure to forward the "udel.edu" messages to the preferred account.

#### 2. **Prohibited Activities**

A student shall not damage, destroy, misuse, or otherwise endanger the University's computing and information resources. Specific violations of

this standard include, but are not limited to:

- a. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, for any activity other than that for which access or use was assigned or authorized;
- b. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, for commercial use;
- c. Accessing any University computer, facility, equipment, software, network, or other resource, including e-mail, without authorization;
- d. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, to commit or attempt to commit any other violation of this Code of Conduct;
- e. Disrupting, hindering, or damaging the service, use, or ability of others to access or use any University computer, facility, equipment, software, network, or other resource, including e-mail;
- f. Damaging, destroying, misusing, or otherwise harming any University computer, facility, equipment, software, network, or other resource, including e-mail; or
- g. Using any University computer, facility, equipment, software, network, or other resource, including e-mail, to commit or attempt to commit acts prohibited under applicable federal, state, or local laws.

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### **O. Sexual Assault**

#### **1. Statement of Policy**

The University will not tolerate sexual assault. Sexual assault occurs when a person is physically forced, is coerced, or is physically or mentally unable to give consent; and assault may be committed by an acquaintance or a stranger. Violations will be adjudicated by the University and may be reported to the appropriate law enforcement authorities.

#### **Sexual Assault Amnesty**

The Office of Student Conduct grants Amnesty to students who may have violated the Code of Conduct's Alcohol Policy at the same time of the incident when he or she became a victim of sexual assault. Therefore, no alcohol charges are applied to a student who reports that he or she was under the influence of alcohol at the time of a sexual assault.

#### **2. Consent**

The University's Sexual Assault Policy requires that each participant consents to each act of sexual activity. Consent is an affirmative decision to willingly engage in mutually acceptable sexual activity given by clear words or actions. It is an informed decision made

freely and actively by all involved parties.

Relying solely on non-verbal communication can lead to miscommunication about one's intent. It is important not to make assumptions. Confusion or ambiguity may arise at any time during a sexual interaction. Therefore, it is essential that each participant clarifies his or her willingness to continue at each progression of the sexual interaction.

Consent may not be inferred from silence, passivity or lack of active response alone. Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent in every instance, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Being intoxicated does not diminish one's responsibility to obtain consent.

Conduct will be considered "without consent" if no clear consent, verbal or non-verbal, is given. In some situations, an individual's ability to freely consent is taken away by another person or circumstance. Examples include, but are not limited to, when an individual is incapacitated due to alcohol or other drugs, scared, physically forced, intimidated, coerced, mentally or physically impaired, passed out, beaten, threatened, isolated or confined.

The use of alcohol or drugs can limit a person's ability to freely and clearly give consent. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether or not consent has been freely and clearly given. The perspective of a reasonable person will be the basis for determining whether one should have known how the use of alcohol or drugs impacted another's ability to give consent. Being intoxicated or impaired by drugs is never an excuse for sexual assault.

### 3. **Prohibited Activities**

Specific violations of this standard include, but are not limited to:

Any uninvited, unwelcome advance, request for sexual favor, or touching or kissing of a sexual nature, where such conduct placed the victim in a position where he or she reasonably felt unable to avoid the uninvited conduct. Conduct includes, but is not limited to, rape, sodomy or oral copulation, sexual assault, or battery.

**Note: Contact the [Office of Equity and Inclusion](#) and [Victim's Rights and Resources](#) for more detailed information. Additional information may be found on the [University's sexual assault resources page](#).**

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## P. **Sexual and Other Unlawful Harassment**

The University of Delaware is committed to protecting the rights and dignity of all students, and seeks to maintain an environment that is free from all forms of unlawful harassment and discrimination. The University will not tolerate any form of unlawful harassment and discrimination.

Unlawful harassment goes beyond the mere expression of views or thoughts (spoken or written) that an individual may find offensive. The conduct must be sufficiently serious to unlawfully limit a student's ability to participate in or benefit from the activities of the University. Further, prohibited conduct must be evaluated from the perspective of a reasonable person in the alleged victim's position, taking into account all of the circumstances involved in a particular matter.

### 1. **Sexual Harassment**

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual, or (3) such conduct has the purpose or effect of unlawfully interfering with an individual's work or academic performance or unlawfully creating an intimidating, hostile, or offensive working or academic environment.

The following types of actions may constitute sexual harassment, whether the harasser is a co-worker, supervisor, student or faculty member:

- a. demand for sexual favors accompanied by implied threats about the person's employment status, or implied promises of preferential treatment;
- b. persistent, unwelcome flirtation, requests for dates, advances or propositions of a sexual nature;
- c. unwanted touching such as patting, pinching, hugging or repeated brushing against an individual's body;
- d. repeated degrading or insulting comments that demean an individual's sexuality or sex;
- e. unwarranted displays of sexually suggestive objects or pictures;
- f. sexual assault.

### 2. **Other Unlawful Harassment**

Other unlawful harassment includes any verbal or physical conduct toward another that is based on the other's race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, or sexual orientation or any other characteristic protected by law, and that (1) unlawfully creates an intimidating, hostile, or offensive learning and/or working environment or (2) unlawfully interferes with an individual's work or academic performance.

Threatening, intimidating or engaging in hostile acts that create an unlawful, hostile environment based on an individual's race, color, gender, religion, national origin, disability, veteran status or any other characteristic protected by law may constitute unlawful harassment, whether the harasser is a co-worker, supervisor, student or faculty member.

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### **Q. Student Organizations**

#### **1. Standard of Conduct**

Student organizations are expected to adhere to the same standards of conduct applicable to individual students. Specific violations of this standard include, but are not limited to:

- a. Violating, or permitting its members or their guests to violate, or failing to prevent where such prevention was possible the violation of this Code of Conduct or any applicable city, state, or federal regulation;
- b. Violating, or permitting its members or their guests to violate, or failing to prevent where such prevention was possible the violation of any contract or other agreement between the student organization and the University; or
- c. Committing any act in violation of any policy, procedure or agreement, including the University's **Housing and Dining Agreement, University Student Centers policies** or any other agreement between a student organization and a University official and department, as well as rules promulgated by the appropriate University official and any other rules made applicable to student organizations.

#### **2. Application of Policy**

- a. Each use of the term "Student" in this Code of Conduct shall refer to and include student organizations and their members.
- b. Any violation of this Code of Conduct by one or more members of a student organization may constitute a violation by the organization itself. Where those administering the Student Conduct System conclude that there is sufficient connection between the acts of individual students and an organization to which they belong, sanctions may be imposed on the organization as well as any offending member. Conversely, when an organization has been found guilty of a Code offense, those administering the Student Conduct System may impose sanctions on some or all members of that organization depending upon the degree of general participation in the offense.

#### **3. Membership**

- a. Membership in a Registered Student Organization may not be restricted on the basis of race, creed, color, gender, age, religion, national origin, veteran status, handicap status, or sexual orientation, except for any fraternity or sorority whose national organization requires it to be single-sex, and then only when such group demonstrates that it will not discriminate on any other basis.
- b. A student may not frustrate the University's suspension of a Student Organization by joining, becoming a member of, or in any way assisting or participating in a student organization that is currently on suspension from the University.

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## R. Theft

### 1. Statement of Policy

Theft is defined as taking or possessing the property of another without right or permission. Students shall respect the property of the University, its guests, and all members of the University community.

### 2. Prohibited Activities

Specific violations of this standard include, but are not limited to:

- a. The unauthorized taking, misappropriation, possession, retention, or disposal of any property owned or maintained by the University, another student, a person attending a University sponsored event, or any other person; or
- b. The unauthorized taking or use of any University owned or contracted service.

### 3. Possession of Lost or Misplaced Items

Any lost or misplaced item that is found should immediately be turned in to the proper University office. For instance, items found in the library should be taken to the library's circulation desk. Inquiries concerning lost books, articles of clothing, or identification cards should be directed to the Lost and Found section of the [Department of Public Safety](#).

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## S. Weapons, Dangerous Instruments, and Explosive Chemicals or Devices on Campus

### 1. Statement of Policy

The possession, use or threat of use of any object that may reasonably be believed to cause physical injury to another person is prohibited.

### 2. Prohibited Activities

A student shall not possess, use, or threaten to use any of the following

items on campus:

- a. Any firearm (including any weapon or instrument from which a shot, projectile, or other object may be discharged by force, whether operable or inoperable, loaded or unloaded);
- b. Any deadly weapon, defined as any instrument, item, or material readily capable of causing death or serious physical injury;
- c. Any BB gun, pellet gun, air rifle, paint gun, sword (whether decorative or not), or other martial arts weapon;
- d. Any knife (other than an ordinary pocketknife carried in a closed position, with a blade of three inches or less or cutlery of a reasonable size, when used in a kitchen or other food preparation area); or
- e. Any explosive chemical or device including a substance or a combination of substances possessed or prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including fireworks and illegal or potentially dangerous chemicals.

**Note: Possession of a license to possess or use any of the above items shall not constitute a defense of any violation of this section.**

### 3. Interpretation

This policy does not prohibit any instrument or chemical expressly authorized for the pursuit of the academic mission of the University and used in an authorized manner consistent with that academic mission. Questions concerning authorized chemicals and prohibited instruments should be addressed to the **Department of Public Safety** or **Occupational Health and Safety**.

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# STUDENT GUIDE TO UNIVERSITY POLICIES

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## II. Student Conduct System

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### A. Statement of Policy

The University affords its students the right to pursue their studies and be rewarded according to their own achievements, to seek redress from actions of those who interfere with those rights, to be informed of prohibited acts or behavior, to be accorded due process if charged with a violation of the Code of Conduct or any other University policy, and to be advised of their rights at all stages of a University disciplinary proceeding.

The **Undergraduate Student Conduct System** was established in 1975 and the **Graduate Student Conduct System** in 1981. These systems are the means by which violations of the Code of Conduct are adjudicated.

The Undergraduate and Graduate Student Conduct Systems provide students charged with violations with an opportunity to learn of the charge(s), to be presented with information, and to offer a response before an impartial party. However, there are significant differences between the rights in the Student Conduct System and the rights offered to those accused of crimes by local, state, or federal authorities. Specifically, charged students' rights in the Student Conduct System do not include the right to be defended by an attorney at an Administrative Hearing; the right to rely on rules of information under state or federal law; or the right to know the identity of those giving information to support the charge(s).

The primary goal of the Undergraduate and Graduate Student Conduct Systems is

to examine information, verify facts and determine the truth, and the Administrative Hearing Officer, Graduate Hearing Board, appellate board or appellate officer may consider all information presented during the process, including things that might not be permitted in a criminal trial or other legal proceeding. Rules of evidence do not apply, and information that would constitute hearsay in the legal system may be considered, with the credibility of such information to be determined by the person or persons considering this information.

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## **B. Jurisdiction Over Persons and Places**

1. Subject to the expanded jurisdictional limits described below, the Student Conduct Systems may act on any alleged violation of the Code of Conduct or any other University policy or regulation, whether committed on campus, a street adjacent to campus, or in the greater University community, by:
  - a. A full- or part-time matriculated or continuing education student if the alleged violation occurred while the student was enrolled at the University or while the student, although not enrolled, was enrolled at any point during the past fifteen months or is eligible for enrollment within the next fifteen months;
  - b. A student organization;
  - c. A student who is serving a period of suspension from the University or any of its colleges, divisions, or departments; or
  - d. A student enrolled in the **English Language Institute** or any other program at the University that does not require admission to the University or traditional class registration. Formal disciplinary procedures established within such programs and specifically tailored for the needs of that student population may be used in concert with or as an alternative to the Student Conduct System as appropriate. An exception to this standard is any incident involving sexual assault or sexual harassment, which must be reported to the **appropriate Title IX coordinator**.
2. The Student Conduct System shall also have jurisdiction over any student or student organization accused of a violation which occurs while a student or student organization is participating in a University-related activity, including events sponsored by a Student Organization, or when the student's or student organization's conduct is egregiously offensive to the University's mission; or when the student's or student organization's continued presence on campus poses a serious threat to persons or property, regardless of where the activity occurred.
3. The Office of Student Conduct has the authority to determine whether a complaint brought before the Student Conduct System should more properly be handled by another University office, department or forum, and in such instance may refer the complaint to that office, department, or forum.
4. The Undergraduate Student Conduct System shall have jurisdiction over all students enrolled in the undergraduate program, and the Graduate Student Conduct System shall have jurisdiction over all students enrolled in the graduate program. The Undergraduate Student Conduct System shall also have jurisdiction over all student organizations.
5. The University retains absolute discretion to determine whether any allegation should be processed within the Student Conduct System and may

at its discretion vest jurisdiction in either the Undergraduate or Graduate Student Conduct System for any student group or any infraction not specifically described within this Student Guide to University Policies or any other University policy, procedure or agreement.

**Note: Violations of local, state, or federal laws away from campus may result in sanctions being imposed by the University. See [Off-Campus Conduct](#).**

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## C. Student Rights

### 1. Rights of Charged Students

A charged student is entitled to:

- a. Be informed of the policy (or policies) alleged to have been violated, the sanction(s) to be applied if the student agrees the allegations are accurate and the process for disputing the allegation(s) or recommended sanction(s).
- b. Appeal the sanctions recommended (if the student agrees the allegations are accurate) or the decision (if the student disputes the allegations.)
- c. Have a hearing within a reasonable period of time after the complaint is filed. Once a hearing is scheduled, it may only be postponed, for cause, by the Office of Student Conduct or the Assistant Provost for Graduate and Professional Education.
- d. Receive written notice of the date, time and location of the Administrative Hearing at least 5 business days prior to the hearing.
- e. Prior to the Administrative Hearing, review all documents and materials in the possession of the Office of Student Conduct (for undergraduate students) or the Office of Graduate and Professional Education (for graduate students) that relate to the complaint, provided, however, that such materials may be edited to shield the identity of those giving information when officials believe that confidentiality is necessary to avoid risk to those persons. **Note:** These offices do not always receive all information that may eventually be offered at an Administrative Hearing, and the files referred to in this section will not, in all cases, contain all information in the possession of the party filing the complaint.
- f. Question the selection of the Administrative Hearing Officer on the basis of a conflict of interest or demonstrated bias.
- g. Appear in person and present information on his or her own behalf, call witnesses, and ask questions of those present at the hearing; or elect not to appear at the hearing. Absence will be noted without prejudice, but the hearing may be conducted in the charged student's absence.
- h. Refuse to answer any question or make any statement.
- i. Be assisted by a student conduct advisor of his or her choice from among the members of the University community. For undergraduate students, names of advisors familiar with the student conduct process are available upon request through the [Office of Student Conduct](#). It

is the responsibility of the charged student to obtain an advisor if he or she desires one and to provide the advisor's name to the Office of Student Conduct (for undergraduate students) or the Office of Graduate and Professional Education (for graduate students) at least 3 business days prior to the Administrative Hearing. An advisor should be selected promptly. The advisor may:

- i. Advise the charged student on the presentation of a response to the allegations;
  - ii. Accompany the charged student at all student conduct meetings; and
  - iii. Advise the charged student in the preparation of any appeal.
- j. Legal counsel for a charged student may be present only in the following circumstances:
- i. When the charged student is charged both within the Student Conduct System and with a felony offense in an off-campus criminal court system; and
  - ii. When the charged student's Administrative Hearing occurs before the off-campus felony hearing has been conducted.
  - iii. In the limited situation when counsel is permitted at the hearing, counsel's function shall be limited to advising the charged student on whether to answer a question and safeguarding the student from self-incrimination. The legal counsel may not question witnesses, object to questions, or otherwise participate in the hearing. The charged student must inform the Office of Student Conduct (for undergraduate students) or the Office of Graduate and Professional Education (for graduate students) of the name of the legal counsel at least 3 business days prior to the Administrative Hearing.
  - iv. If legal counsel accompanies the charged student, the University may, at its discretion, allow its own counsel also to be present.
- k. Waive any of the rights contained in this subsection.

## 2. **Rights of Victims of Sexual Assault or Sexual Harassment**

A victim of sexual assault or sexual harassment is entitled to the following:

- a. Have an advocate throughout the conduct process, with the advocate serving the same role as a student conduct advisor to the charged student;
- b. Be notified of available counseling, mental health, or medical services both on campus and in the community;
- c. A campus restraining order/no contact order against the charged student;
- d. Be free of any form of retaliation and to report such retaliation for disciplinary action;
- e. Change living arrangements on campus and the right to reasonable academic accommodations;
- f. Notify law enforcement authorities (also includes the right not to report

- to law enforcement authorities);
- g. Decide whether or not to file a formal complaint within the Student Conduct System;
- h. Be informed about the status of a case at any point during the investigation process;
- i. Be present (with an advocate, if desired) during the entire hearing;
- j. Review all documents to be presented at the hearing that are made available to the charged student;
- k. Know the names of all witnesses known by the Office of Student Conduct who will participate in the hearing (subject to provisions in this Code regarding protecting witness identity), and the right to suggest potential witnesses to be called (the presenting party will ultimately decide which witnesses to present);
- l. Have past unrelated behavior excluded from the hearing process;
- m. Question the selection of the Administrative Hearing Officer on the basis of a conflict of interest or demonstrated bias;
- n. Be separated from the charged student during the hearing;
- o. Be notified of the outcome and sanction(s) affecting the victim as soon as possible;
- p. Participate in the appeal process, if initiated by a charged student;
- q. Initiate an appeal based on any of the following grounds:
  - i. The decision is contrary to information presented at the hearing or contrary to new information not known in advance of the hearing;
  - ii. Procedures were not followed during the process;
  - iii. The sanction imposed is inappropriate or unreasonable; or
  - iv. A violation of any of the above rights occurred.
- r. Waive any of the rights contained in this subsection.

### 3. Rights of Other Victims

- a. A victim is a person who has suffered from any of the following acts (Determination of who is a victim will be made by the Director of the Office of Student Conduct):
  - i. Arson;
  - ii. Burglary/Robbery;
  - iii. Destruction, damage or vandalism of property;
  - iv. Kidnapping/abduction; or
  - v. Physical assault.
- b. A victim is entitled to:
  - i. Have an advocate throughout the conduct process, with the advocate serving the same role as a student conduct advisor to the charged student;

- ii. Be notified of available counseling, mental health, or medical services both on campus and in the community;
- iii. A campus restraining order/no contact order against the charged student;
- iv. Be free of any form of retaliation and to report such retaliation for disciplinary action;
- v. Change living arrangements on campus and the right to reasonable academic accommodations;
- vi. Notify law enforcement authorities (also includes the right not to report to law enforcement authorities);
- vii. Decide whether or not to file a formal complaint within the Student Conduct System;
- viii. Be informed about the status of a case at any point during the investigation process;
- ix. Be present at the hearing, only during the time in which he or she provides information about the case and/or a victim impact statement;
- x. Review all documents to be presented at the hearing that are made available to the charged student;
- xi. Know the names of all witnesses known by the Office of Student Conduct who will participate in the hearing (subject to provisions in this Code regarding protecting witness identity), and the right to suggest potential witnesses to be called (the presenting party will ultimately decide which witnesses to present);
- xii. Have past unrelated behavior excluded from the hearing process;
- xiii. Question the selection of the Administrative Hearing Officer on the basis of a conflict of interest or demonstrated bias;
- xiv. Be separated from the charged student during the hearing;
- xv. Be notified of the outcome and sanction(s) affecting the victim as soon as possible;
- xvi. Participate in the appeal process, if initiated by a charged student; and
- xvii. Initiate an appeal alleging a violation of any of the above rights occurred.
- xviii. Waive any of the rights contained in this subsection.

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## **D. Procedures for Undergraduate Student Conduct Process**

### **1. Initiation of Student Conduct Process**

The student conduct process shall be governed by the following policies and procedures:

- a. Any person may initiate a complaint against an undergraduate student

by filing a complaint with the **Office of Student Conduct**. The person or people submitting the complaint shall be referred to as the complainant. If the complaint reasonably suggests that a violation of the Code of Conduct has occurred, then the Director of the Office of Student Conduct shall provide notice of the complaint to the student against whom it was filed.

- i. Students seeking to file a complaint of disability discrimination or sex discrimination or harassment against faculty, employees or third parties must use the ADA and Title IX processes as outlined in Section **IV.B.3.a**
  - ii. Students seeking to file a complaint of disability discrimination or sex discrimination or harassment against another student must use the ADA and Title IX processed outlined in Section **IV.B.3.b**.
- b. This notice to the charged student shall include:
- i. The specific rule or regulation that the student is alleged to have violated, indicating the date and place of the occurrence and the names of the complainant and all potential witnesses known by the Office of Student Conduct, except when the Office of Student Conduct determines that disclosure may present a serious risk to any such witness;
  - ii. The charged student's rights, including a description of the procedures to be used at the disciplinary hearing; and
  - iii. A statement that the charged student must meet for a pre-hearing with a designee of the Office of Student Conduct within 3 business days of the date on which the notice was sent. Failure to attend this pre-hearing meeting will not keep the process from proceeding and may result in the student being found responsible for violating the policies listed based only on input from the complainant.
- c. During the pre-hearing meeting, the charged student will be invited to review and discuss information in his or her disciplinary file (including prior cases, if any) and will be encouraged to ask questions about the complaint and the options available within the Student Conduct System.

The student will be presented with the following options:

- i. To accept responsibility for violating Code of Conduct and accept the sanction(s) presented in the pre-hearing meeting. *A student who accepts responsibility and accepts the proposed sanction(s) waives the right to both an Administrative Hearing and an appeal.*
- ii. To accept responsibility for violating the Code of Conduct but reject the sanction(s) presented as inappropriate or unreasonable, as **outlined below**. The student will receive notice that he or she has accepted responsibility for violating the Code of Conduct as well as a complete list of the sanction(s) that he or she rejected and the process for requesting different sanction(s). *A student who accepts responsibility for violating the Code of Conduct but rejects the sanction(s) waives the right to an Administrative Hearing, but retains the right of appeal of the sanction(s) only through a Request for Reconsideration of*

*Sanction(s).*

- iii. To deny responsibility for violating the Code of Conduct and request an Administrative Hearing by an Administrative Hearing Officer. *A student who denies responsibility for violating the Code of Conduct retains the right to both an Administrative Hearing and full appeal.*

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**2. Procedures for Administrative Hearings and Appeals**

- a. **For Administrative Hearings involving charges of sexual assault or sexual harassment** (and any other concurrent charges), the Administrative Hearing Officer will conduct the hearing according to the following procedures:
  - i. The complainant, the charged student, the advisor (if any), an Office of Student Conduct designee (if any), shall be present for the entirety of the hearing.
  - ii. A victim of sexual assault or sexual harassment (and an advocate, if any) may be present for all or any part of the hearing he or she wishes to attend.
  - iii. A witness may only be present during the time he or she presents information. Live witness information is most helpful to the Administrative Hearing Officer, but the Administrative Hearing Officer may accept other forms of information, giving it such weight as is deemed appropriate. The Office of Student Conduct or the Administrative Hearing officer may, at the request of the complainant, charged student or witness, sequester any witness and arrange for a witness to give information and be questioned in such a way as to protect the witness's identity.
  - iv. Hearings shall be closed to all other parties.
  - v. All parties are expected to act in a professional and civil manner. If the Administrative Hearing Officer determines the complainant causes a disruption, the complainant will be removed, the hearing will end and all charge(s) will be dropped. If the Administrative Hearing Officer determines the charged student or victim of sexual assault or sexual harassment causes a disruption, the person causing the disruption will be removed and the hearing will continue in his or her absence.
  - vi. The complainant must attend the hearing unless an appropriate designee has been approved by the Office of Student Conduct. In certain situations, the complainant may be accompanied by an advisor or co-complainant.
  - vii. The complainant shall present information regarding the allegation(s) against the charged student and may present witnesses to support the complaint. The charged student, with the assistance of his or her advisor (if any), will then have the opportunity to question the complainant and each of the complainant's witnesses who are present for the hearing. The charged student then may present a response to the allegation(s). The complainant may question the accused and the student's witnesses who are present for the hearing. The

Administrative Hearing Officer has the right to question or recall witnesses at any time during the hearing. The complainant and the charged student may, in that order, present concluding remarks. The Administrative Hearing Officer will then close the hearing.

- viii. The Administrative Hearing Officer may exclude any information that is irrelevant or redundant to the allegations.
- ix. Proof that the violation occurred must be established by a preponderance of the information, meaning there it is more likely than not the allegations are true.
- x. If the Administrative Hearing Officer finds the charged student has committed all or any part of the charged offense, information concerning the charged student's past disciplinary record (including Student Conduct System actions, housing policy violations, civil or criminal court convictions, and any other information deemed relevant by the Administrative Hearing Officer) may be considered in determining the appropriate sanction(s). The Administrative Hearing Officer may also consult with the Director of the Office of Student Conduct, or his or her designee, in order to ensure consistency and fairness of both decision and sanction(s).
- xi. An audio recording will be made of all Administrative Hearings, for review and appeal purposes. The recording will be destroyed within 30 days of the final decision.
- xii. The Administrative Hearing Officer shall send a written decision to the Office of Student Conduct after the conclusion of the hearing. The letter shall contain:
  - a. A summary of the charge(s) and the incident from which these charge(s) originated;
  - b. The Administrative Hearing Officer's findings and rationale;
  - c. The Administrative Hearing Officer's disciplinary sanction(s) if any; and
  - d. A statement describing the charged student's right to appeal and the procedures for doing so.
- xiii. The Office of Student Conduct will notify the charged student and the complainant via e-mail of the findings, rationale, proposed sanction(s) (if any), and the right of appeal. The Office of Student Conduct will notify the victim of sexual assault or sexual harassment of any sanctions that affect him or her.
- xiv. The charged student may appeal the Administrative Hearing Officer's decision within 5 business days of the date on which the decision was sent.
- xv. A copy of the Administrative Hearing Officer's decision will be maintained in the Office of Student Conduct according to **Section II.G**.  
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- xvi. Requests for Appeal

- a. Appeal of Recommended Sanction(s) (Request for Reconsideration of Sanction(s))
  1. The student must submit a Request for Reconsideration of Sanction(s) to the Office of Student Conduct within 5 business days of accepting responsibility for violating the Code of Conduct and receiving a list of the sanction(s). Should the student fail to submit this request within 5 business days, the sanction(s) will be applied, no appeal will be considered and the case will be closed.
  2. The Request for Reconsideration of Sanction(s) must be typed or computer-printed and must explain why the sanction(s) are inappropriate or unreasonable. The request may include what sanction(s) the student feels are appropriate. The request shall be prepared by the student with the assistance of his or her student conduct advisor and shall be limited to three double-spaced pages with one-inch margins and a 12-point font. The request shall not include information disputing the charge(s) nor shall it include citations to authorities outside the University. At his or her discretion, the chairperson on the Appellate Board may reject all pages beyond the three-page limit or reject the entire Request if it contains citations to authorities outside the University or appears not to have been completed by the student.
  3. Upon receipt of the Request for Reconsideration of Sanction(s), the Director of the Office of Student Conduct or his or her designee will send a copy of the request to the complainant and any other party deemed appropriate by the University, including the victim of sexual assault or sexual harassment. These parties may submit a response, limited to three double-spaced pages with one-inch margins and a 12-point font, to the Office of Student Conduct within 5 business days of the date on which the Request was sent. At his or her discretion, the chairperson of the Appellate Board may disregard all pages beyond the three-page limit.
  4. The written request, responses from all appropriate parties and the student's entire disciplinary file will be reviewed in a closed meeting by a quorum of the **Appellate Board**.
  5. The Appellate Board, by majority vote, may decide to:
    - a. Deny the Request for Reconsideration of Sanction(s) and apply the sanction(s) described in the pre-hearing; or
    - b. Reduce or otherwise limit the sanction(s) applied. A reduction in penalty or duration may

be accompanied by the imposition of a fee or educational assignment(s) or exercise(s).

6. The Appellate Board's decision is final and will be implemented immediately by the Office of Student Conduct. The student will receive notice of the decision. Copies of this notice will be entered into the student's disciplinary record and forwarded to the complainant and any other appropriate party who responded to the initial request.

b. Appeal of Decision of Administrative Hearing Officer

1. The charged student may submit an appeal to the Office of Student Conduct in writing within 5 business days of the date on which the decision was sent.
2. A student also may submit an appeal when a suspension of more than one calendar year has been served and the student wishes a reduction in the remaining period of suspension.
3. The appeal request must allege that:
  - a. The decision is contrary to information presented at the hearing or contrary to new information not known in advance of the hearing;
  - b. Procedures were not followed during the process; or
  - c. The sanction imposed is inappropriate or unreasonable.
4. The appeal request must be typed or computer printed and cite one or more of the reasons above. The failure of the University to adhere to notice requirements or time periods shall not be cause for dismissal nor grounds for appeal absent a finding that such failure materially prejudiced the charged student. The statement of appeal shall be prepared by the student with the assistance of his or her student conduct advisor and shall be limited to three double spaced pages with one-inch margins and a 12-point font. The statement of appeal shall not include citations to authorities outside the University. At her or his discretion, the chairperson of the Appellate Board may disregard all pages beyond the three-page limit or reject the entire appeal if it contains citations to authorities outside the University or appears not to have been prepared by the student.
5. Upon receipt of the appeal request, the Director of the Office of Student Conduct or his or her designee will send a copy of the request to the complainant, the Administrative Hearing Officer or Appellate Board chairperson, and any other party deemed appropriate

by the University, including the victim of sexual assault or sexual harassment. These parties may submit a response, limited to three double-spaced pages with one-inch margins and a 12-point font, to the Office of Student Conduct within 5 business days of the date on which the appeal was sent. At his or her discretion, the chairperson of the Appellate Board may disregard all pages beyond the three-page limit.

6. The written appeal and all documentation contained within the student's disciplinary file will be reviewed in a closed meeting by a quorum of the **Appellate Board**.
7. The Appellate Board, by majority vote, may decide to:
  - a. Deny the appeal;
  - b. Reduce or otherwise limit the sanction(s) imposed. A reduction in penalty or duration may be accompanied by the imposition of a fee or educational assignment(s) or exercise(s);
  - c. Delay a final review of the appeal to receive additional responses to specific issues raised in the appeal. Responses may be solicited only from the charged student, the complainant, the Administrative Hearing Officer, and any relevant witnesses; or
  - d. Direct the Office of Student Conduct to provide a new hearing conducted by the Appellate Board, or allow the student to have his or her case handled beginning at any specific stage of the Student Conduct process.
8. The Appellate Board's decision, including any decision reached as the result of a re-hearing initiated as a result charged student's appeal, is final and will be implemented immediately by the Office of Student Conduct. The student will receive notice of the decision. Copies of this notice will be entered into the student's disciplinary record and forwarded to the complainant and hearing officer.

c. Appeal Initiated by Victim

1. A victim of sexual assault or sexual harassment may submit an appeal to the Office of Student Conduct in writing within 5 business days of the date on which the decision was sent.
2. The appeal request must be typed or computer printed and shall be limited to three double spaced pages with one-inch margins and a 12-point font. The statement of appeal shall be prepared by the student with the assistance of his or her advocate only and shall not include citations to authorities

outside the University. At her or his discretion, the chairperson may disregard all pages beyond the three-page limit or reject the entire appeal if it contains citations to authorities outside the University or appears not to have been prepared by the student.

3. An appeal request submitted by a victim of sexual harassment or sexual assault may allege that:
  - a. The decision is contrary to information presented at the hearing or contrary to new information not known in advance of the hearing;
  - b. Procedures were not followed during the process;
  - c. The sanction imposed is inappropriate or unreasonable; or
  - d. A violation of the victim's rights (as defined in **Section II.C.2**) occurred.
4. Upon receipt of the appeal request, the Director of the Office of Student Conduct or his or her designee will send a copy of the request to the complainant, the charged student, the Administrative Hearing Officer, and any other party deemed appropriate by the University. These parties may submit a response, limited to three double-spaced pages with one-inch margins and a 12-point font, to the Office of Student Conduct within 5 business days of the date on which the appeal was sent. At her or his discretion, the chairperson may disregard all pages beyond the three-page limit.
5. The Appellate Board, by majority vote, may decide to:
  - a. Deny the appeal;
  - b. Delay a final review of the appeal to receive additional responses to specific issues raised in the appeal. Responses may be solicited only from the charged student, the complainant, the Administrative Hearing Officer, and any relevant witnesses; or
  - c. Grant the appeal and direct the Office of Student Conduct to provide a new hearing conducted by the Appellate Board.
    1. The outcome of a new hearing may result in:
      - a. The same decision regarding responsibility and sanctions as made by the original hearing officer;

- b. The same decision regarding responsibility but different sanctions as made by the original hearing officer; or
  - c. A different decision regarding responsibility and a different decision regarding sanctions as made by the original hearing officer.
2. The decision of the re-hearing by the Appellate Board is final, unless the charged student had not exercised his/her right to appeal the decision reached by the hearing officer. In such cases, the charged student may submit an appeal as outlined for the charged student **above**, with a decision on the merits of this appeal to be decided by an Appellate Board comprised of different members.

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- b. **For Administrative Hearings involving all other charges**, the Administrative Hearing Officer will conduct the hearing according to the following procedures:
  - i. The complainant, the charged student, the advisor (if any), an Office of Student Conduct designee, shall be present for the entirety of the hearing.
  - ii. A witness (including any victim, with an advocate, if any) may only be present during the time he or she presents information or makes a victim's impact statement. Live witness information is most helpful to the Administrative Hearing Officer, but the Administrative Hearing Officer may accept other forms of information, giving it such weight as is deemed appropriate. The Office of Student Conduct or the Administrative Hearing officer may, at the request of the complainant, charged student or witness, sequester any witness and arrange for a witness to give information and be questioned in such a way as to protect the witness's identity.
  - iii. Hearings shall be closed to all other parties.
  - iv. All parties are expected to act in a professional and civil manner. If the Administrative Hearing Officer determines the complainant causes a disruption, the complainant will be removed, the hearing will end and all charge(s) will be dropped. If the Administrative Hearing Officer determines the charged student causes a disruption, the charged student will be removed and the hearing will continue in his or her absence.
  - v. The complainant must attend the hearing unless an appropriate designee has been approved by the Office of Student Conduct. In certain situations, the complainant may be accompanied by an advisor or co-complainant.

- vi. The complainant shall present information regarding the allegation(s) against the charged student and may present witnesses to support the complaint. The charged student, with the assistance of his or her advisor (if any), will then have the opportunity to question the complainant and each of the complainant's witnesses who are present for the hearing. The charged student then may present a response to the allegation(s). The complainant may question the accused and the student's witnesses who are present for the hearing. The Administrative Hearing Officer has the right to question or recall witnesses at any time during the hearing. The complainant and the charged student may, in that order, present concluding remarks. The Administrative Hearing Officer will then close the hearing.
- vii. The Administrative Hearing Officer may exclude any information that is irrelevant or redundant to the allegations.
- viii. Proof that the violation occurred must be established by a preponderance of the information, meaning there it is more likely than not the allegations are true.
- ix. If the Administrative Hearing Officer finds the charged student has committed all or any part of the charged offense, information concerning the charged student's past disciplinary record (including Student Conduct System actions, housing policy violations, civil or criminal court convictions, and any other information deemed relevant by the Administrative Hearing Officer) may be considered in determining the appropriate sanction(s). The Administrative Hearing Officer may also consult with the Director of the Office of Student Conduct, or his or her designee, in order to ensure consistency and fairness of both decision and sanction(s).
- x. An audio recording will be made of all Administrative Hearings, for review and appeal purposes. The recording will be destroyed within 30 days of the final decision.
- xi. The Administrative Hearing Officer shall send a written decision to the Office of Student Conduct after the conclusion of the hearing. The letter shall contain:
  - a. A summary of the charge(s) and the incident from which these charge(s) originated;
  - b. The Administrative Hearing Officer's findings and rationale;
  - c. The Administrative Hearing Officer's disciplinary sanction(s) if any; and
  - d. A statement describing the charged student's right to appeal and the procedures for doing so.
- xii. The Office of Student Conduct will notify the charged student and the complainant via e-mail of the findings, rationale, proposed sanction(s) (if any), and the right of appeal. The Office of Student Conduct will notify the victim of any sanction that affects him or her.
- xiii. The charged student may appeal the Administrative Hearing Officer's decision within 5 business days of the date on which

the decision was sent.

- xiv. A copy of the Administrative Hearing Officer's decision will be maintained in the Office of Student Conduct.

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- xv. Requests for Appeal
- a. Appeal of Recommended Sanction(s) (Request for Reconsideration of Sanction(s))
1. The student must submit a Request for Reconsideration of Sanction(s) to the Office of Student Conduct within 5 business days of accepting responsibility for violating the Code of Conduct and receiving a list of the sanction(s). Should the student fail to submit this request within 5 business days, the sanction(s) will be applied, no appeal will be considered and the case will be closed.
  2. The Request for Reconsideration of Sanction(s) must be typed or computer-printed and must explain why the sanction(s) are inappropriate or unreasonable. The request may include what sanction(s) the student feels are appropriate. The request shall be prepared by the student with the assistance of his or her student conduct advisor and shall be limited to three double-spaced pages with one-inch margins and a 12-point font. The request shall not include information disputing the charge(s) nor shall it include citations to authorities outside the University. At his or her discretion, the chairperson on the Appellate Board may reject all pages beyond the three-page limit or reject the entire Request if it contains citations to authorities outside the University or appears not to have been completed by the student.
  3. Upon receipt of the Request for Reconsideration of Sanction(s), the Director of the Office of Student Conduct or his or her designee will send a copy of the request to the complainant and any other party deemed appropriate by the University, including the victim (if applicable). These parties may submit a response, limited to three double-spaced pages with one-inch margins and a 12-point font, to the Office of Student Conduct within 5 business days of the date on which the Request was sent. At his or her discretion, the chairperson of the Appellate Board may disregard all pages beyond the three-page limit.
  4. The written request, responses from all appropriate parties and the student's entire disciplinary file will be reviewed in a closed meeting by a quorum of the **Appellate Board**.
  5. The Appellate Board, by majority vote, may decide to:

- a. Deny the Request for Reconsideration of Sanction(s) and apply the sanction(s) described in the pre-hearing; or
  - b. Reduce or otherwise limit the sanction(s) applied. A reduction in penalty or duration may be accompanied by the imposition of a fee or educational assignment(s) or exercise(s).
6. The Appellate Board's decision is final and will be implemented immediately by the Office of Student Conduct. The student will receive notice of the decision. Copies of this notice will be entered into the student's disciplinary record and forwarded to the complainant and any other appropriate party who responded to the initial request.
- b. Appeal of Decision of Administrative Hearing Officer
    1. The charged student may submit an appeal to the Office of Student Conduct in writing within 5 business days of the date on which the decision was sent.
    2. A student also may submit an appeal when a suspension of more than one calendar year has been served and the student wishes a reduction in the remaining period of suspension.
    3. The appeal request must allege that:
      - a. The decision is contrary to information presented at the hearing or contrary to new information not known in advance of the hearing;
      - b. Procedures were not followed during the process; or
      - c. The sanction imposed is inappropriate or unreasonable.
    4. The appeal request must be typed or computer printed and cite one or more of the reasons above. The failure of the University to adhere to notice requirements or time periods shall not be cause for dismissal nor grounds for appeal absent a finding that such failure materially prejudiced the charged student. The statement of appeal shall be prepared by the student with the assistance of his or her student conduct advisor and shall be limited to three double spaced pages with one-inch margins and a 12-point font. The statement of appeal shall not include citations to authorities outside the University. At her or his discretion, the chairperson of the Appellate Board may disregard all pages beyond the three-page limit or reject the entire appeal if it contains citations to authorities outside the University or appears not to have been prepared by

the student.

5. Upon receipt of the appeal request, the Director of the Office of Student Conduct or his or her designee will send a copy of the request to the complainant, the Administrative Hearing Officer or Appellate Board chairperson, and any other party deemed appropriate by the University, including the victim of sexual assault or sexual harassment. These parties may submit a response, limited to three double-spaced pages with one-inch margins and a 12-point font, to the Office of Student Conduct within 5 business days of the date on which the appeal was sent. At his or her discretion, the chairperson of the Appellate Board may disregard all pages beyond the three-page limit.
6. The written appeal and all documentation contained within the student's disciplinary file will be reviewed in a closed meeting by a quorum of the **Appellate Board**.
7. The Appellate Board, by majority vote, may decide to:
  - a. Deny the appeal;
  - b. Reduce or otherwise limit the sanction(s) imposed. A reduction in penalty or duration may be accompanied by the imposition of a fee or educational assignment(s) or exercise(s);
  - c. Delay a final review of the appeal to receive additional responses to specific issues raised in the appeal. Responses may be solicited only from the charged student, the complainant, the Administrative Hearing Officer, and any relevant witnesses; or
  - d. Direct the Office of Student Conduct to provide a new hearing conducted by the Appellate Board, or allow the student to have his or her case handled beginning at any specific stage of the Student Conduct process.
8. The Appellate Board's decision, including any decision reached as the result of a re-hearing initiated as a result charged student's appeal, is final and will be implemented immediately by the Office of Student Conduct. The student will receive notice of the decision. Copies of this notice will be entered into the student's disciplinary record and forwarded to the complainant and hearing officer.

c. Appeal Initiated by Victim

1. A victim (as defined in **Section II.C.3**) may submit an appeal to the Office of Student Conduct in writing within 5 business days of the date on which the decision was sent.

2. The appeal request must be typed or computer printed and shall be limited to three double spaced pages with one-inch margins and a 12-point font. The statement of appeal shall be prepared by the student with the assistance of his or her advocate only and shall not include citations to authorities outside the University. At her or his discretion, the chairperson may disregard all pages beyond the three-page limit or reject the entire appeal if it contains citations to authorities outside the University or appears not to have been prepared by the student.
3. An appeal request may only allege that a violation of the victim's rights (as defined in **Section II.C.3**) occurred.
4. Upon receipt of the appeal request, the Director of the Office of Student Conduct or his or her designee will send a copy of the request to the complainant, the charged student, the Administrative Hearing Officer, and any other party deemed appropriate by the University. These parties may submit a response, limited to three double-spaced pages with one-inch margins and a 12-point font, to the Office of Student Conduct within 5 business days of the date on which the appeal was sent. At her or his discretion, the chairperson may disregard all pages beyond the three-page limit.
5. The Appellate Board, by majority vote, may decide to:
  - a. Deny the appeal;
  - b. Delay a final review of the appeal to receive additional responses to specific issues raised in the appeal. Responses may be solicited only from the charged student, the complainant, the Administrative Hearing Officer, and any relevant witnesses; or
  - c. Grant the appeal and direct the Office of Student Conduct to provide a new hearing conducted by the Appellate Board.
    1. The outcome of a new hearing may result in:
      - a. The same decision regarding responsibility and sanctions as made by the original hearing officer;
      - b. The same decision regarding responsibility but different sanctions as made by the original hearing officer; or
      - c. A different decision regarding

responsibility and a different decision regarding sanctions as made by the original hearing officer.

2. The decision of the re-hearing by the Appellate Board is final, unless the charged student had not exercised his/her right to appeal the decision reached by the hearing officer. In such cases, the charged student may submit an appeal as outlined for the charged student **above**, with a decision on the merits of this appeal to be decided by an Appellate Board comprised of different members.

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### **3. Operations of the Appellate Board**

#### a. Jurisdiction

The Appellate Board has sole appellate jurisdiction over decisions and sanction(s) of an Administrative Hearing Officer and any designee of the Director of the Office of Student Conduct.

#### b. Composition

The Appellate Board shall be composed of 15 members: at least 6 members shall be undergraduate students, at least 5 members shall be University officials, and at least 4 shall be faculty members. The Board shall be chaired by an Administrative Hearing Officer, although he or she may not cast a vote except in the event of a tie.

#### c. Quorum

A quorum consists of 3 board members, provided that at least 1 undergraduate student, 1 University official, and 1 faculty member must be present.

#### d. Term of Office

Students may remain on the board until they graduate from the University. University officials and faculty members shall be appointed for a 4-year, renewable term beginning on the first school day of the fall semester in the odd-numbered year.

#### e. Selection of Appellate Board Members

Members of the Appellate Board shall be selected as follows:

##### i. Applicants

The Director of the Office of Student Conduct or his or her designee solicits 2 or more individuals for each position. Student applicants will be solicited from the **Student Government Association**, the **Resident Student Association**, and the general student body; University official applicants from the Office of the Vice President for Student Affairs; and Faculty applicants will be solicited from the **Faculty Senate**. Any

individual interested in applying should submit a request to the Office of Student Conduct.

ii. Selection

The Director of the Office of Student Conduct or his or her designee may select a member from among the applicants and may seek additional applicants for any position. The director's decision to select or decline any applicant shall be final and binding. Student members may not have a current sanction and must maintain a minimum cumulative GPA of 2.2.

iii. Appointments

The members will be installed at the beginning of the fall semester immediately following their selection. During summer and winter sessions, if a quorum cannot be obtained or if an unexpected vacancy occurs, the Director of the Office of Student Conduct or his or her designee may appoint a student, faculty member, or University official to serve until the next regularly scheduled appointment.

f. Responsibilities

Each member shall have the following responsibilities:

- i. To make attendance a priority. Frequent absences are grounds for removal;
- ii. To maintain objectivity and impartiality. A member must disqualify himself or herself from a hearing when he or she feels that objectivity cannot be maintained;
- iii. To maintain confidentiality. The nature and status of any student conduct situation may be discussed only with other members and those directly responsible for the administration of the Student Conduct System; and
- iv. To notify the chair if any person attempts to influence a case or decision before the member.

a. Removal of Appellate Board Members

- i. Any member may be removed for cause. A person may request a member's removal through the Office of Student Conduct. The written request must include specific facts supporting the removal,
- ii. If the Director of the Office of Student Conduct determines that the allegation is supported by information, the member shall be informed. A meeting will be held to hear the request for removal and the accused member's response.
- iii. If it is determined that the member has violated his or her responsibilities, the Director may recommend to the Dean of Students that the member be removed.
- iv. The Dean of Students shall make the final determination concerning removal or any other appropriate action.

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## E. Procedures for Graduate Student Conduct Process

The Graduate Student Conduct System is administered by the **Assistant Provost for Graduate and Professional Education** as authorized by the Vice Provost for Graduate and Professional Education.

### 1. Initiation of the Student Conduct Process

- a. Any person may initiate a complaint against a graduate student by filing a complaint with the **Assistant Provost for Graduate and Professional Education**. The person or people submitting the complaint shall be referred to as the complainant. If the complaint reasonably suggests that a violation of the Code of Conduct has occurred, then the Assistant Provost for Graduate and Professional Education shall provide written notice of the complaint to the student against whom it was filed.
  - i. Students seeking to file a complaint of disability discrimination or sex discrimination or harassment against faculty, employees or third parties must use the ADA and Title IX processes as outlined in Section **IV.B.3.a**.
  - ii. Students seeking to file a complaint of disability discrimination or sex discrimination or harassment against another student must use the ADA and Title IX processes outlined in Section **IV.B.3.b**.
- b. The notice to the charged student shall include:
  - i. The specific rule or regulation that the student is alleged to have violated, describing the time, date, and place of the occurrence, the name of the complainant, and the names of all known potential witnesses, assuming the potential witnesses agree to be identified and participate;
  - ii. The charged student's rights, including a description of the procedures to be used at either an Administrative Action Hearing or a Graduate Board Hearing and the possible sanction(s) that may be rendered; and
  - iii. A statement that the charged student must meet with the Assistant Provost for Graduate and Professional Education within 5 business days of the date on which the notice was sent. Failure to attend this pre-hearing meeting may result in a finding of responsible based only on input from the complainant.
- c. During the pre-hearing meeting(s), the charged student will be:
  - i. invited to review and discuss information contained in his or her disciplinary file;
  - ii. encouraged to ask questions concerning the complaint;
  - iii. informed of the student's rights within the Student Conduct System, including the options for resolving the charge(s); and
  - iv. presented with the following options:
    - a. To accept responsibility and request an Administrative Action Hearing for the purpose of determining the appropriate sanctions; or
    - b. To deny the charge(s) and request a hearing by the

### Graduate Hearing Board.

- d. If a student fails to attend the pre-hearing within the specified period of time, the facts will be reviewed by the Assistant Provost for Graduate and Professional Education and a decision rendered in the student's absence.

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## 2. Procedures for Administrative Action Hearings

- a. The Administrative Action Hearing is in lieu of the student's right to a Graduate Board Hearing, and the student must sign a statement waiving his or her right to a Graduate Board Hearing.
- b. The Assistant Provost for Graduate and Professional Education or designee may consult with the complainant to clarify facts related to the matter. If, in consulting with the complainant, information materially different from that given by the charged student is obtained, this information will be shared with the charged student before sanctions are applied.
- c. A charged student may appeal a decision made as a result of an Administrative Action Hearing based on the following procedures:
  1. The charged student may submit a written request for appeal to the Vice Provost for Graduate and Professional Education within 5 business days of the date on which the written decision was sent. Should the student fail to submit this request within 5 business days, the sanction(s) will be applied, no appeal will be considered and the case will be closed.
  2. The appeal request must allege that the sanction imposed is inappropriate or unreasonable. The request may include what sanction(s) the student feels are appropriate.
  3. The written request must be typed or computer printed and shall be limited to five double-spaced pages with one-inch margins and a 12-point font. The written request may be accompanied by documentation supporting the grounds for appeal.
  4. Upon receipt of the request for appeal, the Vice Provost for Graduate and Professional Education will send a copy of the appeal request to the complainant, and any other relevant party, including any victim. These parties may submit a response in writing to the Vice Provost for Graduate and Professional Education within 5 business days of the date on which the appeal was sent.
  5. The Vice Provost for Graduate and Professional Education will review the written request, and may review any other documents presented as part of the appeal, and will determine whether there are sufficient grounds to adjust the sanctions.
  6. If the appeal is granted, the Vice Provost for Graduate and Professional Studies will impose adjusted sanctions, notify the student of the sanctions and the case will be closed.
  7. If the appeal is denied, the sanctions recommended in the Administrative Action Hearing will become effective immediately. The student will be notified of the denial and the case will be

closed.

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## 3. Procedures for Graduate Board Hearings

a. **For Graduate Board Hearings involving charges of sexual assault or sexual harassment** (and any other concurrent charges), the chair of the Appellate Hearing Board will conduct the hearing according to the following procedures:

- i. Graduate Board Hearings shall be open to the complainant, the charged student, the advisor (if any) and the Assistant Provost for Graduate and Professional Education or designee for the entirety of the hearing.
- ii. Victim(s) of sexual assault or sexual harassment (and advocate, if any) may be present for all or any part of the hearing he or she wishes to attend.
- iii. Witnesses shall be present only during the time he or she is sharing information regarding the incident.
- iv. Hearings shall be closed to all other parties.
- v. The complainant must attend the hearing unless an appropriate designee has been approved by the Assistant Provost for Graduate and Professional Education prior to the hearing. *Note: A complainant's failure to attend a hearing without prior approval may result in a dismissal of the charge(s). A second postponement of a hearing, even with cause, will result in a dismissal of the charge(s) unless there are serious extenuating circumstances.*
- vi. The complainant shall present the case against the charged student and may present witnesses to support the complaint. The charged student shall have the opportunity to question the complainant and the complainant's witnesses who are present for the hearing. The charged student then may present a response to the complaint. The complainant may question the charged student's witnesses who are present for the hearing. The Graduate Hearing Board has the right to question or recall witnesses at any time during the hearing. The complainant and the charged student may, in that order, present concluding remarks.
- vii. Proof that the violation occurred must be established by a preponderance of the information, meaning there it is more likely than not the allegations are true.
- viii. The Graduate Hearing Board may exclude any information that is irrelevant to the hearing or has no bearing on the complaint or the hearing. The charged student may introduce information regarding his or her character.
- ix. After all information has been presented and both the complainant and the charged student have been given an opportunity for a final statement, the chair of the Graduate Hearing Board will close the hearing. If the Graduate Hearing Board finds the charged student has committed all or any part of the charged offense, information concerning the charged

student's past disciplinary record, including Student Conduct System actions, housing policy violations, civil or criminal court convictions, and any other information deemed relevant by the members of the Graduate Hearing Board may be considered in determining the appropriate sanction.

- x. The Assistant Provost for Graduate and Professional Education or designee will make an audio recording of all hearings. The charged student may listen to the recording in the presence of the Assistant Provost for Graduate and Professional Education or his or her designee, or may request a duplicate copy of the recording at the student's expense.
- xi. The Graduate Hearing Board shall submit a written report to the Assistant Provost for Graduate and Professional Education within 5 business days of the conclusion of the hearing. The written report shall contain:
  - a. A summary of the complaint and the charge(s);
  - b. A summary of information presented at the hearing;
  - c. A summary of the Graduate Hearing Board's findings and rationale;
  - d. The Graduate Hearing Board's proposed sanction(s) (if any) and rationale; and
  - e. A statement describing the charged student's right to appeal and the procedures for doing so.
- xii. The Assistant Provost for Graduate and Professional Education will notify the charged student and the complainant of the findings, rationale, proposed sanction(s) (if any), and the appeal rights.
- xiii. The charged student may appeal the Graduate Hearing Board's decision within 5 business days of the date on which the decision was sent.
- xiv. A copy of the Graduate Hearing Board's decision will be maintained in the Office of Graduate and Professional Education according to **Section II.G**.

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- xv. Requests for Appeal of Graduate Hearing Board Decision
  - a. Initiated by the charged student:
    - 1. The charged student may submit a written request for appeal to the Vice Provost for Graduate and Professional Education within 5 business days of the date on which the written decision was sent. Note: A student who accepts responsibility for violating the Code of Conduct waives his or her right to an appeal.
    - 2. The appeal request must allege:
      - a. The decision is contrary to information presented at the hearing or contrary to new

- information not known at the time of the hearing;
- b. Any hearing procedure was not properly followed; or
  - c. The sanction imposed is inappropriate or unreasonable.
3. The written request must be typed or computer printed and shall be limited to five double-spaced pages with one-inch margins and a 12-point font. The written request may be accompanied by documentation supporting the grounds for appeal.
  4. Upon receipt of the request for appeal, the Vice Provost for Graduate and Professional Education will send a copy of the appeal request to the complainant, the chairperson of the Graduate Hearing Board, and any other relevant party, including the victim of sexual assault or sexual harassment. These parties may submit a response in writing to the Vice Provost for Graduate and Professional Education within 5 business days of the date on which the request was sent.
  5. The Vice Provost for Graduate and Professional Education will review the written request, and may listen to the recording of the Graduate Board Hearing, review any documents presented during the Graduate Board Hearing, and will determine whether there are sufficient grounds for an Appellate Hearing and, if so, will defer the imposition of the sanction imposed by the Graduate Hearing Board pending the decision on the appeal.
  6. If the appeal request is denied, the decision of the Graduate Hearing Board will become effective as of the date that the Vice Provost for Graduate and Professional Education decides not to grant an Appellate Hearing.
  7. If the appeal is granted, the Vice Provost for Graduate and Professional Education will notify the charged student and the complainant of the time and place of the Appellate Hearing.
  8. The only persons permitted to attend the Appellate Hearing will be:
    - a. The complainant;
    - b. the charged student;
    - c. the charged student's advisor from the Graduate Board Hearing (if any);
    - d. the victim of sexual assault or sexual harassment (and an advocate, if any);
    - e. witnesses if their presence is necessary (as

- determined by the Vice Provost for Graduate and Professional Education);
- f. the Assistant Provost for Graduate and Professional Education; and
  - g. the Vice Provost for Graduate and Professional Education or his or her designee (who may not have been a member of the Graduate Hearing Board.)
9. Failure to attend an Appellate Hearing by the charged student or complainant may result in the denial of the appeal. A second postponement, even with cause, will result in denial of the appeal unless there are serious extenuating circumstances.
  10. The Vice Provost for Graduate and Professional Education will open the Appellate Hearing by reading the request for appeal and informing the persons involved of the appellate hearing procedures, including:
    - a. The charged student may make a brief statement of the reasons for the appeal. If those reasons include new information, the charged student may present such information, and present such information, and new witnesses presented (if any) will be subject to cross-examination.
    - b. The complainant may then address the specific issues presented in the request for appeal.
    - c. The victim of sexual assault or sexual harassment may address the specific issues presented in the request for appeal.
  11. The Vice Provost for Graduate and Professional Education may interrupt the proceedings at any time to ask questions or to focus the proceedings on the specific points at issue.
  12. Within 5 business days of the conclusion of the hearing, the Vice Provost for Graduate and Professional Education shall issue a written decision consisting of the grounds for the appeal, the decision, and the rationale. Copies of this report will be forwarded to the charged student, the complainant, and the chair of the Graduate Hearing Board.
  13. The decision of the Vice Provost for Graduate and Professional Education is final and will be implemented immediately.
- b. Initiated by a victim of sexual assault or sexual harassment:
    1. The victim of sexual assault or sexual harassment may submit a written request for appeal to the Vice

Provost for Graduate and Professional Education within 5 business days of the date on which the written decision was sent.

2. The appeal request must allege:
  - a. The decision is contrary to information presented at the hearing or contrary to new information not known at the time of the hearing;
  - b. Any hearing procedure was not properly followed;
  - c. The sanction imposed is inappropriate or unreasonable; or
  - d. A violation of the victim's rights (as defined in **Section II.C.2**) occurred.
3. The written request must be typed or computer printed and shall be limited to five double-spaced pages with one-inch margins and a 12-point font. The written request may be accompanied by documentation supporting the grounds for appeal.
4. Upon receipt of the request for appeal, the Vice Provost for Graduate and Professional Education will send a copy of the appeal request to the complainant, the chairperson of the Graduate Hearing Board, and any other relevant party including the charged student. These parties may submit a response in writing to the Vice Provost for Graduate and Professional Education within 5 business days of the date on which the request was sent.
5. The Vice Provost for Graduate and Professional Education will review the written request, and may listen to the recording of the Graduate Board Hearing, review any documents presented during the Graduate Board Hearing, and will determine whether there are sufficient grounds for an Appellate Hearing and, if so, will defer the imposition of the sanction imposed by the Graduate Hearing Board pending the decision on the appeal.
6. If the appeal request is denied, the decision of the Graduate Hearing Board will become effective as of the date that the Vice Provost for Graduate and Professional Education decides not to grant an Appellate Hearing.
7. If the appeal is granted, the Vice Provost for Graduate and Professional Education will notify the charged student and the complainant of the time and place of the appellate hearing.
8. The only persons permitted to attend the Appellate Hearing will be:

- a. The complainant;
  - b. the charged student;
  - c. the charged student's advisor from the Graduate Board Hearing (if any);
  - d. the victim of sexual assault or sexual harassment (and an advocate, if any);
  - e. witnesses if their presence is necessary (as determined by the Vice Provost for Graduate and Professional Education); and
  - f. the Assistant Provost for Graduate and Professional Education, and
  - g. the Vice Provost for Graduate and Professional Education or his or her designee (who may not have been a member of the original Graduate Hearing Board.)
9. Failure to attend an Appellate Hearing by the charged student or complainant may result in the denial of the appeal. A second postponement, even with cause, will result in denial of the appeal unless there are serious extenuating circumstances.
10. The Vice Provost for Graduate and Professional Education will open the Appellate Hearing by reading the request for appeal and informing the persons involved of the appellate hearing procedures, including:
- a. The victim of sexual assault or sexual harassment may make a brief statement of the reasons for the appeal. If those reasons include new information, the victim may present such information, and new witnesses presented (if any) will be subject to cross-examination.
  - b. The complainant may then address the specific issues presented in the request for appeal.
  - c. The charged student may address the specific issues presented in the request for appeal.
11. The Vice Provost for Graduate and Professional Education may interrupt the proceedings at any time to ask questions or to focus the proceedings on the specific points at issue.
12. Within 5 business days of the conclusion of the hearing, the Vice Provost for Graduate and Professional Education shall issue a written decision consisting of the grounds for the appeal, the decision, and the rationale. Copies of this report will be forwarded to the charged student, the complainant, and the chair of the Graduate Hearing Board.

13. The decision of the Vice Provost for Graduate and Professional Education is final and will be implemented immediately, unless the outcome of the Appellate Hearing is different that the decision implemented as a result of the Graduate Board Hearing and the charged student did not submit an appeal of that outcome. In such an instance, the charged student may submit an appeal within five business days of the date on which the Appellate Hearing was sent and shall follow the procedures as outlined for the charged student **above**.

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- b. **For Graduate Board Hearings involving all other charges**, the chair of the Graduate Hearing Board will conduct the hearing according to the following procedures:
  - i. Graduate Board Hearings shall be open to the complainant, the charged student, the advisor (if any) and the Assistant Provost for Graduate and Professional Education or designee for the entirety of the hearing.
  - ii. Witnesses (including victims, and an advocate, if any) shall be present only during the time he or she is sharing information regarding the incident or making a victim's impact statement.
  - iii. Hearings shall be closed to all other parties.
  - iv. The complainant must attend the hearing unless an appropriate designee has been approved by the Assistant Provost for Graduate and Professional Education prior to the hearing. *Note: A complainant's failure to attend a hearing without prior approval may result in a dismissal of the charge(s). A second postponement of a hearing, even with cause, will result in a dismissal of the charge(s) unless there are serious extenuating circumstances.*
  - v. The complainant shall present the case against the charged student and may present witnesses to support the complaint. The charged student shall have the opportunity to question the complainant and the complainant's witnesses who are present for the hearing. The charged student then may present a response to the complaint. The complainant may question the charged student's witnesses who are present for the hearing. The Graduate Hearing Board has the right to question or recall witnesses at any time during the hearing. The complainant and the charged student may, in that order, present concluding remarks.
  - vi. Proof that the violation occurred must be established by a preponderance of the information, meaning there it is more likely than not the allegations are true.
  - vii. The Graduate Hearing Board may exclude any information that is irrelevant to the hearing or has no bearing on the complaint or the hearing. The charged student may introduce information regarding his or her character.
  - viii. After all information has been presented and both the

complainant and the charged student have been given an opportunity for a final statement, the chair of the Graduate Hearing Board will close the hearing. If the Graduate Hearing Board finds the charged student has committed all or any part of the charged offense, information concerning the charged student's past disciplinary record, including Student Conduct System actions, housing policy violations, civil or criminal court convictions, and any other information deemed relevant by the members of the Graduate Hearing Board may be considered in determining the appropriate sanction.

- ix. The Assistant Provost for Graduate and Professional Education or designee will make an audio recording of all hearings. The charged student may listen to the recording in the presence of the Assistant Provost for Graduate and Professional Education or his or her designee, or may request a duplicate copy of the recording at the student's expense.
- x. The Graduate Hearing Board shall submit a written report to the Assistant Provost for Graduate and Professional Education within 5 business days of the conclusion of the hearing. The written report shall contain:
  - a. A summary of the complaint and the charge(s);
  - b. A summary of information presented at the hearing;
  - c. A summary of the Graduate Hearing Board's findings and rationale;
  - d. The Graduate Hearing Board's proposed sanction(s) (if any) and rationale; and
  - e. A statement describing the charged student's right to appeal and the procedures for doing so.
- xi. The Assistant Provost for Graduate and Professional Education will notify the charged student and the complainant of the findings, rationale, proposed sanction(s) (if any), and the appeal rights.
- xii. The charged student may appeal the Graduate Hearing Board's decision within 5 business days of date on which the decision was sent.
- xiii. A copy of the Graduate Hearing Board's decision will be maintained in the Office of Graduate and Professional Education according to **Section II.G**.

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- xiv. Requests for Appeal of Decision of Graduate Hearing Board:
  - a. Initiated by the charged student:
    1. The charged student may submit a written request for appeal to the Vice Provost for Graduate and Professional Education within 5 business days of the date on which the written decision was sent. Note: A student who accepts responsibility for violating the Code of Conduct waives his or her right to an

appeal.

2. The appeal request must allege:
  - a. The decision is contrary to information presented at the hearing or contrary to new information not known at the time of the hearing;
  - b. Any hearing procedure was not properly followed; or
  - c. The sanction imposed is inappropriate or unreasonable.
3. The written request must be typed or computer printed and shall be limited to five double-spaced pages with one-inch margins and a 12-point font. The written request may be accompanied by documentation supporting the grounds for appeal.
4. Upon receipt of the request for appeal, the Vice Provost for Graduate and Professional Education will send a copy of the appeal request to the complainant, the chairperson of the Graduate Hearing Board, and any other relevant party. These parties may submit a response in writing to the Vice Provost for Graduate and Professional Education within 5 business days of the date on which the request was sent.
5. The Vice Provost for Graduate and Professional Education will review the written request, and may listen to the recording of the Graduate Board Hearing, review any documents presented during the Graduate Board Hearing, and will determine whether there are sufficient grounds for an Appellate Hearing and, if so, will defer the imposition of the sanction imposed by the Graduate Hearing Board pending the decision on the appeal.
6. If the appeal request is denied, the decision of the Graduate Hearing Board will become effective as of the date that the Vice Provost for Graduate and Professional Education decides not to grant an Appellate Hearing.
7. If the appeal is granted, the Vice Provost for Graduate and Professional Education will notify the charged student and the complainant of the time and place of the appellate hearing.
8. The only persons permitted to attend the Appellate Hearing will be:
  - a. The complainant;
  - b. the charged student;
  - c. the charged student's advisor from the Graduate Board Hearing (if any);

- d. witnesses (including any victim, and an advocate, if any) if their presence is necessary (as determined by the Vice Provost for Graduate and Professional Education);
    - e. the Assistant Provost for Graduate and Professional Education; and
    - f. the Vice Provost for Graduate and Professional Education or his or her designee (who may not have been a member of the original Graduate Hearing Board.)
  9. Failure to attend an Appellate Hearing by the charged student or complainant may result in the denial of the appeal. A second postponement, even with cause, will result in denial of the appeal unless there are serious extenuating circumstances.
  10. The Vice Provost for Graduate and Professional Education will open the Appellate Hearing by reading the request for appeal and informing the persons involved of the appellate hearing procedures, including:
    - a. The charged student may make a brief statement of the reasons for the appeal. If those reasons include new information, the charged student may present such information, and new witnesses (if any) will be subject to cross-examination.
    - b. The complainant may then address the specific issues presented in the request for appeal.
  11. The Vice Provost for Graduate and Professional Education may interrupt the proceedings at any time to ask questions or to focus the proceedings on the specific points at issue.
  12. Within 5 business days of the conclusion of the hearing, the Vice Provost for Graduate and Professional Education shall issue a written decision consisting of the grounds for the appeal, the decision, and the rationale. Copies of this report will be forwarded to the charged student, the complainant, and the chair of the Graduate Hearing Board.
  13. The decision of the Vice Provost for Graduate and Professional Education is final and will be implemented immediately.
- b. Initiated by a victim:
  1. The victim may submit a written request for appeal to the Vice Provost for Graduate and Professional Education within 5 business days of the date on which the written decision was sent.

2. The appeal request may only allege a violation of the victim's rights (as defined in Section II.C.3) occurred.
3. The written request must be typed or computer printed and shall be limited to five double-spaced pages with one-inch margins and a 12-point font. The written request may be accompanied by documentation supporting the grounds for appeal.
4. Upon receipt of the request for appeal, the Vice Provost for Graduate and Professional Education will send a copy of the appeal request to the complainant, the chairperson of the Graduate Hearing Board, and any other relevant party including the charged student. These parties may submit a response in writing to the Vice Provost for Graduate and Professional Education within 5 business days of the date on which the request was sent.
5. The Vice Provost for Graduate and Professional Education will review the written request, and may listen to the recording of the Graduate Board Hearing, review any documents presented during the Graduate Board Hearing, and will determine whether there are sufficient grounds for an Appellate Hearing and, if so, will defer the imposition of the sanction imposed by the Graduate Hearing Board pending the decision on the appeal.
6. If the appeal request is denied, the decision of the Graduate Hearing Board will become effective as of the date that the Vice Provost for Graduate and Professional Education decides not to grant an Appellate Hearing.
7. If the appeal is granted, the Vice Provost for Graduate and Professional Education will notify the charged student and the complainant and the victim of the time and place of the appellate hearing.
8. The only persons permitted to attend the Appellate Hearing will be:
  - a. The complainant;
  - b. the charged student;
  - c. the charged student's advisor from the Graduate Board Hearing (if any);
  - d. witnesses (including any victim, and advocate, if any) if their presence is necessary (as determined by the Vice Provost for Graduate and Professional Education);
  - e. the Assistant Provost for Graduate and Professional Education; and
  - f. the Vice Provost for Graduate and Professional

Education or his or her designee (who may not have been a member of the original Graduate Hearing Board.)

9. Failure to attend an Appellate Hearing by the charged student or complainant may result in the denial of the appeal. A second postponement, even with cause, will result in denial of the appeal unless there are serious extenuating circumstances.
10. The Vice Provost for Graduate and Professional Education will open the Appellate Hearing by reading the request for appeal and informing the persons involved of the appellate hearing procedures, including:
  - a. The victim may make a brief statement explaining why he or she feels a violation of victim's rights occurred.
  - b. The complainant may then address the specific issues presented in the request for appeal.
  - c. The charged student may address the specific issues presented in the request for appeal.
11. The Vice Provost for Graduate and Professional Education may interrupt the proceedings at any time to ask questions or to focus the proceedings on the specific points at issue.
12. Within 5 business days of the conclusion of the hearing, the Vice Provost for Graduate and Professional Education shall issue a written decision consisting of the grounds for the appeal, the decision, and the rationale. Copies of this report will be forwarded to the charged student, the complainant, and the chair of the Graduate Hearing Board.
13. The decision of the Vice Provost for Graduate and Professional Education is final and will be implemented immediately, unless the outcome of the Appellate Hearing is different than the decision implemented as a result of the Graduate Board Hearing and the charged student did not submit an appeal of that outcome. In such an instance, the charged student may submit an appeal within five business days of the date on which the Appellate Hearing was sent and shall follow the procedures as outlined for the charged student **above**.

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#### **4. University Graduate Hearing Board**

##### **a. Jurisdiction**

The Graduate Hearing Board will have jurisdiction over alleged violations of the Code of Conduct by graduate students when the charged student contests the pending charge(s).

**b. Composition**

The Graduate Hearing Board shall consist of 3 faculty members approved by the chair of the **Faculty Senate** Committee on Graduate Studies. At least 1 faculty member will be from the student's department, program, or non-departmentalized college, and 2 faculty members will be members of the Faculty Senate Committee on Graduate Studies. The chair of the Graduate Hearing Board may not be from the charged student's academic program.

**[Back to Top of Document](#)****F. Procedures for Student Organizations**

1. Student organizations are reminded that they are bound by the University's Code of Conduct, and that each use of the word "student" in the Code of Conduct means student organization. Student organizations are encouraged to review Section I.Q **Student Organizations** of the Code of Conduct and Section III.E of **Sanctions** for additional rules and procedures applicable to those organizations.
2. An Administrative Hearing for a student organization will be processed by the **Undergraduate Student Conduct System**. Hearings will be conducted with the organization's highest ranking officer representing the organization.
3. Any violation of this Code of Conduct by one or more members of a student organization may constitute a violation by the organization itself. Where those administering the Student Conduct System conclude that there is sufficient connection between the acts of individual students and an organization to which they belong, sanction(s) may be imposed on the organization as well as any offending member. Conversely, when an organization has been found responsible for violating the Code of Conduct, those administering the Student Conduct System may impose sanctions on some or all members of that organization depending upon the degree of participation in the violation.
4. In the event that a student or group is charged with a violation under this Code, it shall not be a defense that the organization in question is one which is no longer recognized by the University as a result of its status being rescinded, revoked or suspended.

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The University's retention policy is as follows:

1. For a student enrolled in Bachelor's, Master's or doctoral degree programs:
  - a. When an outcome of responsible is reached, and all appeal rights have been exhausted, and as a result a student receives any sanction other than suspension or expulsion, all records will be retained in the student's disciplinary file until the student's graduation, or, in the event that a student ceases to maintain his or her matriculated status, until fifteen months past the student's originally anticipated graduation date.
  - b. When an outcome of responsible is reached, and all appeal rights have been exhausted, and as a result a student is suspended from the University, all records will be retained in the student's disciplinary file

- for 5 calendar years after the student's actual or anticipated graduation, whichever occurs later.
- c. When an outcome of responsible is reached, and all appeal rights have been exhausted, and as a result a student is expelled from the University, all records will be permanently retained in the student's disciplinary file.
2. For a student enrolled in an Associate in Arts degree program:
- a. When an outcome of responsible is reached, and all appeal rights have been exhausted, and as a result a student receives any sanction other than suspension or expulsion, all records will be retained in the student's disciplinary file until:
- i. the student's graduation from a bachelor's degree program; or
  - ii. in the event the student does not matriculate into a bachelor's degree program, fifteen months after obtaining an Associate's degree; or
  - iii. in the event ceases to maintain his or her matriculated status in the Associate in Arts program, fifteen months past the student's original anticipated graduation date from the Associate in Arts program.
- b. When an outcome of responsible is reached, and all appeal rights have been exhausted, and as a result a student is suspended from the University, all records will be retained in the student's disciplinary file for 5 calendar years after the student's actual or anticipated graduation with a bachelor's degree, whichever occurs later.
- c. When an outcome of responsible is reached, and all appeal rights have been exhausted, and as a result a student is expelled from the University, all records will be permanently retained in the student's disciplinary file.
3. For a student organization, when an outcome of responsible is reached, and all appeal rights have been exhausted, all records will be maintained permanently.
4. When an outcome of not responsible is reached and all appeal rights have been exhausted, or when the charge(s) is dropped, all records will be destroyed within 60 days of the final decision.
5. Federal law currently requires the retention of certain data and records of certain disciplinary infractions. Where the above-described policy provides for the "destruction" of a record, the University, in order to comply with federal law, may accomplish such "destruction" by editing all student identifying information from such record.

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#### **H. Parental Notification**

As permitted by the **Family Educational Rights and Privacy Act**, when a final outcome of responsible is reached in cases involving alcohol, drugs or violence, or when a sanction of Deferred Suspension, Suspension or Expulsion is applied, the University will contact the parent or legal guardian of a student who is tax dependent as appropriate.

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### I. **Emergency Suspension**

When a student or student organization repeatedly or persistently commits a violation of the Code of Conduct, either on campus or off, or where the continued presence of the student or organization on-campus poses a threat to safety or the rights, welfare, or property of another, the **Director of the Office of Student Conduct** or his or her designee (for undergraduate students and organizations) or the **Assistant Provost for Graduate and Professional Education** or his or her designee (for graduate students) may impose an emergency suspension subject to the following provisions:

1. An emergency suspension is an interim action, effective immediately.
2. The emergency suspension shall last until the student's case is resolved in accordance with prescribed procedures.
3. The suspended student shall have the right to have the complaint or charges leading to the emergency suspension processed through the Undergraduate or Graduate Student Conduct System within 3 business days from the imposition of the emergency suspension.
4. A request for an extension of the hearing for an emergency suspension by the charged student, if granted, will be extended only for an additional two days and no further notice will be required.

**Note: In the case of certain criminal charges, the imposition of an Emergency Suspension may be superseded by the Withdrawal process set forth below.**

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### J. **Withdrawal When Certain Charges are Pending**

1. Any student charged in any jurisdiction with a crime involving violence, the sale, manufacture or delivery of drugs or any other conduct egregiously offensive to the University's mission may be immediately withdrawn from the University, according to the following procedures:
  - a. The student shall have the right to a hearing within 3 business days from the imposition of the withdrawal at which time the accused shall be provided the opportunity to demonstrate that withdrawal is inappropriate because
    - i. the student is not charged with a crime as listed above;
    - ii. the alleged crime, even if proven, has no bearing on any legitimate University interest; or
    - iii. the withdrawal is manifestly unjust.
  - b. The Withdrawal shall be noted on the student's transcript; however, no disciplinary record or sanction shall be created or imposed solely on the basis of the withdrawal.
  - c. The Withdrawal shall remain in effect until the earlier of:
    - i. the dismissal of all pending charge(s) against the student;
    - ii. the acquittal of the student on all pending charge(s);

- iii. a full adjudication by the Student Conduct System, if appropriate, of all charge(s) and complaints of the Code of Conduct relating to the conduct from which the charge(s) derive.
  2. This Withdrawal requirement is a supplement to the Emergency Suspension procedures provided above and in no way limits any rights of the University to impose any additional or different disciplinary sanction.

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## III. Sanctions

The University reserves the absolute discretion to determine appropriate sanctions to be imposed upon a student for any infraction of the Code of Conduct. The sanctions explained below may be cumulative, and no sanction need be exhausted before any other sanction may be imposed. The sanctions may be enhanced based on a past disciplinary record, the severity of behavior, or the impact upon the community. Sanctions may be tailored to specific situations. Therefore, the following list is not exhaustive.

- [Descriptions of Sanctions](#)
- [Enhanced Sanctions for Bias-Related Acts](#)
- [Sanctions for Violations of Academic Honesty Policy](#)
- [Sanctions for Alcohol or Drug Policy Violations](#)
- [Sanctioning of Fraternities, Sororities and Student Organizations](#)

### A. Descriptions of Sanctions

Sanctions include, but are not limited to:

#### 1. **Disciplinary Warning**

A disciplinary warning is an official written notice expressing disapproval of conduct and a statement that the conduct violates one or more University rules or regulations.

#### 2. **Notice of Reprimand**

A notice of reprimand is a written notification that a student's conduct was inappropriate for a member of the University community. Continued violations of the Code of Conduct will result in more serious disciplinary sanctions.

#### 3. **Disciplinary Probation**

Disciplinary probation is a period of review during which the student or organization must demonstrate the ability to comply with University rules, regulations, and all other stipulated requirements.

#### 4. **Deferred Suspension from Residence Halls or Graduate Housing**

Deferred suspension from residence halls or graduate housing is a period of review during which the student must demonstrate the ability

to comply with University rules, regulations, and all other stipulated requirements. If, during the deferred suspension period, the student is again found responsible for violating any University rule or an order of an Administrative Hearing Officer or member of the Student Conduct System, the student will be suspended immediately from the residence hall or graduate housing.

#### **5. Deferred Suspension from the University**

Deferred suspension from the University is a period of review during which the student must demonstrate an ability to comply with University rules, regulations, and all other stipulated requirements. If, during the period of the deferred suspension, the student is again found responsible for violating any University rule or regulation or an order of an Administrative Hearing Officer or member of the Student Conduct System, the student will be immediately suspended from the University.

#### **6. Suspension and Ban from Residence Halls**

Suspension from residence halls or graduate housing prohibits a student from residing in a residence hall or other University housing during the suspension period. A student who is suspended from the residence halls or graduate housing is responsible for the full cost of the residence hall space for the remainder of the academic year. Housing deposits for the following academic year also may be forfeited according to established cancellation deadlines.

In addition to the period of suspension from the residence halls, the student is banned from entering any and all residence halls or houses owned by the University of Delaware. Unless otherwise noted, this ban includes non-residential areas included within the confines of a residence complex, including, but not limited to, dining halls, convenience stores, fitness centers and computer labs. Entrance into these facilities will be viewed as a violation of this sanction and the student will be confronted and charged accordingly for trespassing and failure to comply.

#### **7. Suspension from the University**

Suspension from the University requires a student to be withdrawn from all classes, suspended from the residence halls or graduate housing (if applicable), banned from all University facilities (and subject to arrest for trespassing and a charge of Failure to Comply), rendered ineligible to register for any University class, and prohibited from participating in University activities for the period of the suspension. A student who is suspended from the University is nonetheless responsible for all financial obligations to the University. The student's transcript will indicate that the student was withdrawn by the University. Students who further violate the Code of Conduct during the period of suspension or after returning to the University may be expelled.

#### **8. Expulsion from the University**

Expulsion is permanent separation and removal from the University. The sanction of expulsion must be approved by the University president or the president's designee; it requires a student to be withdrawn from all classes, suspended from the residence halls or graduate housing (if applicable), banned from all University facilities (and subject to arrest for trespassing), rendered ineligible to register for any University class, and prohibited from participating in University activities. The student's transcript will indicate that the student was withdrawn by the University.

#### 9. **Restitution**

The University may require restitution for damage, destruction, or theft of University or other property. These charges may not be in excess of the damage or loss incurred and may be imposed together with other sanctions listed here.

#### 10. **Fees**

The University may assess a fee in conjunction with any other sanction listed here.

#### 11. **Other Sanctions**

The University may impose any other sanction, depending upon the circumstances and the nature of the violation.

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#### **B. Enhanced Sanctions for Bias-Related Acts**

The University has a "zero tolerance" for hate crimes and bias-related conduct. When a student has been found to have violated the Code of Conduct and the Administrative Hearing Officer finds facts demonstrating that the offender has directed his or her behavior towards someone because of that person's actual or perceived particular race, gender, religion, ethnicity, national origin, sexual orientation or disability, the sanctions may be enhanced as the Administrative Hearing Officer deems appropriate.

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#### **C. Sanctions for Violations of Academic Honesty Policy**

##### **1. Statement of Policy**

In addition to sanctions set forth above, the University may impose a specific academic sanction for an academic violation. Before deciding on an academic sanction, a faculty member must inquire about the student's past academic violations and incorporate that information into a decision about appropriate action. Questions concerning undergraduate infractions should be referred to the **Office of Student Conduct** and questions concerning graduate student infractions to the **Office of Graduate and Professional Education**.

It is contrary to University policy for a faculty member to lower a grade on an academic work or academic exercise without working with

the Office of Student Conduct or the Office of Graduate and Professional Education. Such an independent action violates the student's guaranteed right to due process and leaves the faculty member vulnerable to a grade grievance. Similarly, students are prohibited from proposing and/or entering into an agreement with faculty member to receive a grade of "F" or any reduced grade on an academic exercise or in the course so as to avoid being charged with a violation of the Academic Honesty Policy.

The following list of sanctions is not exhaustive, and the University may impose additional or different sanctions than those listed.

## 2. Procedures for Academic Honesty Violations

- a. When a faculty member suspects a student of an academic violation, he or she will contact the Office of Student Conduct (for undergraduate students) or the Office of Graduate and Professional Education (for graduate students) to inquire about that student's past academic violations (if any) and discuss the appropriate academic sanctions.

The faculty member must choose one of the following:

- i. **Option A:** The faculty member may require the student to repeat any work affected by the academic violation. When the faculty member chooses to have the student repeat affected work, the faculty member may impose a grade penalty on that work.
- ii. **Option B:** The faculty member may issue the student a lower or failing grade on all or any portion of the work affected by the academic violation or a lower or failing grade in the course; or the faculty member may require that the student be withdrawn from the course.
- iii. **Option C:** The student will receive a failing grade in the class in which the offense occurred, and an "X" will be placed next to the "F" on the student's University transcript, with an explanation on the transcript that the failure resulted from the student's academic violation.

The student who wishes to remove the "X" from the transcript may complete a non-credit seminar at the University addressing the academic violation and the ethical and social ramifications of violations. A student who successfully completes this course may submit a request to the Office of Student Conduct or Office of Graduate and Professional Education to have the "X" removed from his or her transcript. All costs or fees associated with the seminar shall be paid by the student.

Once the case is resolved, the student may not be permitted to return to the class or the program in which the offense occurred.

- b. The faculty member will forward all supporting documents and

information regarding the academic violation to the Office of Student Conduct or Office of Graduate and Professional Education within 5 business days of notifying that office.

- c. After an academic penalty has been determined, the Office of Student Conduct or Office of Graduate and Professional Education will determine a disciplinary penalty, based on both the severity of the academic violation and the student's past violations (both academic and others), if any.
- d. The student will be given notice of the pending academic honesty violation and be given the opportunity to review all supporting documents and information provided by the faculty member. The student will also be given the opportunity to complete a pre-hearing. If a student denies responsibility for violating the Academic Honesty Policy and is found to have committed a violation as the result of an Administrative Hearing, the academic sanction imposed may be no more stringent than that which the faculty member initially prescribed.
- e. If a student does not attend a pre-hearing (and is therefore found responsible based on input only from the complainant), the sanction(s) recommended to the student will be applied without his or her input. The student will retain the right to appeal this decision.
- f. When a student is accused of academic dishonesty and the case is referred to the Student Conduct System, an "I" grade should be given until the case is completed.

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## **D. Sanctions for Alcohol or Drug Policy Violations**

### **1. Specific Disciplinary Measures**

In addition to the sanctions **above**, additional, specific disciplinary measures may be imposed for each violation of the University's Alcohol Policy:

- a. Any undergraduate or graduate student found responsible for a violation of the Alcohol Policy must complete an Alcohol Education Program and may (depending upon the nature of the violation or the student's previous offenses) be referred for a mandatory evaluation and counseling with a Substance Abuse Counselor.
- b. Any undergraduate or graduate student found responsible for a violation of the Drug Policy must complete an evaluation administered by a Substance Abuse Counselor.

### **Medical Amnesty/Good Samaritan Policy**

Student health and safety are of primary concern at the University of Delaware. As such, in cases of intoxication and/or alcohol poisoning, the University encourages individuals to seek

medical assistance for themselves or others. If an individual seeks medical attention due to his/her level of intoxication, the Office of Student Conduct may not pursue conduct sanctions against the student for violations of the Alcohol Policy. In lieu of student conduct sanctions, the intoxicated student (and possibly the referring student) will be required to meet with a member of the Office of Student Conduct staff who may issue educational requirements such as alcohol education class and/or an alcohol and substance abuse assessment.

Those students who assist in obtaining medical attention for individuals who are intoxicated may not receive student conduct sanctions for violations of the Alcohol Policy of the Code of Conduct.

**Please note: Medical Amnesty will not be granted to students who do not seek medical assistance. Students who are confronted by university staff (ex. RA, UDPD) will be referred to the Office of Student Conduct for alleged policy violations.**

Students are encouraged to read the complete [Medical Amnesty/ Good Samaritan Policy](#).

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## E. Sanctioning of Fraternities, Sororities and Student Organizations

### 1. Statement of Policy

In addition to the specific sanctions listed in [Section III.A](#) above, a student organization may face additional or different sanctions for its conduct and the conduct of one or more of its members.

### 2. Sanctions

Examples of sanctions that may be imposed upon a student organization include, but are not limited to:

#### a. Fines

The University may assess a fine in conjunction with any other sanction.

#### b. Disciplinary Probation of a Student Organization

Disciplinary probation is a period of review during which the organization must demonstrate the ability to comply with University rules, regulations, and all other stipulated requirements.

#### c. Deferred Suspension of a Student Organization

Deferred suspension of an organization is a period of review during which the organization must demonstrate an ability to comply with University rules, regulations, and other stipulated

requirements. If, during the period of the deferred suspension, the organization is again found responsible for violating any University rule or an order of Administrative Hearing Officer or member of the Student Conduct System, the organization, and its registration, privileges, and chapter status, will be immediately suspended.

d. **Suspension of Registration/Chapter Privileges**

- i. A student organization's privileges, chapter status, and registration may be suspended for a specified period of time. Upon the end of the suspension, and before a group is allowed to return, a petition must be submitted to the **Office of Activities and Programs**, or other appropriate University official, which demonstrates in a sufficient manner, as determined by the University in its sole discretion, the following:
  1. The issues leading to the organization's suspension have been remedied;
  2. Those wishing to revive the organization's status understand the University's policies and procedures and are willing to and capable of following them;
  3. The organization and its members have complied with the suspension, have not engaged in conduct aimed at ignoring or frustrating the suspension;
  4. And have committed no intervening violations of the Code of Conduct.
- ii. In the event that a student organization is suspended from the University, the organization may not during the term of the suspension:
  1. Recruit members;
  2. Engage in social functions of any type;
  3. Use University buildings, facilities, property, and equipment;
  4. Use University resources, services, or funds;
  5. Participate or attempt to participate as an organization in any University event; or
  6. Co-sponsor or participate as an organization in another registered/recognized organization's activities.
- iii. In a case where a violation has been found but no suspension has been imposed upon the offending student organization, any one or more of the privileges set forth above may be suspended.

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## IV. GRIEVANCE PROCEDURES AND SPECIAL PROBLEMS

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- [Student Behavior Consultation Team](#)
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### A. Statement of Policy

1. The University of Delaware does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, or sexual orientation in its educational programs, activities, admissions or employment practices as required by Title IX of the Educational Amendments of 1972, Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and other applicable statutes. The following people have been designated to handle various inquiries:

- a. For inquiries regarding the **Americans with Disabilities Act, the Rehabilitation Act, and related statutes and regulations: Tom Webb**, Director, Office of Disabilities Support Services, 240 Academy Street, Alison Hall Suite 119, University of Delaware, Newark, DE 19716, 302-831-4643.
- b. For inquiries regarding the non-discrimination policies and to serve as the **overall campus coordinator for purposes of Title IX compliance: Bindu Kolli**, Chief Policy Advisor, Office of Equity and Inclusion, 305 Hullihen Hall, University of Delaware, Newark, DE 19716, 302-831-8063. The following individuals have been designated as **deputy Title IX coordinators: for Athletics, Jennifer W. Davis**, Vice President for Finance and Administration, 220 Hullihen Hall, University of Delaware, Newark, DE 19716, 302-831-2769; and **for Student Life, Dawn Thompson**, Dean of Students/AVP for Student Life, 101 Hullihen Hall, University of Delaware, Newark, DE 19716,

302-831-8939.

- c. For Inquiries concerning **Title VI and VII** compliance: **Becki Fogerty**, Director, Office of Equity and Inclusion, 305 Hullahen Hall, Newark, DE 19716; 302-831-8063.
- d. For Inquiries concerning compliance with the **Age Discrimination Act or Age Discrimination in Employment Act: Jennifer W. Davis**, Vice President for Finance and Administration, 122 Hullahen Hall, Newark, DE 19716, 302-831-2469).

## 2. Development of Grievance Procedures

The student grievance procedure was established during the 1976-77 academic year, in part as a response to guidelines established by the United States Department of Health, Education, and Welfare related to non-discrimination on the basis of sex (Title IX). University procedure states that "if a University of Delaware student alleges that he or she has been grieved because of perceived discrimination on the basis of race, sex, or handicap, or because a faculty member or University official failed to follow established procedure, the student may utilize the student grievance procedure."

## 3. Categories of Grievances

Student grievance complaints generally fall into 4 categories:

- a. Americans with Disabilities Act ("ADA") complaints: a claim that alleges any actions prohibited by Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, 42 U.S.C. § 12101, *et. seq.*
- b. Grade complaints: a claim that an inappropriate grade has been assigned because of a faculty member's bias or failure to follow an established standard for assigning a grade. A grade complaint may not be based solely on a claim that a faculty member exercised allegedly erroneous academic judgment (i.e., a student may not complain that class standards are too high, reading is too heavy, the grade curve too low, and so on).
- c. Sexual harassment complaints: a claim that alleges any instance of abuse, ill-treatment, or exploitation involving the irresponsible or unjust misuse of a position of authority, power, or trust.
- d. Other grievances not described above.

## 4. Grievance Process Does Not Replace the Student Conduct System

The rights and procedures established here do not replace or supersede the Student Conduct System described above. A

pending grievance made by a student against faculty, employees, third parties or other students does not halt the ongoing Student Conduct System process. Furthermore, if a student files an ADA or Title IX claim against a faculty member, employee, third party vendor or another student, the University will follow the ADA and Title IX processes outlined below in **Section IV.B.**

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### **B. Grievance Procedures**

#### **1. ADA Grievance Complaints**

The ADA grievance procedure is as follows:

- a. All ADA complaints shall be submitted to the University **ADA Coordinator** or, in the event that the complaint alleges a violation by the Director of Disability Services, to the **Associate Provost for Academic Affairs**. (In that event, all references here to the ADA Coordinator shall mean the Associate Provost for Academic Affairs).
- b. All complaints must be filed in writing, must contain the name and address of the complainant, and must describe the alleged violation.
- c. The complaint must be filed within 90 calendar days after the complainant becomes aware of the alleged violation.
- d. The University will conduct an informal investigation, affording all interested persons and their representatives with notice and an opportunity to be heard and to submit relevant information.
- e. A written decision on the complaint and a description of the proposed resolution, if any, will be issued by the ADA Coordinator no later than 15 business days after the complaint's submission.
- f. The ADA Coordinator will, subject to University procedures and any applicable laws or regulations, maintain the files and records relating to the complaint.
- g. If the student wishes to appeal the ADA Coordinator's written determination or proposed resolution, the student may appeal within 15 business days of the date on which the determination was sent. The appeal request must be in writing, describe the basis for his or her appeal, and be submitted to the Office of the Dean of Students.
- h. A written decision on the appeal, and a description of the proposed resolution, if any, will be issued by the Dean of Students no later than 15 business days after its submission. The determination of the Dean of Students shall be final and binding.

## 2. Grade Grievance and Other Related Academic Complaints

The procedure to file a grade grievance and other related academic complaint is as follows:

- a. A student with a complaint should, where appropriate, first try to reach agreement with the faculty member. This concern will be forwarded to the faculty member, in writing, within 10 business days of the end of the semester. Upon being notified of a student complaint, the faculty member must meet with the student to discuss the complaint within 10 business days.
- b. If the faculty member does not meet with the student within 10 business days, or if such a meeting would be inappropriate under the circumstances, or if the issue remains unresolved after a meeting between the student and the faculty member, the student may submit a written appeal to the faculty member's department chairperson (or his or her designee), who will attempt to mediate the complaint. If the student does not know the faculty member's department, or cannot ascertain the department chairperson, the student should contact the **Office of the Dean of Students** (if he or she is an undergraduate student) and the **Office of the Assistant Provost for Graduate and Professional Education** (if he or she is a graduate student). The appeal must be submitted within 5 business days of the meeting between the student and the faculty member.
- c. The department chair, or his or her designee, must issue a written decision on the appeal and a description of the proposed resolution, if any, no later than 15 business days after its submission.
- d. A student may appeal a decision by the department chair, or his or her designee, to the dean of the college in which the department is organized. If requested, the department chair, or his or her designee, shall provide the name and contact information for the appropriate dean to the student. This appeal request must be submitted no more than 5 business days after the date on which the department chair's decision was sent.
- e. The dean will establish a hearing panel within 15 business days of his or her receipt of the appeal or, if that is too close to the end of a semester or session, within 15 days after the beginning of the next semester. This hearing panel shall consist of 5 members, including 3 faculty members, only 1 of whom may be from the same department as the faculty member in question. The other 2 faculty members shall be drawn from other departments within that college or, if the college has too few departments, from other colleges. The hearing panel shall also include 2 undergraduate student members (for an undergraduate student's appeal), or 2 graduate students members (for a graduate student's appeal), neither of whom may be enrolled in the faculty member's department.

- f. The hearing panel shall:
- i. Make available to the student and faculty member, at least 5 business days prior to the hearing, all material that has been furnished to the hearing panel and the names of any witnesses who may give testimony.
  - ii. Provide the student and faculty member with the opportunity to hear all testimony and examine all documents or other materials presented to the hearing panel.
  - iii. Provide the student and faculty member with the opportunity to question each witness.
  - iv. Allow the student and faculty member each to be assisted by an advisor of their choice from among the members of the University community. The advisor may help prepare the presentation before the hearing panel, raise questions during the hearing, and, if appropriate, help prepare an appeal. A department chair who has mediated or attempted mediation is not permitted to serve as advisor to either party
  - v. Permit the faculty member and student to make a summary statement at the conclusion of the hearing.
  - vi. Make an audio recording of the hearing that shall be kept in the dean's office for at least one calendar year after the hearing's conclusion.
- g. Within 10 days after the conclusion of the hearing, the hearing panel shall prepare a written decision and proposed resolution, if any. The hearing panel shall inform the Registrar's Office (for undergraduate students) or the Office of Graduate and Professional Education (for graduate students) and the Dean of the College in which the student is enrolled of the decision.
- h. A student or faculty member who is not satisfied with the decision by the hearing panel may appeal to the Academic Appeals Committee of the **Faculty Senate**. This appeal must be submitted within 30 business days of the date on which the hearing panel's decision was sent. This Committee, on reviewing the case, may uphold the decision of the college committee without a hearing or decide the appeal should be heard.
- i. The Chair of the Academic Appeals Committee may appoint an ad hoc hearing panel from among the current members of the committee, consisting of 3 faculty members and 2 students, or the entire committee may serve as the hearing panel. If the grievant is a graduate student, the 2 student panel members should be graduate students, and if the grievant is an undergraduate student, the student panel members should be undergraduates. During the hearing, the student and faculty member may be assisted by an advisor they have chosen from

the University community. The process set forth for the hearing panel (above) also shall govern this hearing.

- j. The decision of the Academic Appeals Committee or, if applicable, the ad hoc committee, shall be final. The committee shall inform the Registrar's Office (for undergraduate students) or the Office of Graduate and Professional Education (for graduate students) and the Dean of the College in which the student is enrolled of the decision.
- k. No grade shall be changed as a result of a grade grievance complaint, except as follows. In the case of a grade grievance, the University Registrar's Office is authorized to change the student's grade in the following situations:
  - i. When the student and the faculty member agree;
  - ii. If the department chair approves the student's appeal and the faculty member does not appeal that decision;
  - iii. If the dean approves the student's appeal based on the hearing panel's recommendation and the faculty member does not appeal that decision; or
  - iv. If the Academic Appeals Committee approves the student's appeal.

### 3. **Discrimination and Harassment Grievance**

- a. **Grievances Against Faculty, Staff and Third Party Contractors:** A student who believes that he or she has been subjected to unlawful discrimination or harassment, including sexual harassment, by a faculty member, employee or a third-party contractor may seek resolution through the following procedures (For grievances against another student, please see below, **Section B.3.b.**) As used in succeeding paragraphs of this section, the term "Vice President for Finance & Administration" shall mean that official or his or her designee.
  - i. **Lodging a Complaint**
    - a. A student who believe that he or she is being subjected to unlawful discrimination or harassment, including sexual harassment, shall within 20 days of the last incident involving alleged discrimination or harassment, discuss the matter with his or her supervisor/advisor, if appropriate, or directly contact the **Office of Equity and Inclusion** (OEI) or the **Office of Labor Relations** (OLR) for confidential support, information and possible informal resolution.
    - b. Within 40 days of the last incident involving alleged discrimination or harassment the student shall submit a written complaint to the **Vice President for Finance & Administration** for further

investigation and, if warranted, corrective action.

ii. Procedures

- a. Upon receipt of a complaint, the Vice President for Finance & Administration will meet with the individual against whom the complaint has been made, his/her department chairperson or immediate supervisor, and (if the person against whom the complaint is made is a faculty member) the college dean or unit head and the AAUP Contract Maintenance Officer. Such meeting or meetings will be conducted within 10 days of receipt by the Vice President for Finance & Administration of a written complaint.
- b. The AAUP will be notified if the complaint involves a faculty member in any way. If the accused is a faculty member, the AAUP will be notified in time to allow consultation with the accused prior to the meeting. The Vice President for Finance & Administration will advise the accused that it is in his/her best interest to seek out the AAUP Contract Maintenance Officer for consultation prior to any meetings.
- c. The Vice President for Finance & Administration will interview other individuals when needed in conjunction with the AAUP Maintenance Officer, to ascertain the validity of the complaint. The investigation will proceed in a timely manner and every effort will be made to conclude the investigation within 20 days of its inception. All complaints and ensuing investigations are considered to be confidential. All individuals contacted or interviewed during the investigation of a complaint are required to maintain confidentiality to the fullest extent possible within the requirements of conducting a complete investigation.
- d. If the Vice President for Finance & Administration, after meeting with the individuals identified above, finds that there has been a violation of this policy, the Vice President will prepare a written report of the findings and a prescription for corrective action, if warranted. Copies of the Vice President for Finance & Administration's written report will be delivered to the complainant and the accused as quickly as practical and in any event within 15 days of the last meeting undertaken to investigate the complaint. Corrective action may include one or more of the following actions, depending on the severity of the offense:

1. A verbal warning that a repetition of the reported impropriety will result in written action.
  2. Placement of a letter in the individual's personnel file indicating the nature of the improper behavior. The letter may include a notation about required counseling and any action that will be taken in the future should there be a repetition of the offensive behavior(s).
  3. Immediate removal of the individual from the classroom/work site and placement on leave of absence so that the individual can receive appropriate counseling. Return to teaching and/or professional duties will be guided by the individual's progress.
  4. Initiation of written action by the dean or appropriate vice president to dismiss the individual from the University's employ. For faculty, dismissal will follow the procedures set forth by the Faculty Senate Committee on Welfare and Privileges.
- iii. The Vice President for Finance & Administration, at his or her discretion, may extend for a reasonable period any of the deadlines specified in this Section B.3.a.
- b. Grievances Against Students: A student who believes that he or she has been subjected to unlawful discrimination or harassment, including sexual harassment, by another student may seek resolution through the following procedures. (For grievances against faculty, other University employees or third party contractors, please see above, **Section B.3.a.**) As used in succeeding paragraphs of this section the term "Director of the Office of Student Conduct" shall mean that official or his or her designee.
- i. Initiation of the Student Conduct Process
    - a. A student who believes that he or she is being subjected to unlawful discrimination or harassment by another student, including sexual harassment, shall within 90 business days of the last incident involving alleged discrimination or harassment, submit a written complaint to the Office of Student Conduct.
    - b. If the written complaint reasonably suggests that a violation of the Code of Conduct has occurred, within 10 business days of making this determination the

Director of the Office of Student Conduct will provide notice of the complaint to the student against whom it was filed.

ii. Procedure

a. The notice to the charged student will include the following:

1. The specific rule or regulation that the student is alleged to have violated, indicating the date and place of the occurrence and the names of the complainant and all potential witnesses known by the Office of Student Conduct, except when the Office of Student Conduct determines that disclosure may present a serious risk to any such witness;
2. The charged student's rights, including a description of the procedures to be used at the disciplinary hearing; and
3. A statement that the charged student must meet for a pre-hearing with a designee of the Office of Student Conduct within 3 business days of the date on which the notice was sent. Failure to attend this pre-hearing meeting will not keep the process from proceeding and a determination regarding responsibility will be made based on input from the complainant only and the charged student waives the right to an Administrative Hearing, but retains the right of an appeal.

b. During the pre-hearing meeting, the charged student will be invited to review and discuss information in his or her disciplinary file (including prior cases, if any) and will be encouraged to ask questions about the complaint and the options available within the Student Conduct System. The student will be presented with the following options:

1. To accept responsibility for violating Code of Conduct and accept the sanction(s) presented in the pre-hearing meeting. *A student who accepts responsibility and accepts the proposed sanction(s) waives the right to both an Administrative Hearing and an appeal.*
2. To accept responsibility for violating the Code of Conduct but reject the sanction(s) presented as inappropriate or unreasonable. The student will receive notice that he or she has accepted responsibility for violating the Code of Conduct as well as a complete list of the sanction(s)

that he or she rejected and the process for requesting different sanction(s). *A student who accepts responsibility for violating the Code of Conduct but rejects the sanction(s) waives the right to an Administrative Hearing, but retains the right of appeal of the sanction(s) only through a Request for Reconsideration of Sanction(s).*

3. To deny responsibility for violating the Code of Conduct and request an Administrative Hearing by an Administrative Hearing Officer. *A student who denies responsibility for violating the Code of Conduct retains the right to both an Administrative Hearing and full appeal.*
  - c. If a student denies responsibility for violating the Code of Conduct, an Administrative Hearing will be scheduled within 15 business days, and the Administrative Hearing will follow all procedures as set forth in **Section II.D.2** of the Student Guide to University Policies. A written decision will be sent to the charged student within 15 business days of the Administrative Hearing.
  - d. If a student submits a Request for Reconsideration of Sanctions or an Appeal of the Decision of Responsibility, he or she must follow the content, format and deadline procedures as set forth in **Section II.D** of the Student Guide to University Policies. The Appellate Board will report its final decision within 15 business days of receiving all case materials for review.
  - e. All other provisions of Section II.D of the Student Guide to University Policies will apply to procedures set forth in this section, except in the event that there is conflict, in which case the terms of this section will apply.
    - iii. The Director of the Office of Student Conduct, at his or her discretion, may extend for a reasonable period any of the deadlines specified in this Section B.3.b.
  - c. A student may also seek emotional support by discussing the alleged harassment privately and in confidence with a member of the **Office of Equity and Inclusion** or a psychologist from the **Center for Counseling and Student Development**.
  - d. Non-Retaliation: It is a violation of University policy to retaliate in any way against students because they have raised allegations of discrimination or unlawful harassment.

#### 4. Other Alleged Grievances

The University may, at its discretion, permit a student to submit a grievance for problems other than those described above. A request must be submitted by the student to the **Office of the Dean of Students** for undergraduate students and **Office of Graduate and Professional Education** for graduate students within 30 days after the last event giving rise to the alleged violation. If the request is granted, the University will decide upon the appropriate process to govern its resolution and may, but need not, follow the process set forth above for grade complaints.

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#### **C. Student Behavior Consultation Team**

The mission of the **Student Behavior Consultation Team (SBCT)** is to coordinate information in a systematic approach to assist the University in identification of and response to students whose actions raise concerns. The SBCT consults with and collaborates with campus community members; develops support plans to promote student health, well-being and successful academic experiences; and promotes campus safety through an active process of threat assessment and behavioral intervention. Additional information may be found on the **SBCT homepage**.

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#### **D. Medical Leave of Absence**

##### **1. Statement of Policy**

An undergraduate student who wishes to suspend or postpone his or her studies at the University for any medical reason may request a medical leave of absence. The request must be submitted to the **Office of the Dean of Students**. A medical leave of absence may be granted for a maximum of no more than 2 semesters.

A graduate student who seeks a leave of absence for personal, medical, or professional reasons should obtain written approval from the department chair or graduate program coordinator. The request and the recommendation from the department should be sent to the **Office of Graduate and Professional Education**. The length of time needed for the leave should be indicated. Upon approval by the Office of Graduate and Professional Education, the student's academic transcript will record the approved leave in the appropriate semesters, and the absence will not affect the limitation of time for completion of the degree requirements as given in the student's official letter of admission. The Office of Graduate and Professional Education will send written notification of approval or denial of the requested leave.

A medical leave of absence in no way negates the student's financial responsibility to the University. If the student is a financial aid recipient, he or she should contact the Financial Aid Office to discuss the medical leave of absence and its potential ramifications. If the student is insured under the University's health insurance plan, the student should refer to the insurance documentation for information.

## 2. **Verification of Medical Condition**

The following procedures govern the University's decision to grant a leave of absence:

- a. Verification of the medical condition from a physician or other medical professional acceptable to the University must be presented at the time the leave is requested.
- b. If the medical leave is granted, the student may continue in the same college or program in which he or she was enrolled prior to the leave and may continue his or her studies without applying for readmission to the University.
- c. The student must contact the office that approved the leave of absence if the student is unable to return at the conclusion of the leave.

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## E. **Active Military Duty**

A student ordered to active duty due to national crisis, under circumstances that preclude completion of a semester or session, will be allowed to take a leave of absence from the University. The student must present a copy of the military orders. The student will receive a 100% rebate of tuition for all courses for which academic credit is not received. Housing costs, meal charges, and mandatory fees will be pro-rated based on the beginning date of the student's official leave. Students should contact the Office of the Dean of Students or the office of the assistant or associate dean of the student's college to complete a withdrawal/leave notification form.

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## F. **Missing Students**

### 1. Statement of Policy

The University of Delaware takes student safety seriously. To this end, and in compliance with the Missing Student Notification Policy and Procedures (Section 488 of the Higher Education Opportunity Act of 2008), the following procedures have been developed in order to assist in locating University of Delaware students, who, based on the facts and circumstances known to the University, are determined to be missing. It is the policy of the University to actively investigate any report of a missing student. All students will be notified of the Missing Student Policy and the procedures the University would follow in the event that they are reported missing.

### 2. Procedure

- a. Each student will be asked to identify the name and contact number of the individual(s) whom the University will notify within 24 hours of the determination that the student is missing. Students' contact information will be registered confidentially, made accessible only to authorized campus officials, and will not

be disclosed except to law enforcement personnel outside the University in furtherance of a missing person investigation.

- b. For any student under the age of 18, and not an emancipated individual, the institution is required to notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.
- c. If a member of the University community has reason to believe that a student is missing, he or she must report it to the University of Delaware Police Department (UDPD), located at 413 Academy Street, Newark DE 19716. For non-emergencies call 831-2222; for emergencies call 911.
- d. All efforts will be made immediately (no waiting period) to locate the student to determine his or her state of health and well-being. These efforts include, but are not limited to:
  - i. calling the student's cell phone and sending a text message;
  - ii. looking at social networking sites;
  - iii. checking the student's room;
  - iv. interviewing roommates and friends;
  - v. checking attendance in class;
  - vi. checking ID card access and key fob use; and
  - vii. locating the student's vehicle.
- e. If upon investigation by UDPD, the student is determined missing for at least 24 hours, the Dean of Students will contact the student's designated emergency contact (or custodial parent or legal guardian if the student is under the age of 18 or has failed to designate an emergency contact) UDPD will notify the Newark Police Department within 24 hours of the determination that a student is missing, unless Newark police was the entity that made the determination that the student is missing. UDPD will continue to investigate utilizing established police investigative procedures and in collaboration with staff from the Office of the Dean of Students and Residence Life. UDPD will also coordinate its efforts with outside law enforcement agencies in full compliance with legal obligations and good police practice.

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## Student Agreements

### Student Housing and Dining Services Agreements

The University of Delaware Housing and Dining Services Agreements are governed by a series of agreements between the University and the student.

- The **Student Housing Agreement** applies to all students living in residence halls and in the Christiana Towers apartments.
- The **Dining Services Agreement** is mandatory for all students who live in a residence hall, with the exception of students who live in the Christiana Towers Apartments. Christiana Towers Apartments, Graduate Student and Family Housing, and off-campus students may elect to purchase a dining plan and, by doing so, obligate themselves to this agreement.
- The **Graduate Student and Family Housing Agreement** applies to students living in University-owned graduate housing: Conover and the Graduate House.

### Student Centers Regulations

The **University Students Centers** coordinate activities for Registered Student Organizations, Greek letter organizations, honor societies and other student-run groups. These policies are in place to create and maintain an atmosphere on campus conducive to free inquiry and free expression, while allowing students to develop as scholars and citizens.

### Student Parking Regulations

**Parking Services** at the University of Delaware are managed by the Department of Public Safety and are designed to provide students, faculty, staff, and visitors with adequate, accessible and well maintained parking facilities.

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### Open Letter to All Students Regarding Drugs and Alcohol

Dear Student:

The abuse of alcohol and the use of illegal drugs by members of the University community are incompatible with the goals of an academic institution. To ensure that alcohol and illegal drugs do not interfere with the goals of the University, substance abuse programs have been developed that apply to the University as both an educational institution and a work place. The programs are designed to do the following:

- Establish and enforce clear policies for employees and students that promote an educational environment free from the abuse of alcohol and the use of illegal drugs;
- Educate all members of the campus community about the health risks associated with the use of illegal drugs and the abuse of alcohol;
- Create a campus environment that promotes and reinforces healthy, responsible living and respect for community and campus standards and regulations; and
- Provide a reasonable level of care for alcohol abusers and users of illegal drugs through counseling, treatment and referral.

In accordance with the University of Delaware's substance abuse programs and the Drug-Free Schools and Communities Act Amendments of 1989, the University of Delaware is informing you about the University's policies on drugs and alcohol and about the health risks associated with the illicit use or abuse of drugs and alcohol.

The University of Delaware's policies for students pertaining to alcohol and drugs appear on the World Wide Web in the University of Delaware ***Student Guide to University Policies***. University regulations clearly prohibit the unauthorized possession, use, manufacture, distribution, or sale of alcoholic beverages on University property or in University facilities. In addition, students are prohibited from using drugs, possessing drugs or drug paraphernalia, and from selling or otherwise distributing drugs.

Violations of these policies will result in immediate sanctions within the University's Student Conduct System. Students may receive penalties that include mandatory alcohol and drug evaluations and other sanctions from disciplinary probation to expulsion.

If students are found guilty of violating any local, state or federal laws concerning alcohol and drugs, they will receive significant sanctions. These penalties may include fines and mandatory prison terms. The State of Delaware, in particular, has very strict minimum mandatory sentencing laws for the selling of drugs.

The University of Delaware is committed to educating its students in the areas of drug and alcohol use. The **Wellspring Student Wellness Program** provides education on substance use and abuse. If students have any questions concerning the health risks associated with the illicit use of drugs and the abuse of alcohol, they should contact **Wellspring Student Wellness Program**. The following is a brief description of several drugs and their health risks.

1. Alcohol: Alcohol is a central nervous system depressant that can cause uninhibited behaviors and decreased motor coordination and control. This impairment can occur even at low levels of blood alcohol. When alcohol is abused, there is a significantly increased incidence of physical injury, motor vehicle accidents (nearly half of all fatal accidents) and injuries from assaults. Chronic heavy alcohol use is associated with increased risk of cancer of the esophagus, stomach, pancreas, liver and heart and is the most common cause of liver failure.
2. Marijuana: Users often have chronic bronchitis and run the added risk of lung cancer. Marijuana contains 10 times the respiratory irritants and more carcinogens (cancer-causing agents) than tobacco. Heavy users, especially among the young adult population may show slow and confused thinking, decreased short-term memory and impaired performance of complex motor tasks, loss of energy, and apathy. Other side effects associated with chronic use of marijuana are rapid heart rate, panic, hallucinations and paranoia.
3. Hallucinogens: Can be found in many forms, some of them are PCP, Peyote, Ecstasy, Psilocybin, LSD, and Mescaline. They are usually taken orally or injected. Effects: illusions, hallucinations, altered perception of time and distance. May cause psychosis and/or death.
4. Cocaine: Cocaine can cause agitation, confusion, hallucinations, convulsions, brain infarction (death of brain tissue), arrhythmias (heart rhythm irregularities), myocardial infarction, pneumonia, hypertension (high blood pressure), hyperthermia (high body temperature) and death.
5. Amphetamines: These drugs can cause a very rapid or an irregular heartbeat, tremors, loss of coordination, collapse, and even death from heart failure or from burst blood vessels in the brain. Heavy users are prone to irrational acts.
6. Prescription Drugs: These drugs are not illicit if they are used in accordance with the prescription. However, sharing prescription medication with someone else is illegal and could be very harmful.
7. Ecstasy: A designer drug, chemically manufactured in private labs. It is taken in pill form. It has properties of both amphetamine and

hallucinogenic drugs. Some long term risks include serious or fatal head injury, fluid and electrolyte depletion and damage to the central nervous system, heart, kidneys, liver muscles, and brain. It can impair both verbal and visual memory.

8. Anabolic Steroids: Some common names are testosterone, nandrolone, and oxymetholone. These are injected or taken orally. Side effects include virilization, acne, testicular atrophy, gynecomastia, aggressive behavior, and edema. One who takes this for a long time may slip into depression.
9. Rohypnol: Also known as Roofies. Is generally in the form of odorless, tasteless white tablets that are slipped into drinks of the unaware. May become a gateway to harder drugs if taken consistently. Immediate effects include amnesia, sedation, muscle relaxation, disorientation, and blackouts.
10. Heroin: This is an opiate drug that causes the body to have diminished pain reactions, drowsiness, diminished response to carbon dioxide and pneumonia. Some of the risks associated with the use of heroin include "accidental" overdose, coma and death. There is also significantly increased incidence of serious infections of the blood, brain and heart as well as end stage liver disease.

The University of Delaware employs licensed psychologists and psychiatrists in the **Center for Counseling and Student Development** who will assist students having problems with alcohol and drug abuse.

Every student at the University should read and become familiar with the policies on drugs and alcohol use and abuse that are discussed in the **Student Guide to University Policies**. In addition, more information is available on the health risks associated with drugs at **Wellspring Student Wellness Program**. If you have any questions concerning alcohol and drug regulations or health risks, please feel free to contact the following offices.

Office of the Dean of Students - 831-8939  
Wellspring Student Wellness Program - 831-3457  
Center for Counseling and Student Development - 831-2141  
Psychiatric Services - 831-8992  
Student Health Service - 831-2226

Sincerely,  
Dawn Thompson  
Dean of Students and Associate Vice President for Student Life

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## COMMONLY USED TERMS

**Academic Exercise:** Any examination, test, quiz, lab report, homework, or other assignment, whether in-class, take-home, or make-up, including any assignment which a faculty member assigns or which a student is required to submit, which may or may not count toward the final class grade.

**Academic Work:** Any document, paper, report, or other product (including drafts) that a student submits, or intends to submit, to any University official, including without limitation any response to an academic exercise and any material required to be submitted as part of a sanction.

**Business Day:** When computing any time period herein, all days will be counted, unless that day is a Saturday, Sunday, legal holiday or other day on which University offices are closed.

**Class:** Any University course of study, including any course, lab, independent study, externship, internship, practicum, or other educational program offered or administered by, or otherwise involving, the University.

**Faculty Member:** Any professor, teacher, instructor, or other class coordinator at the University, whether full or part time, tenured or untenured, including undergraduate or graduate teaching instructors and teaching assistants.

**Notice:** Any giving of notice or provision of information by the University hereunder shall be deemed satisfied upon the sending of an e-mail to the recipient of the notice or information. Whenever notice is required herein, failure of the University to adhere to notice requirements or time periods shall not be cause for dismissal nor grounds for appeal absent a finding that such failure materially prejudiced the charged student. A notice sent by this method will be presumed to be delivered unless returned as undeliverable. A student who claims to have not had a message delivered and delivery is confirmed may be charged with False Information.

**Student:** A student is any individual who is currently enrolled, has been enrolled during the last fifteen months, or is eligible to enroll in the next fifteen months. The word student as used throughout this Student Guide to University Policies includes Student Organizations.

**Student Organization:** A student group formed for scholastic, professional, social, or extracurricular activities. These may include, but are not limited to: registered student organizations, other department- or college-recognized

clubs, residence hall governments, sports teams (including varsity, club and intramural teams), fraternities and sororities, chartered organizations, and honor societies. For all matters relating to the enforcement of this Code of Conduct, a Student Organization shall remain a Student Organization regardless that its status has been rescinded, revoked or suspended by the University.

**University Community Member:** Any person who is a student, faculty member, or any other person employed by the University. A person's status in a particular situation shall be determined by the Office of Student Conduct.

**University Official:** University officials are all University employees, administrators, officers, staff, professionals, and any other persons acting on behalf of the University, exclusive of faculty members.

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## CONTACT US

### **Office of Student Conduct**

University of Delaware  
218 HULLIHEN HALL  
NEWARK, DE 19716  
Phone: (302) 831-2117  
Fax: (302) 831-8191

#### **e-mail**

Contact us [web form](#)

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