

# STUDENT GUIDE TO UNIVERSITY POLICIES

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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. This Student Guide to University Policies explains standards of behavior and procedures for responding when behavior which appears to violate these standards are reported. Individual students and student organizations are expected to know and comply with the policies detailed in the Code of Conduct. When behavior which appears to violate these policies are reported, a variety of actions may be taken, which may include both informal and formal processes. Decisions on which course of action to take will be made after considering the nature of the behavior, the impact on the community and its members and the needs of participants.

As stated in the Faculty Handbook, “Academic freedom is indispensable to effective teaching [and] excellent research/creative activities.” The spirit of this freedom applies to students as well. The freedom of students to share opinions, discuss differing viewpoints and speak freely, even when these activities may be unpopular or contrary to public opinion, can contribute to a robust learning environment and an enhanced campus experience. This freedom does not permit students to engage in behavior that violates the policies and expectations contained in this Student Guide under the guise of “academic freedom.”

Students are members not only of the University community (which also consists of faculty, staff, guests, and visitors on campus) but also of the Newark community (which also includes residents in the surrounding neighborhoods and businesses within the city) and the state of Delaware. Students serve as representatives of all these communities and ambassadors of the University. Therefore, students are expected to comply with all the policies within this Student Guide, as well as applicable laws, in all settings and locations. Students are reminded that laws vary from state to state and country to country. Students who violate, attempt to violate, or aid others in violating policies may face consequences for their actions.

The University conducts regular reviews and updates to this Student Guide to University Policies. This is done on an annual basis, with input solicited from various campus partners and constituencies. At any time, a member of the University community may contact the Director of Community Standards & Conflict Resolution if they have feedback or concerns. The University may, due to legal or institutional need, make changes to the Student Guide at any time as deemed appropriate by University officials. This PDF document of the Student Guide is the current and active version.

It may be useful for students to know how several [commonly used terms](#) used in the Student Guide are officially defined.

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### [Code of Conduct](#)

The Code of Conduct describes the behavior expected of all students, both on and off campus. Policies are listed alphabetically and establish standards of behavior for students and student organizations at the University.

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### [Student Conduct Process](#)

The Student Conduct Process section describes the University's procedures for addressing and resolving reports of possible violations of the Code of Conduct. Separate sections describe the process for undergraduate as well as graduate students.

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### [Sanctions](#)

The Sanctions section describes the range of actions that may be applied for violations of the Code of Conduct. These include both educational sanctions (to help students learn from their incident and make positive changes in the future) and administrative sanctions (to hold students accountable for their actions in the incident). The University administration reserves the absolute discretion to determine appropriate sanctions to be applied for any infraction of the Code of Conduct.

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### [Related University Policies](#)

The Related University Policies section contains information regarding multiple other policies and procedures which support student success on campus.

## 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 noted in this Student Guide, weekdays – Monday through Friday – will be counted, unless a weekday is a 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.

**End of term:** The last day on which final exams are scheduled to take place for a given semester or special session.

**Notice:** Any notice or provision of information by the University regarding the student conduct process shall be deemed satisfied upon the sending of the notice via e-mail to the “udel.edu” e-mail address assigned to the recipient. A notice sent by this method will be presumed to be delivered unless returned as undeliverable. If notice requirements or time periods, as outlined in this Student Guide, are not met by the University, this shall not be cause for dismissal nor grounds for appeal unless this lack of adherence significantly impacted the charged student.

**Student:** A student is any individual who is currently enrolled, is eligible to enroll for the next upcoming term or was enrolled within the previous two terms. The word student as used throughout this Student Guide 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.

**Term:** An academic session in which classes are offered. This includes traditional semesters (Fall and Spring) as well as special sessions (Winter and Summer).

**University 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 Community Standards & Conflict Resolution.

**University official:** Any University employee, administrator, officer, staff member, or other person acting on behalf of the University, exclusive of faculty members.

## 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](#)
- [Discriminatory and Other Harassment](#)
- [Disruptive Conduct](#)
- [Drugs](#)
- [Endangering Campus or Community Safety](#)
- [Failure to Comply](#)
- [False Information](#)
- [Fire Safety](#)
- [Guests](#)
- [Hazing](#)
- [Misuse of Materials, Services or Property](#)
- [Residence Hall Regulations](#)
- [Responsible Computing](#)
- [Sexual Misconduct](#)
- [Student Organizations](#)
- [Theft](#)
- [Violations of Law](#)
- [Weapons and Dangerous Instruments](#)

Note: A violation of the Code of Conduct may also constitute a violation of local, state, or federal law and vice versa. Therefore, resolution through both the student conduct process and prosecution through the criminal justice system may result. Resolution of a violation of the Code of Conduct will proceed separately from prosecution through the criminal justice system or any other method. A delay in resolution through other methods will not delay resolution through the student conduct process. Students should be aware that student status does not insulate

them from awareness of and compliance with laws or other policies outside the University.

## A. Academic Honesty

### 1. Statement of Policy

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.

When a student includes their name on a group assignment, that student is verifying the authenticity of the entire work. Therefore, it is important to know how others in the group obtained the material they contributed. If a violation of the Academic Honesty Policy is determined, all members of the group will share responsibility, unless the facts indicate otherwise. In cases where a student claims no knowledge of or involvement with dishonesty in group work, it will be the responsibility of that student to demonstrate this lack of knowledge and involvement.

Any violation of this standard must be reported to Community Standards & Conflict Resolution. The faculty member, in consultation with a representative from Community Standards & Conflict Resolution, 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 one's 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; or
- v. The submission of fabricated or altered documentation in support of an excusal from class, postponement or extension of a due date or a change of grade.

c. Cheating

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

- i. Copying 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 unintentionally;
- 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 computers, cell phones, smart watches, translators 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;
- v. Bribing another person to obtain an academic exercise, including answers to questions of an unadministered academic exercise;
- vi. Failing to adhere to standards of professional behavior established by a faculty member, academic program or college in conjunction with an academic course; or
- vii. Posting of notes or other materials from a class (whether the student is enrolled in the class or not) on the Internet,

- whether or not for a fee, without express permission from the faculty member; or
- viii. Re-submitting any work in its entirety, which was completed or graded in another class (either at the University or another institution).
- e. Other forms of academic dishonesty not described here but in violation of the Academic Honesty Statement of Policy.

## B. Alcohol

### 1. Statement of Policy

Students who choose to use alcohol must do so in a responsible manner, ensuring this use adheres to University and community expectations and does not impact others.

Student health and safety are of primary importance at the University of Delaware. As such, in cases of intoxication or overdose due to the consumption or use of alcohol or drugs, the University encourages individuals to seek assistance for themselves or others. Medical amnesty may apply. Students are encouraged to read the complete [Amnesty Protocol](#).

### 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 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 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;
- c. The possession of beer kegs in any University building, facility, or property;
- d. The possession or use of any apparatus, including but not limited to beer pong tables and beer funnels, used to facilitate the rapid consumption of alcohol or drinking games; or
- e. A violation of any University policy or procedure concerning the use of alcohol or enacted to monitor or control the use of alcohol; or

- f. A violation of any applicable law of the State of Delaware or City of Newark, Delaware relating to alcohol (including, but not limited to, possession of an open container of alcohol, public intoxication and underage entry into a liquor store).

### 3. 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. Alcohol in University Housing

- i. A resident who is under the age of 21 is prohibited from consuming or possessing alcohol anywhere, including the resident's room.
- ii. The possession or consumption of alcohol by a student 21 years of age or older is subject to the following limitations and conditions:
  - a) Alcohol may only be consumed in an individual sleeping room whose assigned resident is 21 years of age or older.
  - b) Alcohol is prohibited in any public spaces within a University housing unit. This includes, but is not limited to, common living rooms, lounges, kitchens and laundry rooms.
  - c) Alcohol is prohibited in any outdoor space connected to a University housing unit (i.e. balcony or patio.)
  - d) A guest may only possess or consume alcohol if the guest is at least 21 years of age and is visiting a resident's room where at least one of the assigned 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, possession or consumption of alcohol is not permitted for anyone, including guests, in that residentia living space. However, if one of the residents is at least 21 years of age, that student must be present to allow the possession or consumption of alcohol by guests who are at least 21 years of age).

e) 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 University housing unit.

i. A residence hall student has a duty to know if there is or has been unauthorized use or possession of alcohol in their assigned space. Therefore, the responsibility to establish lack of knowledge shall be on the resident in cases where the resident claims no knowledge of such use.

b. 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 University Student Centers (or designee).

ii. Outside functions or events involving the use of alcohol are not permitted on campus.

c. Alcohol at the University Football Stadium

The unauthorized possession, use, consumption, manufacture, sale, or distribution of alcohol in the University football stadium and in parking areas surrounding the stadium is prohibited. 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. Individuals are not permitted to possess any open container containing alcohol or consume any alcohol in stadium parking areas while the football game is in progress or on any day other than those on which a home football game takes place.

4. 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 pursue student conduct charges for such behavior.

#### C. Complicity

##### 1. Statement of Policy

Students 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. Students who have knowledge of another committing or attempting to commit a violation of the Code of Conduct are required to remove themselves from the situation and report the behavior to the appropriate University official. Failure to do so when reasonable under the circumstances may be the basis for a violation of this policy.

#### D. Discriminatory and Other Harassment

##### 1. Statement of Policy

Any verbal, written or physical conduct toward another, regardless of location, that unreasonably creates an intimidating, hostile or offensive learning, living or working environment; or unreasonably interferes with an individual's academic or work performance is prohibited.

If the conduct is directed toward a person on the basis of race, color, national origin, sex, disability, religion, age, marital status, veteran status, gender identity or expression, sexual orientation or any other characteristic protected by applicable law, the incident will be resolved through the University's Non-Discrimination Policy.

Note: Contact the Office of Equity and Inclusion for more detailed information regarding discriminatory harassment.

#### E. Disruptive Conduct

##### 1. Statement of Policy

Students 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 physical violence.  
This includes, but is not limited to, hitting, kicking, scratching, punching, shaking, slapping, burning or restraining;
- b. Threatening the health, safety, or welfare of another;
- c. Interfering with the freedom of movement of another;
- d. Invading the privacy of another;
- e. Interfering with the right of another to enter, use, or leave any University building, facility, property, service, resource, or activity;
- f. Interfering with a faculty member or University official in the performance of their duty;
- g. Interfering with the freedoms of speech, religion, or association of another;
- h. Trespassing or the unauthorized entering or accessing of any University building, facility, property, service, resource, or activity or any location with the jurisdictional boundaries of the student conduct process;
- i. Making, exhibiting, or producing any inappropriate, loud, or disruptive noise or behavior;
- j. Acting recklessly or in a manner that causes a disruption to the orderly function or operation of the University;
- k. Exhibiting public nudity or lewd behavior; or
- l. Urinating or defecating in any area of University buildings, facilities, or property other than restrooms; or
- m. Retaliation against any other person.

## F. Drugs

### 1. Statement of Policy

The illegal possession, use, consumption, manufacture, sale, or distribution of drugs and drug paraphernalia is prohibited. Marijuana is classified as an illegal drug by the federal government. In accordance with the Drug Free Schools and Communities Act, the use or possession of marijuana in any form is prohibited on campus. The claim that the use of marijuana was 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 University housing, are designated as smoke-free for all substances.

Student health and safety are of primary importance at the University of Delaware. As such, in cases of intoxication or overdose due to the consumption or use of alcohol or drugs, the University encourages individuals to seek assistance for themselves or others. Medical amnesty may apply. Students are encouraged to read the complete [Medical Amnesty/Good Samaritan Protocol](#).

## 2. Definitions

- a. The term "drugs" broadly includes, but is not limited to, 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.
- b. 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, hookahs, grinders, vaporizers, 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, drug paraphernalia, prescription or prescription drug not prescribed to the student;
- b. The transfer, delivery or manufacture or intent to transfer, deliver, or manufacture any drug or drug paraphernalia;
- c. The possession of a prescription or prescription drug not issued to the student;
- d. The misuse, sale, delivery, or transfer of a prescription or prescription drug;
- 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.

## G. Endangering Campus or Community Safety

### 1. Statement of Policy

Students shall not endanger the safety of the campus or surrounding community or the safety or life of any person.

## 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 the campus or surrounding community or any its members;
- b. Acting in a manner that endangers or reasonably could endanger the health, safety or welfare of the campus or surrounding community or any of its members; or
- c. Instigating, participating or otherwise encouraging others to engage in a fight, riot or other disruption.

## H. Failure to Comply

### 1. Statement of Policy

Students shall not 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 applied by Community Standards & Conflict Resolution;
- b. Failing to comply with the terms of any policy, procedure or agreement, including the University's Housing and Dining Agreements, University Student Centers policies, Fraternity and Sorority Leadership and Learning policies, Facilities policies or any other agreement between a student and a University official or department;
- c. Failing to comply with any applicable local, state or federal law or law enforcement officer; or
- d. Failing to advise the University of any off-campus criminal arrest or conviction.

## I. False Information

### 1. Statement of Policy



Students 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 at any point of the student conduct process or any other process used to address student behavior;
- c. Making a false or misleading oral or written statement that misrepresents the character, qualifications, or reputation of another;
- d. 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;
- e. Falsely reporting a crime or violation of this Code of Conduct or any other University policy;
- f. Possessing or displaying any form of false identification or any identification not one's own;
- g. Assuming or attempting to assume the identity of another person; or
- h. Forgery.

## J. Fire Safety

### 1. Statement of Policy

Students shall not engage in any behavior that creates a fire hazard nor shall students inhibit or impede another person who is responding to a fire hazard.

### 2. Prohibited Activities

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

- a. Setting or causing a fire;

- b. Tampering with, misusing or damaging fire or safety equipment, such as fire alarms, heat sensors, smoke detectors, fire extinguishers or hoses;
- c. Blocking or otherwise preventing the use of a fire exit, including hallways, windows, doors and stairwells;
- d. Failing to immediately exit any University facility or building when a fire alarm has been activated, or hindering or impairing the orderly evacuation of any University building or facility; or
- e. Disobeying the command of any University official or faculty member in connection with a fire, alarm or other safety or security measure.

#### K. Guests

##### 1. Statement of Policy

Students are responsible for the behavior of their guests (defined as any non-University member) and must ensure that guests comply with University regulations, including the policies within the Code of Conduct. Students living in University housing are responsible for abiding by the Guidelines for Hosting Visitors.

#### L. Hazing

##### 1. Statement of Policy

Students shall not engage in hazing activities.

Student health and safety are of primary importance at the University of Delaware. The University encourages students to report any hazing activities to Community Standards & Conflict Resolution, the University of Delaware Police or any other University office e.g. University Student Centers or Fraternity and Sorority Leadership & Learning.) Students reporting hazing activities (or plans for the same) may qualify for hazing amnesty. Students are encouraged to review the full Amnesty Protocol.

##### 2. Definition

Hazing is any action taken toward, or circumstance directed at, one or more students, which exposes such students to unpleasant, harassing, degrading or hazardous conditions, the endurance of which is intended to be a condition upon which the students 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. The term “group” shall be interpreted in the broadest sense and could mean, for example, a particular section of a residence hall, a particular program or informal club or gatherings of students.

### 3. Prohibited Activities

Specific violations of this standard 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 the person;
- 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.

### M. Misuse of Materials, Services, or Property

#### 1. Statement of Policy

Students shall not misuse any material, service or property.

## 2. Prohibited Activities

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

- a. Destroying, damaging or misusing, whether permanently or temporarily, any property belonging to another;
- 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. Destroying, damaging or defacing, whether permanently or temporarily, any University building, facility or property;
- d. Impairing or otherwise hindering another's use of a University material, service, or property;
- e. Reading, duplicating, removing, photographing, forging, counterfeiting, or altering any University document or record without authorization;
- f. Littering on or in any University property, facility, or building; or
- g. Engaging in conduct that may result in damage or destruction of any University building, facility or property, including, but not limited to, skateboarding or rollerblading on steps, railings, banisters or curbing.

## N. Residence Hall Regulations

### 1. Statement of Policy

Students shall comply with all provisions of this Code of Conduct, and should refer to the Residence Hall Regulations, the Housing Agreements, Residence Hall Prohibited Items and Actions, and Residence Hall Appliance Use for additional rules and responsibilities related to on-campus housing that supplement the Code of Conduct. Students living in University housing are responsible for the behavior of their guests and for ensuring that guests comply with all University regulations.

## O. Responsible Computing

### 1. Statement of Policy

Students must act responsibly and in accordance with relevant student policies, University policies related to Information Technologies, contractual

obligations and must comply with local, state, and federal laws relating to copyright, security, and electronic media. .

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).

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 Community Standards & Conflict Resolution, 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

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:
  - i. for any activity other than that for which access or use was assigned or authorized;
  - ii. for commercial use;
  - iii. without authorization;
  - iv. to commit or attempt to commit any other violation of this Code of Conduct; or
  - v. to commit or attempt to commit any act prohibited under applicable federal, state, or local laws.
- b. 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; or
- c. Damaging, destroying, misusing, or otherwise harming any University computer, facility, equipment, software, network, or other resource, including e-mail.

## P. Sexual Misconduct

Sexual misconduct includes sexual assault, sexual harassment, domestic violence, dating violence, stalking and sex discrimination. All incidents of sexual misconduct will be resolved through the University's [Non-Discrimination, Sexual Misconduct & Title IX Policy](#).

Note: Contact the Office of Equity and Inclusion for more detailed information.

## Q. Student Organizations

### 1. Statement of Policy

Student organizations are expected to adhere to the same standards of conduct applicable to individual students.

### 2. Prohibited Activities

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

- a. Violating, permitting its members or their guests to violate or failing to prevent, where such prevention was possible, the violation of this Code of Conduct, the [Non-Discrimination, Sexual Misconduct & Title IX Policy](#), the Non-Discrimination Policy or any applicable local, state, or federal law;
- b. Violating, 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 University policy, procedure or agreement, including the University's Housing and Dining Agreements, University Student Centers policies, Fraternity and Sorority Leadership and Learning 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.

### 3. 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. When those administering the student conduct process

conclude that there is sufficient connection between the acts of individual students and an organization to which they belong, sanctions may be applied on the organization as well as any offending member. Conversely, when an organization has been found responsible for a Code of Conduct violation, those administering the Student Conduct process may apply sanctions on some or all members of that organization depending upon the degree of general participation in the violation.

#### 4. Membership

- a. Membership in a student organization may not be restricted on the basis of race, color, national origin, sex, disability, religion, age, marital status, veteran status, gender identity or expression, sexual orientation or other characteristic protected by law, except for any fraternity or sorority whose national organization requires it to be single-gender, 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.

#### 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. An item found anywhere else on campus should be taken to the [University of Delaware Police Department](#). 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.

## S. Violations of Law

### 1. Statement of Policy

Students are members of many communities, including many outside the University. As such, students are expected to demonstrate appropriate behavior in all settings and locations. Students who violate local, state or federal law and have pleaded guilty to or otherwise accepted responsibility for a violation (e.g. Probation Before Judgment or no lo contendere) or been adjudicated as guilty of such a violation 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 criminal arrest or conviction. When the University is informed of the arrest or conviction of a student, notice will be sent to the student requiring that they make an appointment with Community Standards & Conflict Resolution. 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 charges, 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. Temporary Separation When Certain Charges are Pending

- a. The University may temporarily separate any student when certain charges are pending against that student, subject to the procedures set forth in the [student conduct process section](#) of this Student Guide.
- b. Specifically, temporary separation 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.



## T. Weapons and Dangerous Instruments

### 1. Statement of Policy

Students are prohibited from possessing, using or threatening to use of any object that may reasonably be believed to cause physical injury to another person.

### 2. Prohibited Activities

Specific violations of this standard include, but are not limited to, the possession, use or threat of use of any of the following items:

- a. Any deadly weapon, defined as any instrument, item, or material readily capable of causing death or serious physical injury;
- b. 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) or ammunition;
- c. Any BB gun, pellet gun, air rifle, paint gun, or any toy gun which, based on color, design or appearance, would be considered by a reasonable person to be an actual firearm;
- d. Any sword (whether decorative or not), or other martial arts weapon;
- e. 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
- f. 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 [University of Delaware Police Department](#) or [Environmental Health and Safety](#).

This policy does not prohibit the possession or use of a firearm, knife or other object off campus, provided it is in accordance with local, state or federal laws regulating such possession and use.

## II. STUDENT CONDUCT PROCESS

- Statement of Policy
- Jurisdiction Over Persons and Places
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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 process was established in 1975 and the graduate student conduct process in 1981. These systems are the means by which violations of the Code of Conduct are adjudicated.

The student conduct process provides students charged with potential violations of University policies 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 process and the rights offered to those accused of crimes by local, state, or federal authorities. Specifically, charged students' rights in the student conduct process do not include the right to be defended by an attorney at an administrative hearing; the right to rely on rules of evidence 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 process is to examine information, verify facts and determine the truth and, if appropriate, apply sanctions to effect change in behavior. Those making decisions in cases (such as the administrative hearing officer, graduate hearing board or appellate board) 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 those considering this information.

Based on the differences between the student conduct process and criminal or other systems, outcomes may differ, and an outcome reached through the student conduct process will not dictate the outcome in any other system nor shall an outcome through other systems dictate an outcome in the student conduct process.

## B. Jurisdiction Over Persons and Places

1. Subject to the expanded jurisdictional limits described below, the student conduct process 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 any other location, domestic or international, by:
  - a. Any Student, if the alleged violation occurred in the current term or the previous two terms;
  - b. A student organization;
  - c. A student who is serving a period of suspension from the University; 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. 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 process as appropriate. An exception to this standard is any incident involving sexual misconduct or discrimination which must be reported to the Office of Equity and Inclusion, the Title IX coordinator or a deputy Title IX Coordinator.

2. The student conduct process shall also have jurisdiction over any student or student organization accused of a violation which occurs:
  - a. 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
  - b. 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. Community Standards & Conflict Resolution has the authority to determine whether a report brought before the student conduct process should more properly be handled by another University office, department or forum, and in such instance may refer the report to that office, department, or forum. If a report is most properly handled by Community Standards & Conflict Resolution, that office has authority to determine how best handle the report. This may be through formal adjudication, alternative dispute resolution or restorative practices.
4. The undergraduate student conduct process shall have jurisdiction over all students enrolled in the undergraduate program and programs that do not require admission to the University or traditional class registration and is coordinated by Community Standards and Conflict Resolution staff. The undergraduate student conduct process shall also have jurisdiction over all student organizations. The graduate student conduct process shall have jurisdiction over all students enrolled in the graduate program and is coordinated by the staff of the Graduate College.
5. In accordance with the Sexual Misconduct Policy and Non-Discrimination Policy the undergraduate student conduct process shall have jurisdiction over sanctioning and appeals associated with cases involving these policies if the respondent in the case is a student.
6. The University retains absolute discretion to determine whether any allegation should be processed within the student conduct process and may at its discretion vest jurisdiction in either the undergraduate or graduate student conduct process for any student or any infraction not specifically described within this Student Guide to University Policies or any other University policy, procedure or agreement.

## 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. Be notified of available counseling, mental health, or medical services both on campus and in the community.
- c. Have an administrative hearing within a reasonable period of time after the conduct case is created. Once a hearing is scheduled, it may only be postponed, for cause, by Community Standards & Conflict Resolution or the Associate Provost for Graduate and Professional Education.
- d. Receive written notice of the date, time and location of the administrative hearing at least five business days prior to the hearing.
- e. Be informed about the status of a case at any point during the conduct process.
- f. Prior to the administrative hearing, review all documents and materials in the possession of Community Standards & Conflict Resolution or the Graduate College that relate to the pending conduct case. 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 presented at an administrative hearing, therefore conduct files will not, in all cases, contain all information in the possession of the party filing the report.
- g. Know the names of all witnesses known by Community Standards & Conflict Resolution or Graduate College who will participate in the administrative hearing (subject to provisions in this Student Guide regarding protecting witness identity).
- h. Question the selection of the administrative hearing officer on the basis of a conflict of interest or demonstrated bias.
- i. Be free of any form of retaliation and to report such retaliation for appropriate action.
- j. Appear in person and present information on one's behalf, call witnesses, and ask questions of those present at the hearing (except in a hearing involving a victim, who may elect to have questions

screened and asked by the administrative hearing officer) 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.

- k. Refuse to answer any question or make any statement.
- l. Have past unrelated behavior excluded from the hearing process.
- m. Be assisted by a student conduct advisor of one's choice from among the members of the University, provided that person was not involved in the incident upon which the case is based. Names of student conduct advisors familiar with the student conduct process are available upon request through Community Standards & Conflict Resolution. It is the responsibility of the charged student to obtain a student conduct advisor if so desired. A student conduct advisor should be selected promptly. The student is encouraged to provide the advisor's name to Community Standards & Conflict Resolution or the Graduate College at least 3 business days prior to the administrative hearing. The student conduct 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.
- n. In limited situations, have legal counsel.
  - i. Legal counsel may be present only in the following circumstances:
    - a) When the charged student is charged both within the student conduct process and with a felony offense in an off-campus criminal court system; and
    - b) When the charged student's administrative hearing occurs before the off-campus felony hearing has been conducted.
  - ii. If legal counsel is present
    - a) Legal counsel may only advise the charged student on whether to answer a question in order to safeguard 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 Community Standards & Conflict Resolution or the Graduate

College of the name of the legal counsel at least three business days prior to the administrative hearing; and

b) the University may, at its discretion, allow its own counsel also to be present.

- o. Initiate an appeal.
- p. Participate in the appeal process, if initiated by a victim.
- q. Waive any of the rights contained in this subsection.

## 2. Rights of Victims

- a. The Director of Community Standards & Conflict Resolution (or designee) will determine who is entitled to the rights of a victim. This may include, but is not limited to, a person who has suffered from the following acts:
  - i. Arson;
  - ii. Theft;
  - iii. Destruction, damage or vandalism of property;
  - iv. Kidnapping/abduction;
  - v. Verbal, written or physical harassment; or
  - vi. Violence or physical assault.

Any incident involving behavior directed towards a person based on sex, gender, gender identity or expression, sexual orientation, race, color, national origin, sex, disability, religion, age, marital status, veteran status, or any other characteristic protected by applicable law will be referred to the Office of Equity and Inclusion, as directed in the [Sexual Misconduct Policy](#) and Non-Discrimination Policy.

- b. A victim is entitled to:
  - i. Be notified of available counseling, mental health, or medical services both on campus and in the community.
  - ii. Change living arrangements on campus and the right to reasonable academic accommodations.
  - iii. Be free of any form of retaliation and to report such retaliation for disciplinary action.
  - iv. A ban from contact against the charged student.
  - v. Notify law enforcement authorities (also includes the right not to report to law enforcement authorities).
  - vi. Decide whether or not to file a formal report within the student conduct process.



- vii. Be assisted by a student conduct advisor from among the members of the University, provided that person was not involved in the incident upon which the case is based. It is the responsibility of the victim to obtain a student conduct advisor if so desired. A student conduct advisor should be selected promptly. The victim is encouraged to provide the student conduct advisor's name to Community Standards & Conflict Resolution or the Graduate College at least three business days prior to the hearing. The student conduct advisor will have the same role as a student conduct advisor for a charged student.
- viii. Be informed about the status of a case at any point during the conduct process.
- ix. Review all documents to be presented at the hearing that are made available to the charged student.
- x. Be present at the hearing, in its entirety or any portion the victim chooses to attend.
- xi. Be separated from the charged student during the hearing. In addition to being separated, a victim may choose to not allow the charged student to directly ask questions of the victim. Rather, questions shall be provided by the charged student to the administrative hearing officer, who, after screening for appropriateness and relevance, shall ask the questions to the victim.
- xii. Know the names of all witnesses known by Community Standards & Conflict Resolution or Graduate College who will participate in the hearing (subject to provisions in this Student Guide regarding protecting witness identity), and the right to suggest potential witnesses to be called (the presenting party will ultimately decide which witnesses to present). Community Standards & Conflict Resolution or Graduate College may not know the names all witnesses in advance of the hearing.
- xiii. Have past unrelated behavior excluded from the hearing process.
- xiv. Question the selection of the administrative hearing officer on the basis of a conflict of interest or demonstrated bias.
- 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.
- xvii. Initiate an appeal alleging a violation of any of the above rights occurred.
- xviii. Waive any of the rights contained in this subsection.

## D. Procedures for Undergraduate Student Conduct Process

### 1. Initiation of Undergraduate Student Conduct Process

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

- a. Any person may initiate a report concerning an undergraduate student by filing a report with Community Standards & Conflict Resolution. The exception to this standard is any report involving sexual misconduct or discriminatory harassment, which will be reported to the Office of Equity and Inclusion, the Title IX Coordinator or a deputy Title IX Coordinator.
- b. This report may be made in writing or verbally. The person or people submitting the report shall be referred to as the reporting party. If a report is made verbally, Community Standards & Conflict Resolution staff member taking the report will summarize in writing the information received verbally, then share that summary with the reporting party to ensure accuracy. This summary will become a part of the charged student's file and will be shared with the charged student.
- c. Jurisdiction shall be limited to those complaints meeting the parameters outlined in Section II.B.
  - i. If the report reasonably suggests that a violation of the Code of Conduct has occurred, a conduct case will be created, then the Director of Community Standards & Conflict Resolution (or designee) shall provide notice of the case to the charged student. This notice shall include: The specific policy that the charged student is alleged to have violated, indicating the date and place of the occurrence and the names of the reporting party and all potential witnesses known by Community Standards & Conflict Resolution, except when Community Standards & Conflict Resolution determines that disclosure may present a serious risk to any such witness;
  - ii. The charged student's rights, including information regarding all steps of the student conduct process; and
  - iii. A statement that the charged student must meet for a case intake meeting with a designee of Community Standards & Conflict Resolution within five business days of the date on which the notice was sent. Failure to attend this case intake meeting will not keep the process from proceeding and may result in the charged student being found responsible for

violating the policies listed based only on input from the reporting party.

- d. Case intake meeting: During the case intake meeting, the charged student will be invited to review and discuss information in the student's disciplinary file (including prior cases, if any) and will be encouraged to ask questions about the report and the options available within the student conduct process. Proposed sanctions, to be applied if the charged student is responsible for the violation(s), will also be discussed. The student may also provide additional information (such as written documents, photographs, audio/video files, etc.) to be added to the student's disciplinary file, which will then become a permanent part of that file. Case intake meetings may not be recorded.

The charged student will be presented with the following options:

- i. To accept responsibility for violating the Code of Conduct and accept the sanction(s) discussed in the case intake 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 certain sanction(s) discuss as inappropriate or unreasonable, as outlined below. The charged student will receive notice that they have accepted responsibility for violating the Code of Conduct as well as a complete list of the sanction(s) that were discussed 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 only through an Appeal of Sanctions.*
  - iii. To deny responsibility for violating the Code of Conduct and request an administrative hearing. *A student who denies responsibility for violating the Code of Conduct retains the right to both an administrative hearing and appeal.*
- e. A student who chooses not to attend a case intake meeting will be found responsible based on input only from the reporting party. Sanction(s) will be applied without the student's input. The student will be notified of the outcome, including the sanctions applied. The student will retain the right to appeal this outcome.

- f. If Community Standards & Conflict Resolution determines the report is best handled via a method other than formal adjudication (such as alternative dispute resolution or restorative practices) notice regarding such method will be sent to the students. The process, timeline and outcomes reached through alternative methods may be different than those described for formal resolution.
2. Procedures for Administrative Hearings
- a. The reporting party, all co-charged students who also requested an administrative hearing, the administrative hearing officer, the student conduct advisor (if any) and Community Standards and Conflict Resolution designee (if any), shall be present for the entirety of the hearing.
  - b. Witnesses
    - i. A witness may only be present during the time the witness presents information.
    - ii. Only direct witnesses (those having factual information pertinent to the pending case) will be permitted. Character witnesses will not be permitted.
    - iii. The administrative hearing officer has the right to recall any witness at any time during the hearing.
  - c. Hearings shall be closed to all other parties.
  - d. All parties are expected to act in a professional and civil manner. If the administrative hearing officer determines the reporting party causes a disruption, the reporting party 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 (and a student conduct advisor, if any) will be removed and the hearing will continue in the student's absence. If any witness or victim causes a disruption, the witness or victim will be removed and the hearing will continue in their absence.
  - e. The reporting party must attend the hearing unless an appropriate designee has been approved by Community Standards & Conflict Resolution. In certain situations, the reporting party may be accompanied by a student conduct advisor or co-reporting party.
  - f. The reporting party shall present information regarding the allegation(s) against the charged student(s) and may present witnesses to support the case. The administrative hearing officer may question the reporting party and any of the reporting party's witnesses. The charged student(s), with the assistance of a student conduct advisor (if any), will then have

the opportunity to question the reporting party and any of the reporting party's witnesses.

- g. The charged student(s) may, with the assistance of a student conduct advisor (if any) present a response to the allegation(s). This response may include additional information (such as written documents, photographs, audio/video files, etc.) to be added to the student's disciplinary file, which will then become a permanent part of that file. Any such information must be factually related to the case. Information pertaining to character or authorities outside the University may not be presented. The administrative hearing officer may question the charged student(s) and any witnesses for the charged student(s). The reporting party will then have the opportunity to question the charged student(s) and witnesses for the charged student(s).
- h. The reporting party and the charged student(s) may, in that order, present concluding remarks. The administrative hearing officer will then close the hearing.
- i. The administrative hearing officer may exclude any information that is irrelevant or redundant to the allegations.
- j. Proof that the violation occurred must be established by a preponderance of the information, meaning it is more likely than not the allegations are true.
- k. If the administrative hearing officer finds the charged student(s) has violated any or all of the policies alleged to have been violated, information shared during the hearing as well as information concerning the charged student's past disciplinary record (including student conduct process 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 Community Standards & Conflict Resolution (or designee) in order to ensure appropriateness and reasonableness of the sanctions. The administrative hearing officer may apply different sanctions (either less or more stringent) than the proposed sanctions discussed in the case intake meeting.
- l. An audio recording will be made of all administrative hearings, for review and appeal purposes. No other electronic devices (including, but not limited to, cellphones, computers and additional recorders) may be used during the hearing, unless expressly permitted by the administrative hearing officer. To protect student confidentiality and the integrity of its process, the University does not provide copies of these audio recordings. However, to aid in the preparation of an appeal, an

appealing student may listen to the audio recording and may be accompanied by a student conduct advisor. No copies or recordings of any kind may be made by the student or student conduct advisor. Recordings will be destroyed once the case has concluded.

- m. The administrative hearing officer shall send a written decision to Community Standards & Conflict Resolution after the conclusion of the hearing. The decision notice shall contain:
    - i. A summary of the charge(s) and the incident from which these charge(s) originated;
    - ii. The Administrative hearing officer's findings and rationale;
    - iii. The sanction(s) applied by the administrative hearing officer (if any); and
    - iv. A statement describing the charged student's right to appeal and the procedures for doing so.
  - n. Community Standards & Conflict Resolution will notify the charged student(s) and the reporting party via e-mail of the outcome, rationale, sanction(s) applied (if any), and the right of appeal. Community Standards & Conflict Resolution will notify the victim of any outcome or sanction that affects the victim.
  - o. The charged student may appeal the administrative hearing officer's decision within five business days of the date on which the decision was sent.
  - p. All information pertinent to the case, including a copy of the administrative hearing officer's decision and any appeal materials (if applicable), will be maintained by Community Standards & Conflict Resolution in accordance with the retention policy, as defined in Section II.G.
3. Procedures for Appeals
- a. Appeal of Sanctions
    - i. The charged student must submit an Appeal of Sanctions to Community Standards & Conflict Resolution within five business days of accepting responsibility for violating the Code of Conduct and receiving a list of the proposed sanctions. Should the charged student fail to submit this request within five business days, the proposed sanctions will be applied, no appeal will be considered and the case will be closed.
    - ii. Only the following sanctions may be addressed in the Appeal of Sanctions:
      - a) Academic penalty;
      - b) Deferred suspension from University Housing;
      - c) Deferred suspension from the University;

- d) Suspension from University Housing;
  - e) Suspension from the University; or
  - f) Expulsion from the University
- iii. The Appeal of Sanctions
  - a) Must explain why the proposed sanctions are inappropriate or unreasonable. The appeal may include what sanctions the charged student feels are appropriate;
  - b) Shall be prepared by the charged student with the assistance of a student conduct advisor;
  - c) Must be computer printed and is limited to three double-spaced pages with one-inch margins and a 12-point font; and
  - d) Shall not include discussion of sanctions other than those listed above nor shall it include information disputing the charge(s), describing the student's character, or citing authorities outside the University.
- iv. At the discretion of the chair of the Appellate Board, all pages beyond the three-page limit may be disregarded or the entire appeal may be rejected if it does not meet criteria listed above.
- v. Upon receipt of the Appeal of Sanctions, a copy of the appeal will be sent to the reporting party 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 Community Standards & Conflict Resolution within five business days of the date on which the appeal was sent. At the discretion of the chair of the Appellate Board, all pages beyond the three-page limit may be disregarded or the entire appeal may be rejected if it does not meet criteria listed above.
- vi. The written request, responses from all appropriate parties and the charged student's entire disciplinary file will be reviewed by a member of Community Standards & Conflict Resolution and, if appropriate, then reviewed in a closed meeting by an Appellate Board panel.
- vii. The Appellate Board, by majority vote, may decide to
  - a) Deny the Appeal of Sanctions and apply the sanctions discussed in the case intake meeting; or
  - b) Grant the Appeal of Sanction(s) and reduce or otherwise limit the sanctions discussed in the case intake meeting. A reduction in penalty or duration may be accompanied by the inclusion of educational interventions or a fee.

- viii. The Appellate Board's decision is final and will be implemented immediately by Community Standards & Conflict Resolution. The charged student will receive notice of the decision. The victim (if any) will receive notice of the decision and any sanction which affects them. The decision will be forwarded to the reporting party and any other appropriate party who responded to the appeal. Copies of these notices will be entered into the student's disciplinary record.
  - ix. A copy of the Appellate Board's decision will be maintained by Community Standards & Conflict Resolution in accordance with the retention policy, as defined in Section II.G.
- b. Appeal of Decision
- i. The charged student may submit an appeal to Community Standards & Conflict Resolution in writing within five business days of the date on which the decision was sent.
  - ii. The appeal must allege that
    - a) The decision is contrary to information presented at the hearing;
    - b) The decision is contrary to new information not known at the time of the hearing;
    - c) Procedures were not followed during the process; or
    - d) One or more of the sanctions applied are inappropriate or unreasonable. Only the following sanctions may be addressed:
      - i) Academic penalty;
      - ii) Deferred suspension from University Housing;
      - iii) Deferred suspension from the University;
      - iv) Suspension from the University; or
      - v) Expulsion from the University
  - iii. The appeal
    - a) Must clearly cite one or more of the reasons above. The failure of the University to adhere to notice requirements or time periods shall not be grounds for appeal unless such failure significantly impacted the charged student;
    - b) Shall be prepared by the student with the assistance of a student conduct advisor;
    - c) Must be computer printed and is limited to three double-spaced pages with one-inch margins and a 12-point font; and
    - d) Shall not include discussion of sanctions other than those listed above, nor shall it include information describing



the student's character or citing authorities outside the University.

- iv. At the discretion of the chair of the Appellate Board, all pages beyond the three-page limit may be disregarded or the entire appeal may be rejected if it does not meet criteria listed above.
- v. Upon receipt of the appeal, a copy will be sent to the reporting party, the administrative hearing officer and any other party deemed appropriate by the University, including the victim. These parties may submit a response, limited to three double-spaced pages with one-inch margins and a 12-point font, to Community Standards & Conflict Resolution within five business days of the date on which the appeal was sent. At the discretion of the chair of the Appellate Board, all pages beyond the three-page limit may be disregarded or the entire response may be rejected if it does not meet criteria listed above.
- vi. The charged student's appeal, responses received from all appropriate parties and all documentation contained within the student's disciplinary file will be reviewed by a member of Community Standards & Conflict Resolution and, if appropriate, then reviewed in a closed meeting by an Appellate Board panel.
- vii. The Appellate Board, by majority vote, may decide to:
  - a) Deny the appeal;
  - b) Grant the appeal, and reduce or otherwise limit the sanctions applied as a result of the administrative hearing. A reduction in penalty or duration may be accompanied by the inclusion of educational interventions or a fee;
  - c) Delay a final review of the appeal to receive additional information regarding specific issues raised in the appeal. Responses may be solicited from the charged student, the reporting party, the administrative hearing officer, and any relevant witnesses;
  - d) Direct Community Standards & Conflict Resolution to provide a new hearing conducted by the Appellate Board, if it is determined the decision is contrary to information presented in the hearing or contrary to new information not available at the time of the hearing; or

- e) Allow the student to have the case handled beginning at any specific stage of the student conduct process, if it is determined procedures were not followed.
  - viii. The Appellate Board's decision, except any decision reached as the result of a re-hearing initiated due to procedural error, is final and will be implemented immediately by Community Standards & Conflict Resolution. The student, reporting party and administrative hearing officer will receive notice of the decision. The victim (if any) will receive notice of the decision and any sanction which affects the victim. A copy of these notices will be entered into the student's disciplinary file and will be maintained by Community Standards & Conflict Resolution in accordance with the retention policy, as defined in Section II.G
  - ix. A decision reached as a result of a re-hearing initiated as a result of a due process violation will be subject to all appeal options as described in Section II.D.3.b.ii.
- c. Appeal Initiated by Victim
  - i. A victim (as defined in Section II.C.2) may submit an appeal to Community Standards & Conflict Resolution in writing within five business days of the date on which the decision was sent.
  - ii. The appeal
    - a) May only allege that a violation of victim's rights (as defined in Section II.C.2.b) occurred;
    - b) Shall be prepared by the student with the assistance of a student conduct advisor only;
    - c) Must be computer-printed and shall be limited to three double-spaced pages with one-inch margins and a 12-point font; and
    - d) Shall not include information describing the student's character or citing authorities outside the University.
  - iii. At the discretion of the chair of the Appellate Board, all pages beyond the three-page limit may be disregarded or the entire appeal may be rejected if it does not meet criteria listed above.
  - iv. Upon receipt of the appeal, a copy will be sent to the reporting party, 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 Community Standards & Conflict Resolution within five

business days of the date on which the appeal was sent. At the discretion of the chair of the Appellate Board, all pages beyond the three-page limit may be disregarded.

- v. The Appellate Board, by majority vote, may decide to:
  - a) Deny the appeal;
  - b) Delay a final review of the appeal to receive additional information regarding specific issues raised in the appeal. Responses may be solicited from the charged student, the victim, the reporting party, the administrative hearing officer, and any relevant witnesses; or
  - c) Grant the appeal and direct Community Standards & Conflict Resolution to provide a new hearing conducted by a new administrative hearing officer.
- vi. The outcome of a new hearing may result in:
  - a) The same decision regarding responsibility and sanctions as made by the original administrative hearing officer;
  - b) The same decision regarding responsibility but a different decision regarding sanctions as made by the original administrative hearing officer; or
  - c) A different decision regarding responsibility and a different decision regarding sanctions as made by the original administrative hearing officer.
- vii. The decision of the re-hearing will be subject to all appeal options as described in Section D.3.b.ii.
- viii. A copy of the decision reached in the re-hearing will be maintained by in accordance with the retention policy, as defined in Section II.G.

d. Appeal for Reduction in Length of Suspension

- i. No earlier than 15 business days before completing a suspension from the University of at least two regular semesters (meaning Fall or Spring semester, not including Special Sessions) a student may submit a request for a reduction in the remaining period of suspension from the University.
- ii. The appeal
  - a) May only address why a reduction in length is warranted;

- b) Shall be prepared by the student with the assistance of a student conduct advisor;
  - c) Must be computer printed and is limited to three double-spaced pages with one-inch margins and a 12-point font; and
  - d) Shall not include information describing the student's character or citing authorities outside the University.
- iii. At the discretion of the chair of the Appellate Board, all pages beyond the three-page limit may be disregarded or the entire appeal may be rejected if it does not meet criteria listed above.
- iv. The appeal may be shared with the reporting party, hearing officer (if any), victim (if any) 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 Community Standards & Conflict Resolution within five business days of the date on which the appeal was sent. At the discretion of the chair of the Appellate Board, all pages beyond the three-page limit may be disregarded or the entire appeal may be rejected if it does not meet criteria listed above
- v. If granted, the Appellate Board may reduce the length of the suspension as deemed appropriate.
- vi. If an appeal is denied, or a reduction of the original length remains longer than two regular semesters, the student may submit a new appeal no earlier than 15 business days before completing two more regular semesters of the suspension.

#### 4. Operations of the Appellate Board

##### a. Jurisdiction

The Appellate Board has sole appellate jurisdiction over decisions and sanctions made by an administrative hearing officer and any designee of the Director of Community Standards & Conflict Resolution.

##### b. Appellate Board Pool

The Appellate Board pool shall be composed of undergraduate students, staff members and faculty members. Members of this pool will be eligible to serve on a panel after receiving appropriate training provided by Community Standards & Conflict Resolution.

c. Appellate Board Panel

A panel consists of four members, as follows:

- i. Three voting members - one undergraduate student, one staff member and one faculty member; and
- ii. One non-voting chair, who must have served as an administrative hearing officer for at least one year or a voting member for at least three years.

d. Selection of Appellate Board Members

i. Nomination

- a) Any member of the University community may self-nominate oneself for membership. For undergraduate students, this is accomplished by completing an application. For staff members and faculty, this is accomplished by contacting the Director of Community Standards & Conflict Resolution (or designee) to express interest.
- b) The Director of Community Standards & Conflict Resolution (or designee) may also contact the Student Government Association, the Resident Student Association and appropriate departments or individuals (for students), the Office of the Vice President for Student Life (for staff members) and the Faculty Senate (for faculty) to solicit interested parties.

ii. Selection

a) Students

- i. After completing an application, students will be screened to ensure they meet the following requirements:
  - a) Matriculated as an undergraduate student;
  - b) Minimum cumulative GPA of 2.2; and
  - c) No current administrative sanctions.
- ii. Those students who meet these requirements will participate in an interview process. The Director of Community Standards & Conflict Resolution (or designee) will select members based on this process.

b) Staff members and faculty

- i. After expressing their interest, faculty and staff may be asked to meet with the Director of Community Standards & Conflict Resolution (or designee) to discuss the interest and learn of time commitment and responsibilities.
  - ii. The Director of Community Standards & Conflict Resolution (or designee) will then decide if selecting the staff or faculty is appropriate.
- c) The decision of the Director of Community Standards & Conflict Resolution (or designee) to select or decline any applicant shall be final.

e. Term of Office

- i. Students may remain in the pool until they graduate from the University, provided they maintain a minimum cumulative GPA of 2.2 and do not violate any University policies.
  - a) If a student does not maintain the minimum GPA, membership will be suspended temporarily until the student's GPA meets or exceeds that minimum. At that point, the student will be immediately eligible to serve.
  - b) If a student is found responsible for violating any University policies and receives an administrative sanction other than a Disciplinary Warning, membership will be terminated. Once these sanctions are no longer active, the student may request, in writing, to be re-instated in the pool. If granted, the student would be eligible to serve at the start of the next term, or earlier, if deemed appropriate by the Director of Community Standards & Conflict Resolution (or designee).
- ii. Staff members and faculty members shall remain in the pool until they request to be removed, or are asked to end their service by the Director of Community Standards & Conflict Resolution (or designee).

f. Responsibilities

Each member shall have the following responsibilities:

- i. To make attendance to all training sessions and Board meetings a priority. Frequent absences are grounds for removal;

- ii. To maintain objectivity and impartiality. A member must disqualify oneself from participating in Board activity when the member feels 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 process; and
- iv. To notify the Director of Community Standards & Conflict Resolution (or designee) if any person attempts to influence a case or decision before the member.

g. Removal of Appellate Board Members

- i. Any member may be removed for cause. A person may request a member's removal by contacting the Director of Community Standards & Conflict Resolution. The written request must include specific facts supporting the removal.
- ii. If the Director of Community Standards & Conflict Resolution (or designee) 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 any of the responsibilities above, the Director of Community Standards & Conflict Resolution (or designee) shall make the final determination concerning removal or any other appropriate action.

E. Procedures for Graduate Student Conduct Process

The graduate student conduct process is administered by the Associate Dean of the Graduate College as authorized by the Dean of the Graduate College.

1. Initiation of the Graduate Student Conduct Process

- a. Any person may initiate a report against a graduate student by filing a report with the Associate Dean of the Graduate College. The person or people submitting the report shall be referred to as the reporting party. The exception to this standard is any report involving sexual misconduct or discriminatory harassment, which will be reported to the Office of Equity and Inclusion, the Title IX Coordinator or a deputy Title IX Coordinator.
- b. If a report is made verbally, the Associate Dean of the Graduate College (or designee), will summarize in writing the information

- received verbally, then share that summary with the reporting party to ensure accuracy.
- c. If the report reasonably suggests that a violation of the Code of Conduct has occurred, a conduct case will be created. Depending on the nature of the incident, the case will be resolved as follows:
    - i. Incidents involving sexual misconduct or discriminatory harassment will be resolved as described in the Sexual Misconduct, Non-Discrimination and Title IX Policy.
    - ii. Incidents involving academic dishonesty will be resolved by the Graduate College, as described below.
    - iii. All other incidents will be resolved by Community Standards & Conflict Resolution, as described above.
  - d. The Associate Dean of the Graduate College (or designee) shall provide written notice of the case to the charged student. The notice shall include:
    - i. The specific policy that the student is alleged to have violated, describing the time, date, and place of the occurrence, the name of the reporting party, 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 the either an administrative action hearing or a graduate board hearing and the possible sanction(s) that may be applied; and
    - iii. A statement that the charged student must meet with the Associate Dean of the Graduate College within five business days of the date on which the notice was sent. Failure to attend this meeting may result in a finding of responsible based only on input from the reporting party.
  - e. During the initial meeting(s), the charged student will be:
    - i. Invited to review and discuss information contained in the student's disciplinary file;
    - ii. Encouraged to ask questions concerning the report;
    - iii. Informed of the student's rights within the student conduct process, 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 and applying the appropriate sanctions; or
      - b) To deny the charge(s) and request a hearing by the graduate hearing board.



- f. If a charged student fails to attend the initial meeting within the specified period of time, the facts will be reviewed by the Associate Dean of the Graduate College and a decision rendered and sanctions applied in the student's absence.

## 2. Administrative Action Hearings

- a. The administrative action hearing is in lieu of the student's right to a graduate board hearing, and the charged student must sign a statement waiving the right to a graduate board hearing.
- b. The Associate Dean of the Graduate College (or designee) may consult with the reporting party to clarify facts related to the matter. If, in consulting with the reporting party, information significantly 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 the sanctions applied as a result of an administrative action hearing based on the following procedures:
  - i. The charged student may submit a written request for appeal to the Dean of the Graduate College within five business days of the date on which the written decision was sent. Should the charged student fail to submit this request within five business days, the sanction(s) will be applied, no appeal will be considered and the case will be closed.
  - ii. The appeal request must allege that the sanction(s) applied is inappropriate or unreasonable. The request may include what sanction(s) the charged student feels are appropriate.
  - iii. The written request must be 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.
  - iv. Upon receipt of the request for appeal, the Dean of the Graduate College will send a copy of the appeal request to the reporting party, and any other relevant party, including any victim. These parties may submit a response in writing to the Dean of the Graduate College within five business days of the date on which the appeal was sent.
  - v. The Dean of the Graduate College 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.

- vi. If the appeal is granted, adjusted sanctions will be applied and the student and all other parties deemed appropriate will be notified of the sanctions. A victim will be informed of the outcome and any sanction that affects them. The case will be closed.
  - vii. If the appeal is denied, the sanctions recommended in the administrative action hearing will become effective immediately. The charged student and all other parties deemed appropriate will be notified of the denial. A victim will be informed of the outcome and any sanction that affects them. The case will be closed.
- d. The outcome of the Administrative action hearing will be maintained by the Graduate College in accordance with the retention policy, as defined in Section II.G.

### 3. Graduate Board Hearings

The chairperson of the graduate hearing board will conduct the hearing according to the following procedures:

- a. Graduate board hearings shall be open to the reporting party, the charged student, the student conduct advisor (if any), all members of the graduate hearing board and the Associate Dean of the Graduate College (or designee) for the entirety of the hearing.
- b. Witnesses shall be present only during the time they are sharing information regarding the incident or making a victim's impact statement.
- c. Hearings shall be closed to all other parties.
- d. The reporting party must attend the hearing unless an appropriate designee has been approved by the Associate Dean of the Graduate College prior to the hearing. Note: A reporting party'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.
- e. The reporting party shall present the case against the charged student and may present witnesses to support the case. Members of the graduate hearing board shall have the opportunity to question the reporting party the reporting party's witnesses who are present for the hearing. The charged student shall then have the opportunity to question the reporting party and the reporting party's witnesses who

are present for the hearing. The charged student then may present a response to the report. Members of the graduate hearing board shall have opportunity to question the charged student and the charged student's witnesses who are present for the hearing. The reporting party shall then question the charged student and 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 reporting party and the charged student may, in that order, present concluding remarks.

- f. Proof that the violation occurred must be established by a preponderance of the information, meaning it is more likely than not the allegations are true.
- g. The graduate hearing board may exclude any information that is irrelevant to the hearing or has no bearing on the case or the hearing. The charged student may introduce information regarding their character.
- h. After all information has been presented and both the reporting party and the charged student have been given an opportunity for a final statement, the chairperson of the graduate hearing board will close the hearing.
- i. If the graduate hearing board finds the charged student has violated all or any part of the policies alleged to have been violated, information concerning the charged student's past disciplinary record, including student conduct process 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.
- j. The Associate Dean of the Graduate College (or designee) will make an audio recording of all hearings. To protect student confidentiality and the integrity of its process, the University does not provide copies of these audio recordings. However, to aid in the preparation of an appeal, an appealing student may listen to the audio recording in the presence of the Associate Dean of the Graduate College (or designee) and may be accompanied by a student conduct advisor. No other electronic devices (including, but not limited to, cellphones, computers and additional recorders) may be used during the hearing, unless expressly permitted by the Associate Dean of the Graduate College.
- k. The graduate hearing board shall submit a written report to the Associate Dean of the Graduate College within five business days of the conclusion of the hearing. The written report shall contain:

- i. A summary of the report and the charge(s);
  - ii. A summary of information presented at the hearing;
  - iii. A summary of the graduate hearing board's findings and rationale;
  - iv. The graduate hearing board's proposed sanction(s) (if any) and rationale; and
  - v. A statement describing the charged student's right to appeal and the procedures for doing so.
- l. The Associate Dean of the Graduate College will notify the charged student and the reporting party of the findings, rationale, proposed sanction(s) (if any), and the appeal rights. The Associate Dean of the Graduate College will notify the victim of the findings and any sanction that affects the victim.
  - m. The charged student may appeal the graduate hearing board's decision within five business days of date on which the decision was sent.
  - n. A copy of the graduate hearing board's decision will be maintained in the Graduate College according to the retention policy, as defined in Section II.G.

#### 4. Graduate Appeals

- a. Initiated by the charged student
  - i. The charged student may submit a written request for appeal to the Dean of the Graduate College within five 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 the right to an appeal.
  - ii. 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) A sanction applied is inappropriate or unreasonable.
  - iii. The written request must be 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.
  - iv. Upon receipt of the request for appeal, the Dean of the Graduate College will send a copy of the appeal request to the reporting party, the chairperson of the graduate hearing board, and any other relevant party. These parties may submit

- a response in writing to the Dean of the Graduate College within five business days of the date on which the request was sent.
- v. The Dean of the Graduate College 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 applied by the graduate hearing board pending the decision on the appeal.
  - vi. If the appeal request is denied, the decision of the graduate hearing board will become effective as of the date that the Dean of the Graduate College decides not to grant an appellate hearing.
  - vii. If the appeal is granted, the Dean of the Graduate College will notify the charged student and the reporting party of the time and place of the Appellate Hearing.
  - viii. The only persons permitted to attend the appellate hearing will be:
    - a) The reporting party;
    - b) The charged student;
    - c) The charged student's student conduct advisor from the Graduate board hearing (if any);
    - d) Witnesses (including any victim, and the victim's student conduct advisor from the graduate board hearing, if any) if their presence is necessary (as determined by the Dean of the Graduate College);
    - e) The Associate Dean of the Graduate College; and
    - f) The Dean of the Graduate College (or designee), who may not have been a member of the original graduate hearing board.
  - ix. Failure to attend an appellate hearing by the charged student or reporting party 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.
  - x. The Dean of the Graduate College will open the appellate hearing by reading the request for appeal and informing the persons involved of the appellate hearing procedures, which include:
    - a) The charged student may make a brief statement of the reason(s) for the appeal. If those reasons include new

information, the charged student may present such information, and new witnesses (if any) may be subject to questioning by the charged student, the reporting party and the Dean of the Graduate College.

- b) The reporting party may then address the specific issues presented in the request for appeal.
  - c) The Dean of the Graduate College may interrupt the proceedings at any time to ask questions or to focus the proceedings on the specific points at issue.
- xi. Within five business days of the conclusion of the hearing, the Dean of the Graduate College 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 reporting party, and the chairperson of the graduate hearing board. A victim, if any, will be notified of the outcome and any sanction(s) that affect them.
  - xii. The decision of the Dean of the Graduate College is final and will be implemented immediately.
  - xiii. A copy of the Dean of the Graduate College's decision will be maintained in the Graduate College in accordance with the retention policy, as defined in Section II.G.
- b. Initiated by a victim
- i. The victim may submit a written request for appeal to the Dean of the Graduate College within five business days of the date on which the written decision was sent.
  - ii. The appeal request may only allege a violation of the victim's rights (as defined in Section II.C.3) occurred.
  - iii. 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.
  - iv. Upon receipt of the request for appeal, the Dean of the Graduate College will send a copy of the appeal request to the reporting party, 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 Dean of the Graduate College within five business days of the date on which the request was sent.
  - v. The Dean of the Graduate College 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 applied by the graduate hearing board pending the decision on the appeal.
- vi. If the appeal request is denied, the decision of the graduate hearing board will become effective as of the date that the Dean of the Graduate College decides not to grant an Appellate Hearing.
  - vii. If the appeal is granted, the Dean of the Graduate College will notify the charged student and the reporting party and the victim of the time and place of the Appellate Hearing.
  - viii. The only persons permitted to attend the Appellate Hearing will be:
    - a) The reporting party;
    - b) The charged student;
    - c) The charged student's student conduct advisor from the Graduate board hearing (if any)
    - d) Witnesses (including any victim, and the victim's student conduct advisor from the Graduate board hearing, if any) if their presence is necessary (as determined by the Dean of the Graduate College);
    - e) The Associate Provost for Graduate and Professional Education; and
    - f) The Dean of the Graduate College (or designee), who may not have been a member of the original graduate hearing board.
  - ix. Failure to attend an Appellate Hearing by the charged student or reporting party 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.
  - x. The Dean of the Graduate College will open the Appellate Hearing by reading the request for appeal and informing the persons involved of the appellate hearing procedures, which includes:
    - a) The victim may make a brief statement explaining why they feel a violation of victim's rights occurred.
    - b) The reporting party 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.

- d) The Dean of the Graduate College may interrupt the proceedings at any time to ask questions or to focus the proceedings on the specific points at issue.
- xi. Within five business days of the conclusion of the hearing, the Dean of the Graduate College 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 reporting party, and the chairperson of the graduate hearing board.
- xii. The decision of the Dean of the Graduate College is final and will be implemented immediately.
- xiii. A copy of the Dean of the Graduate College's decision will be maintained in the Graduate College in accordance with the retention policy, as defined in Section II.F.

## 5. 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 three faculty members approved by the chairperson 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 chairperson of the graduate hearing board may not be from the charged student's academic program.

## 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 this Student Guide means student organization. Student organizations are encouraged to review Section I.Q Student Organizations of the Code of Conduct and Section III.E for additional rules and procedures applicable to those organizations.
2. An administrative hearing for a student organization will be processed using the undergraduate student conduct process. Hearings will be conducted



- with the organization's highest ranking officer representing the organization, unless that officer designates another officer or member.
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 process conclude that there is sufficient connection between the acts of individual students and an organization to which they belong, sanction(s) may be applied to 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 process may apply 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.

#### G. Retention and Release of Disciplinary Records

The University's retention policy is as follows:

1. Retention of Records
  - a. For a student enrolled in bachelor's, master's or doctoral degree programs:
    - i. For cases in which an outcome of responsible is reached and a disciplinary sanction of expulsion is applied, all records of the incident and outcome will be permanently retained in the student's disciplinary file.
    - ii. For cases in which an outcome of responsible is reached and a disciplinary sanction other than expulsion is applied, all records of the incident and outcome will be maintained until the student graduates or, in the event the student ceases to maintain enrollment, for four calendar years after the student's most recent term of enrollment.
  - b. For a student enrolled in an Associate in Arts degree program:
    - i. For cases in which an outcome of responsible is reached and disciplinary sanction of expulsion is applied, all records of the incident and outcome will be permanently retained in the student's disciplinary file.

- ii. For cases in which an outcome of responsible is reached and a disciplinary sanction other than expulsion is applied, all records of the incident and outcome will be maintained until:
      - a) the student's graduation from a bachelor's degree program; or
      - b) the student's graduation from the Associate in Arts degree program, if the student does not matriculate into a bachelor's degree program; or
      - c) two calendar years after the most recent term of enrollment in the Associate in Arts program, if the student ceases to maintain status as a matriculated student in the Associate in Arts program.
  - c. For a student organization, when an outcome of responsible is reached all records will be maintained permanently.
  - d. When an outcome of not responsible is reached or when the charge(s) is dropped, all records will be destroyed within 60 days of the final decision.
  - e. 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.
- 2. Release of Records
  - a. For any case which results in an administrative sanction of a Disciplinary Warning, no information regarding that case will be released to anyone outside Community Standards & Conflict Resolution. Students in this situation would not need to disclose to anyone they violated University policy.
  - b. For any case which results in an administrative sanction of a Notice of Reprimand, information regarding that case may be released to a faculty or staff within the University with a demonstrated educational need to know. Permission from the student is not required for this release. Students in this situation would need to disclose to a University official they violated a policy, but would not need to disclose to anyone outside the University. If, however, a student has more than one case which results in a sanction other than a Disciplinary Warning, information regarding the case in which the Notice of Reprimand was applied may be shared outside the University.
  - c. For any case resulting in all other administrative sanctions, information regarding that case may be released to a faculty or staff within the University with a demonstrated educational need to know. Permission

from the student is not required for this release. Information regarding that case may also be released to anyone outside the University with proper permission from the student.

- d. Limited release of records
  - i. A student may request that records of certain incidents not be disclosed outside the University.
  - ii. If the request is granted, the conduct record will still be maintained by Community Standards & Conflict Resolution until graduation, but it will not be reported externally. The record will continue to be released within the University of Delaware.
  - iii. If the student is found responsible for violating the Code of Conduct after being granted Limited Release, the Limited Release will be rescinded and records of all cases may be reported externally.
  - iv. The following criteria must be met in order to request a Limited Release of Records:
    - a) The student has a single disciplinary case in their record
    - b) the case did not involve a violation of the Academic Honesty Policy, violence or threats of violence, sexual misconduct, discrimination or harassment
    - c) the case included a disciplinary sanction of Disciplinary Probation, Deferred Suspension from University Housing and/or Deferred Suspension from the University; and
    - d) two semesters have passed since the ending date of the disciplinary sanctions.
  - v. Request for limited release of records
    - a) A student must complete an application request and may submit optional supporting documents. Details may be found on Community Standards & Conflict Resolution website.
    - b) The Director of Community Standards & Conflict Resolution (or designee) will review the application and may consult with other offices on campus in order to determine if a limited release of records is warranted based on the following:
      - i) the student's reflection of the incident and demonstration of learning;
      - ii) the student's contributions to the community by the applicant;
      - iii) the confirmed lack of additional disciplinary cases; and

- iv) the nature of the violation and the severity of any damage, injury or harm resulting from it.
- c) The student will be notified of the outcome of their request within 30 business days of submission.
- d) The decision of the Director of Community Standards & Conflict Resolution (or designee) will be final.

## H. Administrative Actions

### 1. 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 Community Standards & Conflict Resolution (or designee) for undergraduate students and organizations or the Associate Provost for Graduate and Professional Education (or designee) for graduate students may enact an emergency suspension subject to the following provisions:

- a. An emergency suspension is an interim action, effective immediately.
- b. The emergency suspension shall last until the charged student's case is resolved in accordance with prescribed procedures.
- c. Should the student request an administrative hearing, this hearing will take place within three business days from the imposition of the emergency suspension.
- d. At the conclusion of the hearing, the administrative hearing officer shall decide whether to continue, alter or modify the emergency suspension. This decision will be shared with the charged student immediately after this decision is reached and cannot be appealed.
- e. Within three business days of the conclusion of the hearing, the administrative hearing officer will render a final decision regarding responsibility and sanctions (if appropriate), which will be shared with the charged student, reporting party and victims (if applicable).
- f. Should an appeal be submitted, the standards outlined in Section D.3 will be followed except that all deadlines will be three business days rather than five business days.
- g. A request by the charged student for an extension of the date of the emergency suspension hearing date or for the appeal deadline, 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 Temporary Separation process set forth below.

2. Temporary Separation When Certain Charges are Pending
  - a. A 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 temporarily separated from the University once this information becomes known to the University.
  - b. Once temporarily separated, the student will be banned from entering all buildings, grounds and facilities owned or managed by the University and prohibited from participating in any University-sponsored activities until the temporary separation is rescinded.
  - c. The student shall have the right to a meeting with the Dean of Students (or designee) within three business days from the imposition of the temporary separation at which time the student shall be provided the opportunity to demonstrate the temporary separation 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 temporary separation is manifestly unjust.
  - d. The Dean of Students (or designee) will decide whether to continue or rescind the temporary separation and will communicate this decision to the student within 24 hours of the conclusion of the meeting. The decision of the Dean of Students is final and may not be appealed.
  - e. The temporary separation will be noted on the student's transcript with the statement "Student was temporarily separated by the University" and the date on which the temporary separation was enacted. The student's matriculation status will continue until the end of the term in which the temporary separation was enacted. At the end of the term the student's matriculation will end and each course grade, if necessary, will be recorded as "W."
  - f. A record of the reason why the temporary separation was enacted will be created and maintained according to the Retention of Records policy, as defined in Section II.G.
  - g. The temporary separation will remain in effect until the latter of:
    - i. The dismissal of all pending criminal charge(s) against the student;

- ii. The acquittal of the student on all pending criminal charge(s);
  - iii. A full adjudication through the student conduct process of all conduct charge(s) applied based on the behavior from which the criminal charge(s) derived.
- h. Once the temporary separation is rescinded, the statement noted above will be removed from the transcript. The student conduct record will be augmented to note the temporary separation was rescinded. Any course grade of “W” recorded will remain. If the student’s matriculation ended, that student will be required to re-apply to the University.
- i. This temporary separation process is a supplement to the Emergency Suspension procedures outlined above and in no way limits any rights of the University to apply any additional or different disciplinary sanctions.

### 3. Holds

Staff in Community Standards & Conflict Resolution or Office of Graduate and Professional Studies may place a registration or transcript hold on a student’s account. The hold will be placed to ensure the student completes any pending business pending with that office (including unfinished sanctions). The hold will be removed solely at the discretion of the staff member who placed the hold.

### III. SANCTIONS

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

#### A. Types of Sanctions

Sanctions include, but are not limited to:

##### 1. Educational

Educational sanctions provide a student the opportunity to review conduct expectations, understand how behavior can contribute to a positive and beneficial University experience and learn of campus resources which support academic and non-academic success. Examples of educational sanctions include writing a research or reflective paper, attending a seminar, or meeting with members of various University offices.

##### 2. Administrative

The following administrative sanctions, listed alphabetically, may be applied in order to hold students accountable for their behavior, to protect the safety of the campus community or to repair harm to the community. This list is not exhaustive and any number of the sanctions below may be simultaneously assigned in any case.

###### a. Deferred Suspension from the University

Deferred suspension from the University is a period of review during which the student must demonstrate the willingness and ability to comply with University policies, regulations, and all other stipulated requirements. If, during the period of the deferred suspension, the student is again found responsible for violating

any University policy, the student will be immediately suspended from the University.

b. Deferred Suspension from University Housing

Deferred suspension from University housing is a period of review during which the student must demonstrate the willingness and ability to comply with University policies, regulations, and all other stipulated requirements. If, during the period of deferred suspension from University housing, the student is again found responsible for violating any University policy, the student will be suspended immediately from University housing.

c. Disciplinary Probation

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

d. 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 policies or regulations. A Disciplinary Warning is not reported outside Community Standards & Conflict Resolution, in accordance with the Retention and Release of Disciplinary Records process.

e. 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 designee.) Expulsion requires a student to be withdrawn from all classes, suspended from University 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 expelled by the University.



f. Fees

The University may assess a fee in conjunction with any case handled by Community Standards & Conflict Resolution or Graduate College. Fees assessed to individual students are charged to their billing account.

g. 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 sanctions. A Notice of Reprimand is not reported outside the University of Delaware, (unless an additional case occurs) in accordance with the Retention and Release of Disciplinary Records process.

h. Parental Notification

In order to support students' learning and success following a violation of policy, the University will contact the parent or legal guardian of a student who is tax dependent (as defined 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.

i. 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.

j. Suspension and Ban from the University

Suspension from the University requires a student to be withdrawn from all classes, suspended from University 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 suspended by the University and will include the beginning and end dates of the suspension. Following the conclusion of the suspension period, the transcript notation will be removed. Records regarding the suspension will be maintained per the Retention of Records policy.

Students who further violate the Code of Conduct during the period of suspension or after returning to the University may be expelled.

A student who is suspended from the University for multiple years may submit an appeal when a suspension of more than two regular semesters has been served and the student wishes a reduction in the remaining period of suspension.

k. Suspension and Ban from University Housing

Suspension from University housing prohibits a student from residing in any University housing during the period of suspension. A student who is suspended from University housing is responsible for the cost of the housing space for the remainder of semester in which disciplinary action is finalized, unless this action is finalized before the end of the semester's free drop/add period. If this action is taken after the close of Fall semester but before the beginning of Spring semester, the student will be billed a late cancellation fee. Housing deposits for the following academic year also may be forfeited according to established cancellation deadlines.

During the period of suspension from University housing, the student is banned from entering all housing owned by the University of Delaware. Unless otherwise noted, this ban includes non-residential areas included within 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.

### 3. Other Sanctions

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

## B. Sanctions for Academic Honesty Policy Violations

1. In addition to sanctions set forth above, the University may apply a specific academic penalty for a violation of the Academic Honesty Policy. The following list of sanctions is not exhaustive, and the University may apply additional or different sanctions than those listed.
2. Procedures for Determining Academic Penalty
  - a. When a faculty member suspects a student of an academic violation, and 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. Faculty should contact Community Standards & Conflict Resolution (for undergraduate students or those in special programs) or the Graduate College (for graduate students).
  - b. After consulting with the appropriate office, the faculty member must choose one of the following methods of resolution:
    - i. As permitted in the Faculty Handbook, the faculty member will select an academic penalty, and present it to the student. If the student agrees to this penalty, the incident will be considered resolved. A brief summary of this resolution will be sent to Community Standards & Conflict Resolution or Graduate College for informational purposes only. If the student disagrees with the allegation of dishonesty or the proposed academic penalty, the incident must be adjudicated through the student conduct process. Students are prohibited from proposing a different penalty than the faculty member proposes so as to avoid having the suspected violation submitted to the student conduct process.
    - ii. Submit the suspected academic violation to Community Standards & Conflict Resolution or Graduate College for adjudication. Once submitted, the case cannot revert to the process permitted by the Faculty Handbook.

- c. If the faculty submits the incident to be adjudicated through the student conduct process, the faculty member will 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 apply 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, a lower or failing grade in the course or may require that the student be withdrawn from the course.
  - iii. Option C: The student will receive a failing grade in the course in which the violation occurred, and an "X" will be placed 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 offered by the University which addresses academic honesty and the ethical and social ramifications of violations of this standard. A student who successfully completes this seminar will have the "X" removed from the transcript and replaced with an "F". This seminar must be completed before the student's degree is conferred.

- d. If a student denies responsibility for violating the Academic Honesty Policy and is found responsible for a violation through the student conduct process, the academic penalty applied may be no more stringent than that which the faculty member initially prescribed.
- e. If the final academic penalty is a failing grade in the course (with or without the "X" notation) or withdrawal from the course, the student may be prohibited from returning to the class in which the violation occurred.
- f. When a student is charged with an academic honesty violation and the case is referred to the student conduct process, a grade of "I" should be given until the case is completed.

### C. Sanctions for Alcohol or Drug Policy Violations

#### 1. Specific Additional Measures

In addition to the sanctions listed in Section III.A above, additional, specific measures may be applied for each violation of the University's Alcohol or

Drug Policy, which may include a referral to staff within Student Wellness and Health Promotion, who will determine the best type of educational intervention to address the student's use of alcohol or drugs.

## 2. Medical Amnesty/Good Samaritan Protocol

Student health and safety are of primary concern at the University of Delaware. As such, in cases of intoxication or overdose due to the consumption or use of alcohol or drugs, the University encourages individuals to seek assistance for themselves or others.

If assistance is sought due to a serious and immediate risk from the consumption or use of alcohol or drugs, Community Standards & Conflict Resolution will not pursue conduct charges against a student for violations of the Alcohol Policy, Drug Policy or policies related to the consumption or use of alcohol or drugs. Additionally, those students who actively assist an individual under the influence of alcohol or drugs will not receive conduct charges for violations of the Alcohol Policy, Drug Policy or policies related to the consumption or use of alcohol or drugs.

Active assistance requires an individual to contact 911 or a University official (such as University of Delaware Police or Residence Life and Housing staff). Once an active call for help has been made, that individual must remain with and monitor the student's condition until assistance arrives, and cooperate fully during the medical and investigative process. Medical Amnesty will not be granted where there was no active call for medical assistance. Students who are confronted by University officials (such as University of Delaware Police or Residence Life and Housing staff) will be referred to Community Standards & Conflict Resolution for conduct charges.

When Medical Amnesty is granted, the student under the influence of alcohol or drugs (and possibly the referring student) will be required to meet with the Director of Community Standards & Conflict Resolution (or designee), who will require the completion of educational interventions designed to address the behavior which resulted in Medical Amnesty being granted. In most cases, notification will be sent to the student's parents or legal guardian. While there is no limit to the number of cases for which a student can receive Medical Amnesty, serious or repeated incidents will prompt a higher degree of concern and response. Failure to complete educational interventions required under this protocol will result in the application of student conduct charges.

The Medical Amnesty/Good Samaritan Protocol does not preclude conduct charges due to any other violations of the Code of Conduct (not related to the Alcohol or Drug Policies). In addition, it does not extend to the sale, distribution, or manufacturing of alcohol or drugs. All incidents are examined on an individual basis to determine if Medical Amnesty is applicable, as well as the most appropriate educational interventions.

Medical Amnesty will be granted to students who may have violated the Alcohol Policy or Drug Policy at the time of an incident when they became a victim of sexual assault, sexual harassment or other forms of sexual misconduct. Therefore, a charge of violating the Alcohol Policy or Drug Policy will not be applied to a student who reports being under the influence of alcohol or drugs at the time of an incident involving sexual assault, sexual harassment or other form of sexual misconduct. Please see more information in the [Sexual Misconduct Policy](#).

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

#### D. Sanctions for Student Organizations

1. 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. Examples of sanctions that may be applied upon a student organization include, but are not limited to:
  - a. 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 policies, regulations, and other stipulated requirements. If, during the period of the deferred suspension, the organization is again found responsible for violating any University rule, the organization, and its registration, privileges, and status will be immediately suspended.

- 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 policies, regulations, and all other stipulated requirements.

c. Notice of Reprimand Issued to a Student Organization

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

d. Social Probation of a Student Organization

Social probation prohibits an organization from participating in any event with alcohol on or off campus. The organization may still participate in non-alcoholic social events, community service, philanthropic and educational programs, provided alcohol is not a component of these events. "Participating in" includes, but is not limited to, sponsoring, co-sponsoring, hosting, and/or co-hosting.

e. Suspension of Organizational Privileges

- i. A student organization's privileges, chapter status, and registration may be suspended for a specified period of time. In the event that a student organization is suspended from the University, the organization may not during the term of the suspension:
  - a) Meet as an organization;
  - b) Recruit members;
  - c) Engage in social functions of any type;
  - d) Use University buildings, facilities, property, and equipment;
  - e) Use University resources, services, or funds; or
  - f) Co-sponsor, participate or attempt to participate as an organization in any University event, including any event sponsored by another student organization
- ii. In a case where suspension of all organizational privileges is not applied, any one or more of the individual privileges above may be suspended.

- iii. Upon the end of the suspension, and before a group is allowed to return, a petition must be submitted to the appropriate University official, which demonstrates in a sufficient manner, as determined by the University in its sole discretion, the following:
  - a) The issues leading to the organization's suspension have been remedied;
  - b) Those wishing to revive the organization's status understand the University's policies and procedures and are willing and able to them;
  - c) The organization and its members have complied with the suspension, have not engaged in conduct aimed at ignoring or frustrating the suspension; and
  - d) The organization and its members have committed no intervening violations of the Code of Conduct.



#### IV. RELATED UNIVERSITY POLICIES and PROCEDURES

This section contains other policies and procedures which support student success. These policies and procedures are administered by units other than Community Standards & Conflict Resolution. In addition to the policies and procedures listed below, students should familiarize themselves with policies applicable to *all* University community members, which are administered by the Office of General Counsel.

This list is not exhaustive. If a student has difficulty finding a needed policy or procedure, they may contact Community Standards & Conflict Resolution or Office of the Dean of Students.

- Amnesty
- [Active Military Duty](#)
- [Dining Contract](#)
- [Fraternity and Sorority Leadership and Learning](#)
- Grievances
  - [ADA Grievance](#)
  - [Grade Grievance](#)
  - [Discrimination and Harassment Grievance](#)
- [Housing Contract](#)
- [Medical Leave of Absence](#)
- [Missing Students](#)
- [Parking](#)
- [Student Behavior Consultation Team](#)

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