



STUDENT GUIDE TO UNIVERSITY POLICIES

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I. 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 for student members of the University community. Individual students and student organizations are expected to know and comply with the policies detailed in this Student Guide to University Policies.

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.”

The Student Guide to University Policies includes procedures for addressing alleged violations of this Student Guide (including the Code of Conduct section), or any other applicable University program or activity policies, rules, regulations, or standards of conduct (“policies”)

The formal conduct process, described herein, provides students who have potentially violated University policies with an opportunity to review information regarding assertions of University policy violations, and to permit for 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, without limitation: the right to be defended by an attorney during a case resolution conference; the right to rely on rules of evidence under state or federal law; or the absolute right to know the identity of those giving information to support the charge(s).

The primary goal of the student conduct process is to examine information, verify facts and determine the truth, resolve conflict and to effect change in behavior. Those making decisions in cases (such as the case resolution conference manager, graduate case resolution conference board or appellate board) may consider all information presented during the process, including components that might not be permitted in a criminal trial or other legal proceeding. 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.

Students are members of not only the University of Delaware community, but also their local city, home city and state and many more. 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 who violate, attempt to violate, or aid others in violating policies may face sanctions 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. The Student Guide posted online at www.udel.edu/stuguide is the current and active version.

II. Definitions

- A. **Academic work:** Any examination, test, quiz, lab report, paper, or other product (including drafts) that a student submits, or intends to submit, to any faculty member or other University official, including any material required to be submitted as part of a sanction.
- B. **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.
- C. **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.
- D. **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.
- E. **End of term:** The last day on which final exams are scheduled to take place for a given academic period.

- F. **Notice:** Any communication/announcement by the University regarding the student conduct process. Notice shall be deemed satisfied upon the sending of the communication/announcement 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.
- G. **Preponderance:** The standard review used to evaluate information and determine whether a student violated a University policy, unless any University policy includes its own and different standard of review. Preponderance means it is more likely than not, based on all available information, that violation of University policy occurred
- H. **Student:** A student is any individual who is currently enrolled in any class, in any modality (in-person, online, hybrid), in any program, for credit or not; is eligible to enroll for the next upcoming term. Reports of potential violation of University policy against former students may be acted upon at the discretion of the University if there is deemed to be a material reason to investigate. If the University decides to investigate, then any former student shall be considered a “student” for purposes of this Student Guide to University Policies. The word student as used throughout this Student Guide includes student organizations.
- I. **Student conduct advisor:** Any University member chosen by a student to provide assistance in understanding and navigating the student conduct process. Names of student conduct advisors familiar with the student conduct process are available upon request through Community Standards & Conflict Resolution.
- J. **Student organization:** A student group formed for scholastic, professional, social, or extracurricular activities. These may include, but are not limited to, registered/recognized 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 Student Guide to University Policies, a student organization shall remain a student organization regardless that its status has been rescinded, revoked or suspended by the University.

- K. **Term:** An academic period in which classes are offered. This includes traditional semesters (Fall and Spring) as well as Winter and Summer periods.
- L. **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.
- M. **University official:** University officials are all University employees, faculty, administrators, officers, staff, professionals, and any other persons acting on behalf of the University.
- N. : **Victim:** A victim is anyone who has suffered from any of the following acts:
1. Arson;
 2. Theft;
 3. Destruction, damage, or vandalism to property;
 4. Kidnapping/abduction;
 5. Verbal, written or physical harassment;
 6. Violence or physical assault; or
 7. Another act as deemed appropriate.

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

III. Jurisdiction

- A. The student conduct process in this Student Guide to University Policies will be applied to any alleged violation of University policies, other than to the extent any University policy includes its own procedures with respect to an investigation and/or sanctions, by:
1. Any student;;
 2. A recognized student organization;
 3. A student who is suspended or separated from the University; or
 4. 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. 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. Please review the [Non-Discrimination, Sexual Misconduct and Title IX Policy](#) for information regarding the procedure for conducting an investigation, hearing and appeal related to such incidents.

- B. The student conduct process may be used for any alleged violation of the Student Guide to University Policies for conduct which occurs in any location and:
 - 1. on University premises;
 - 2. at University sponsored activities;
 - 3. on premises owned or controlled by a student organization that is officially recognized by the University (as determined by the organization's status as a registered student organization);
 - 4. off campus when the behavior affects the on-campus safety or wellbeing of a member of the University community or University operations, or violates standards of expectation or codes of conduct specific to any University degree program, student activities, etc.; or
 - 5. when the University is required by law to address the behavior.
- C. The undergraduate resolution process ([Section VII.A](#)) shall have jurisdiction over:
 - 1. all students enrolled in an undergraduate program, a non-degree program or programs that do not require admission to the University or traditional class registration;
 - 2. all student organizations; and
 - 3. all students enrolled in the Graduate College whose reported incident does not involve an alleged violation of the [Academic Honesty Policy](#).
- D. The graduate resolution process ([Section VII.B](#)) shall have jurisdiction over all students enrolled in the Graduate College whose reported incident involves an alleged violation of the Academic Honesty Policy.
- E. In accordance with the [Non-Discrimination, Sexual Misconduct and Title IX Policy](#) the undergraduate student conduct process (Section VII.A) shall have jurisdiction over sanctioning and appeals associated with cases involving these policies if the respondent in the case is a student.
- F. Community Standards & Conflict Resolution has the authority to determine whether a submitted report 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 handled by Community Standards & Conflict Resolution, the method of resolution may be through the formal resolution process, alternative dispute resolution or restorative practices.

- G. The University retains absolute discretion to interpret jurisdiction for any student or any infraction not specifically described within this Student Guide to University Policies or any other University policy, procedure or agreement.

IV. Rights

A. Charged Students

A charged student alleged to have violated the Code of Conduct or any University policy is entitled to:

1. Be informed of the policy(s) alleged to have been violated, the sanctions to be applied if any policy was violated and the process for responding to the allegation(s) or appealing recommended sanctions.
2. Be notified of available counseling, mental health, or medical services on campus.
3. Have a case resolution conference (undergraduate students) or board hearing (graduate students) within a reasonable period of time after the conduct case is communicated to student. Once a case resolution conference or board hearing is scheduled, it may only be postponed for cause by the office managing the case.
4. Receive written notice of the date, time and location of the case resolution conference or board hearing at least five business days prior to the conference or board hearing.
5. Be informed about the status of a case at any point during the conduct process.
6. Prior to the case resolution conference or board hearing, review all documents and materials related to the case which are in the possession of the office managing the case. Such materials may be edited to shield the identity of any involved persons when officials believe that confidentiality is necessary to avoid risk to those persons. Note: the office managing the case does not always receive all information that may eventually be presented during a case resolution conference or board hearing. Therefore conduct files will not, in all cases, contain all information in the possession of the party who filed the report.
7. Know the names of all witnesses known by the office managing the case who will participate in the case resolution conference or board hearing (subject to provisions in this Student Guide regarding protecting witness identity). The office managing the case may not know the names of all witnesses in advance of the case resolution conference or board hearing.

8. Be free of any form of retaliation and to report such retaliation for appropriate action.
9. Appear in person and present information on one's behalf, call witnesses, and ask questions of those present at the case resolution conference or board hearing, except in a case resolution conference or board hearing involving a victim, who may elect to have questions screened and asked by the case resolution conference manager or board chair. May also elect not to appear at the case resolution conference or board hearing. Absence will be noted without prejudice, but the case resolution conference or board hearing may be conducted in the charged student's absence.
10. Refuse to answer any question or make any statement.
11. Have past unrelated behavior excluded from the case resolution conference or board hearing.
12. Be assisted by a student conduct advisor of one's choice, provided that person was not involved in the incident upon which the case is based. 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 student conduct advisor's name to the office managing the case at least three business days prior to the case resolution conference or board hearing. The student conduct advisor may:
 - a. Advise the charged student on the presentation of a response to the pending policy violation(s);
 - b. Accompany the charged student at all student conduct meetings; and
 - c. Advise the charged student in the preparation of any appeal.
13. In limited situations, have legal counsel.
 - a. Legal counsel may be present only in the following circumstances:
 - i. 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
 - ii. When the charged student's case resolution process occurs before the off-campus criminal process has been completed.
 - b. If legal counsel is present
 - i. Legal counsel may only serve only as an advisor and may only provide recommendation to 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 case resolution process. The charged student must inform the office managing the case of the name of the legal counsel at least three business days prior to the any case process resolution meeting; and

- ii. the University may, at its discretion, allow its own counsel also to be present.

14. Initiate an appeal.

15. Participate in the appeal process, if initiated by a victim.

16. Waive any of the rights contained in this subsection.

B. Victims

A [victim](#) is entitled to:

1. Be notified of available counseling, mental health, or medical services on campus.
2. Change living arrangements on campus and the right to reasonable academic accommodations, in accordance with applicable housing contracts and policies, and any other applicable University policies and procedures.
3. Be free of any form of retaliation and to report such retaliation for appropriate action.
4. Request a ban from contact against the charged student.
5. Decide whether or not to notify law enforcement authorities.
6. Decide whether or not to file a formal report within the student conduct process.
7. Be assisted by a student conduct advisor of one's choice, 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 the office managing the case at least three business days prior to the case resolution conference. The student conduct advisor will have the same role as a student conduct advisor for a charged student.
8. Be informed about the status of a case at any point during the conduct process.
9. Review all documents to be presented at the case resolution conference or board hearing that are made available to the charged student.

10. Be present at the case resolution conference or board hearing, in its entirety or any portion the victim chooses to attend.
11. Be separated from the charged student during the case resolution conference or board 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 case resolution manager or board chair, who, after screening for appropriateness and relevance, shall ask the questions to the victim.
12. Know the names of all witnesses known by the office managing the case who will participate in the case resolution conference or board 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). The office managing the case may not know the names of all witnesses in advance of the case resolution conference or board hearing.
13. Have past unrelated behavior excluded from the case resolution conference or board hearing.
14. Be notified of the outcome and sanctions affecting the victim as soon as possible.
15. Participate in the appeal process, if initiated by a charged student.
16. Initiate an appeal alleging a violation of any of the above rights occurred.
17. Waive any of the rights contained in this subsection.

V. Code of Conduct

The conduct standards listed below have been established to ensure the University community is safe, supportive of all members and conducive to learning and student success. The policies are based on the primary principle of respect – for oneself, for others and the Blue Hen community.

Respect for Community

A. Alcohol

1. The unauthorized possession, use, manufacture, sale, or distribution of alcohol is prohibited.
2. Student health and safety are of primary importance at the University of Delaware. As such, in cases of intoxication or overdose due to the 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](#).

3. See [Appendix A](#) for further details, including examples of behavior which would not uphold this standard.

B. Complicity

1. Standard of Behavior: 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 may be the basis for a violation of this policy.

C. Harassment

1. Standard of Behavior: 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.
2. If the conduct is directed toward a person on the basis of race, color, national origin, sex, disability, religion, age, marital status, pregnancy or parenting, 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, Sexual Misconduct and Title IX Policy](#). See the policy for further details regarding investigation, hearing and appeal processes related to such incidents.

D. Disruptive Conduct

1. Standard of Behavior: Students shall not impair, interfere with, or obstruct the orderly conduct, process, or function of the University or any of its members or guests or the surrounding community.
2. See [Appendix A](#) for further details, including examples of behavior which would not uphold this standard.

E. Drugs

1. Standard of Behavior: The unauthorized possession, use, manufacture, sale, or distribution of drugs and drug paraphernalia is prohibited.

2. Student health and safety are of primary importance at the University of Delaware. As such, in cases of intoxication or overdose due to the use of 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](#).
 3. See [Appendix A](#) for further details, including examples of behavior which would not uphold this standard.
- F. Failure to Comply
1. Standard of Behavior: Students shall not ignore, disobey, disregard, or otherwise violate any University policy.
 2. See [Appendix A](#) for further details, including behavior which would not uphold this standard.
- G. Guests
1. Standard of Behavior: Students are responsible for the behavior of their guests (defined as any non-University member) and must ensure that guests comply with all University policies.
- H. Residence Hall Regulations
1. Standard of Behavior: Students shall comply with all policies and procedures related to residence hall communities. In addition to the Residence Hall Regulations, students should review the [Housing Agreements](#), [Residence Hall Prohibited Items and Actions](#), and [Residence Hall Appliance Use](#).
 2. See the [Residence Hall Regulations](#) for further details.
- I. Responsible Computing
1. Standard of Behavior: Students must act responsibly and in accordance with University policies related to [Information Technologies](#).
 2. See [Appendix A](#) for further details, including examples of behavior which would not uphold this standard.
- J. Student Organizations
1. Standard of Behavior: Student organizations must adhere to this Code of Conduct.
 2. See [Appendix A](#) for further details, including examples of behavior which would not uphold this standard.
- K. Violations of Law
1. Statement of Behavior: 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. See [Appendix A](#) for further details.

Respect for Integrity

L. Academic Honesty

1. Standard of Behavior: Students must be honest and forthright in their academic studies. Students are expected to do their own work and must give proper credit for any work not their own. Students may neither give nor receive unauthorized assistance. Engaging in academic dishonesty, or allowing other students to do the same, corrupts the educational process and diminishes the quality of a University of Delaware degree.
2. See [Appendix A](#) for further details, including examples of behavior which would not uphold this standard.

M. False Information

1. Standard of Behavior: Students shall not provide false or misleading information.
2. See [Appendix A](#) for further details, including examples of behavior which would not uphold this standard.

N. Hazing

1. Standard of Behavior: Students shall not engage in hazing activities, as defined in the [Delaware Code, Title 14, Chapter 93](#).
2. 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 amnesty. Students are encouraged to review the complete [Amnesty Protocol](#).
3. See [Appendix A](#) for further details, including examples of behavior which would not uphold this standard.

O. Misuse of Materials, Services or Property

1. Standard of Behavior: Students shall not misuse any University material, service or property.
2. See [Appendix A](#) for further details, including examples of behavior which would not uphold this standard.

P. Theft

1. Students shall not take or possess the property of another without permission.

2. See [Appendix A](#) for further details, including examples of behavior which would not uphold this standard.

Respect for Safety

Q. Endangering Campus or Community Safety

1. Standard of Behavior: Students shall not endanger the safety of the campus or surrounding community or the safety or life of any person.
2. See [Appendix A](#) for further details, including examples of behavior which would not uphold this standard.

R. Fire Safety

1. Standard of Behavior: 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. See [Appendix A](#) for further details, including examples of behavior which would not uphold this standard.

S. Sexual Misconduct

1. Standard of Behavior is set forth in the [Non-Discrimination, Sexual Misconduct and Title IX Policy](#)

T. Weapons and Dangerous Instruments

1. Standard of Behavior: Students are prohibited from possessing, using or threatening to use any object that may reasonably be believed to cause physical injury to another person.
2. See [Appendix A](#) for further details, including examples of behavior which would not uphold this standard.

VI. Initiation of the Student Conduct Process

- A. Any person, including the Dean of Students or their delegate, may initiate a report concerning a student by filing a report with Community Standards & Conflict Resolution or the Graduate College (based on jurisdiction, as described above). 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 the report reasonably suggests that a violation of a University policy has occurred, and the student conduct process is determined to be most appropriate, the student shall receive notice that a conduct case has been created.

- C. This notice will be sent to the student's University email account and will include:
1. The specific policy(s) the student is alleged to have violated;
 2. The date, time and location of the occurrence and the name of the reporting party (as appropriate);
 3. A brief summary of the incident which precipitated the initiation of the conduct case;
 4. The charged student's rights; and
 5. Information on the student conduct process.
- D. If it is determined the report is best handled via a method other than the formal student conduct process (such as alternative dispute resolution) notice regarding such method will be sent to the student's University email account. The process, timeline and outcomes reached through alternative methods may be different than those described for formal resolution.

VII. Resolution of a Pending Conduct Case

A. Undergraduate Students

1. Case Intake Meeting

- a. A student will be expected to complete a case intake meeting within five business days of the date on which notification of the conduct case was sent.
- b. During the case intake meeting, a case intake manager will review information in the student's conduct file (including prior cases, if any) and explain options available within the student conduct process. Recommended sanctions, to be applied if the charged student is responsible for the violation(s), will also be discussed. The student is encouraged to ask questions and may provide additional information (such as written documents, photographs, audio/video files, etc.) to be added to the student's conduct file. Case intake meetings may not be recorded.
- c. At the conclusion of the case intake meeting, the student will choose one of the following options:
 - i. Accept responsibility for violating University policy and accept the sanctions recommended in the case intake meeting. *A student who accepts responsibility and accepts the recommended sanctions waives the right to both a case resolution conference and an appeal.*
 - ii. Accept responsibility for violating University policy but reject certain sanctions discussed in the case intake meeting as inappropriate or unreasonable. *A student who accepts responsibility for violating the Code of Conduct but*

rejects the recommended sanctions waives the right to a case resolution conference but retains the right of appeal only through an [Appeal of Sanctions](#).

- iii. Deny responsibility for violating University policy and request a case resolution conference. *A student who denies responsibility for violating University policy retains the right to both a case resolution conference and an appeal.*
 - d. A student who chooses not to attend a case intake meeting will be found responsible based on input only from the reporting party. Sanctions 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.
2. Case resolution conference
- a. The reporting party, all co-charged students who also requested a case resolution conference, the case resolution manager, the student conduct advisor (if any) and a Community Standards & Conflict Resolution designee (if any), shall be present for the entirety of the case resolution conference.
 - b. Witnesses
 - i. Only direct witnesses (those having factual information pertinent to the pending case) will be permitted. Character witnesses will not be permitted.
 - ii. A witness may only be present during the time the witness presents information.
 - iii. Any witness may be recalled at any time during the case resolution conference.
 - c. The case resolution conference shall be closed to all other parties.
 - d. All parties are expected to act in a professional and civil manner. If the reporting party causes a disruption, the reporting party will be removed, the case resolution conference will end and all charge(s) will be dropped. If the charged student causes a disruption, the charged student (and a student conduct advisor, if any) will be removed and the case resolution conference will continue in the student's absence. If any witness or victim causes a disruption, the witness or victim will be removed and the case resolution conference will continue in their absence.
 - e. The reporting party must attend the case resolution conference 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 incident and may present direct witnesses to support the case. The case resolution manager may question the reporting party and the reporting party's witnesses. The charged student, 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 may, with the assistance of a student conduct advisor (if any), present information regarding the reported incident. This response may include factual information (such as written documents, photographs, audio/video files, etc.), which will become a part of the conduct file. Information pertaining to character or authorities outside the University may not be presented. Direct witnesses may also be presented. The case resolution manager may question the charged student and the charged student's witnesses. The reporting party will then have the opportunity to question the charged student and witnesses.
- h. The reporting party and the charged student may, in that order, present concluding remarks. The case resolution manager will then close the case resolution conference.
- i. The case resolution manager may exclude any information that is irrelevant or redundant to the allegations.
- j. Proof that a violation of University policy occurred must be established by a [preponderance](#) of the information, meaning it is more likely than not, based on all available information, that a violation of University policy occurred.
- k. If the case resolution manager finds the charged student responsible for violating some or all of the policies alleged to have been violated, information shared during the case resolution conference as well as information concerning the charged student's past conduct record (including student conduct process actions, housing policy violations, civil or criminal court convictions, and any other information deemed relevant by the case resolution manager) may be considered in determining the appropriate sanctions. The case resolution manager may also consult with Community Standards & Conflict Resolution staff to ensure appropriateness and reasonableness of the sanctions. The case resolution manager may apply different sanctions (either less or more stringent) than the recommended sanctions discussed in the case intake meeting.

- l. The case resolution conference will be recorded by a Community Standards & Conflict Resolution designee, for review and appeal purposes. No other electronic devices (including, but not limited to, cellphones, computers and additional recorders) may be used during the case resolution conference, unless expressly permitted by the case resolution manager. To protect student confidentiality and the integrity of its process, the University does not provide copies of these recordings. However, to aid in the preparation of an appeal, a student may listen to the recording in the presence of Community Standards & Conflict Resolution staff or 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. Within five business days of the case resolution conference, the decision of the case resolution manager will be sent to the student's University email account and will include:
 - i. The case resolution manager's findings and rationale;
 - ii. The sanctions applied by the case resolution manager (if any); and
 - iii. The appeal process.
 - n. Notice of decision, sanctions and appeal process will also be sent to the reporting party. Any victim will be notified of any outcome or sanction that affects the victim.
 - o. All information pertinent to the case, including a copy of the case resolution manager's decision and any appeal materials (if applicable), will be maintained in accordance with the Retention and Release of Records, as defined in [Section X](#).
3. Appeals
- a. Appeal of Sanctions
 - i. The charged student must submit an Appeal of Sanctions within five business days of the date on which a list of all recommended sanctions discussed in the case intake meeting was sent to the student. Should the charged student fail to submit an appeal within this time period, the proposed sanctions shared in the case intake meeting will be applied, no appeal will be considered and the case will be closed.
 - ii. Only the following sanctions may be addressed:
 - a) Academic penalty;
 - b) Deferred Housing Suspension ;
 - c) Deferred University Suspension;

- d) Housing Suspension ;
 - e) University Suspension ; 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) 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. If the above criteria are not met, Community Standards & Conflict Resolution may reject the appeal or allow the student to amend the appeal to meet criteria.
- v. Upon receipt of the Appeal of Sanctions, a copy 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, within five business days of the date on which the appeal was sent. If the above criteria are not met, Community Standards & Conflict Resolution may reject the appeal or allow the person who submitted the response to amend the response to meet the above-specified criteria.
- vi. The student's appeal and responses from all appropriate parties will be reviewed by Community Standards & Conflict Resolution and, if appropriate, then reviewed in a closed meeting by an Appellate Board [panel](#).
- vii. In addition to the student's appeal and all responses, the Appellate Board panel may review all other documentation contained in the student's conduct file. At the discretion of the chair of the Appellate Board, all pages beyond the three-page limit of a student's appeal or any response may be disregarded.
- viii. The Appellate Board, by majority vote, may decide to

- a) Deny the Appeal of Sanctions and apply the recommended sanctions; or
 - b) Grant the Appeal of Sanctions and reduce or otherwise limit the recommended sanctions. A reduction in penalty or duration may be accompanied by the inclusion of educational interventions or a fee.
- ix. The decision, rationale and all sanctions applied will be sent to the student, reporting party and any other appropriate party who responded to the appeal. The victim (if any) will receive notice of the decision and any sanction which affects them.
- x. The Appellate Board's decision is final.
- b. Appeal of Decision
 - i. The charged student may submit an appeal within five business days of the date on which the decision was sent.
 - ii. The appeal must allege one or more of the following:
 - a) The decision is contrary to information available at the time the decision was made;
 - b) The decision is contrary to new information not known at the time the decision was made;
 - 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 Housing suspension ;
 - iii) Deferred University suspension ;
 - iv) Housing Suspension ;
 - v) University Suspension; or
 - vi) 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) 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. If the above criteria are not met, Community Standards & Conflict Resolution may reject the appeal or allow the student to amend the appeal to meet above-specified criteria.
- v. The reporting party, the case resolution manager and any other party deemed appropriate by the University, including any victim, will be sent the student's appeal. 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. If the above criteria are not met, Community Standards & Conflict Resolution may reject the response or allow a resubmission that meets criteria.
- vi. The charged student's appeal and responses received from all appropriate parties will be reviewed by Community Standards & Conflict Resolution and, if appropriate, then reviewed in a closed meeting by an Appellate Board panel.
- vii. In addition to the student's appeal and all responses, the Appellate Board may review all other documentation contained in the student's conduct file. At the discretion of the chair of the Appellate Board, all pages beyond the three-page limit of a student's appeal or any response may be disregarded.
- viii. 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. 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. Additional information may be solicited from the charged student, reporting party, case resolution manager, any relevant witnesses or any other appropriate party;

- d) Direct Community Standards & Conflict Resolution to provide a new case resolution conference conducted by the Appellate Board, if it is determined the decision is contrary to information available when the decision was made or contrary to new information not available at the time the decision was made; 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.
 - ix. The student, reporting party and case resolution manager will receive notice of the decision. The victim (if any) will receive notice of the decision and any sanction which affects the victim.
 - x. The Appellate Board's decision, except any decision reached as the result of a second case resolution conference initiated due to procedural error, is final.
 - xi. A decision reached as a result of a second resolution conference initiated as a result of a due process violation will be subject to all appeal options as described above.
- c. Appeal Initiated by Victim
 - i. A victim (as defined in Section IV.B) 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 may only allege that a violation of victim's rights (as defined in Section IV.B) occurred;
 - iii. The appeal must
 - a) Shall be prepared by the victim with the assistance of a student conduct advisor only;
 - b) Must be computer-printed and shall be limited to three double-spaced pages with one-inch margins and a 12-point font; and
 - c) Shall not include information describing the student's character or citing authorities outside the University.
 - iv. If the above criteria are not met, Community Standards & Conflict Resolution may reject the appeal or allow the victim to amend the appeal to meet the above-specified criteria.

- v. Upon receipt of the appeal, a copy will be sent to the reporting party, the charged student, the case resolution manager, 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. If the above criteria are not met, Community Standards & Conflict Resolution may reject the response or allow a resubmission that meets criteria.
- vi. In addition to the victim's appeal and all responses, the Appellate Board may review all other documentation contained in the charged student's conduct file. At the discretion of the chair of the Appellate Board, all pages beyond the three-page limit of an appeal of any response may be disregarded or the entire appeal may be rejected if it does not meet criteria listed above.
- vii. 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 case resolution conference manager, any relevant witnesses or any other appropriate party; or
 - c) Grant the appeal and direct Community Standards & Conflict Resolution to provide a new case resolution conference conducted by a new case resolution manager.
- viii. The outcome of a new case resolution conference may result in:
 - a) The same decision regarding responsibility and sanctions as made by the original case resolution manager;
 - b) The same decision regarding responsibility but a different decision regarding sanctions as made by the original case resolution manager; or
 - c) A different decision regarding responsibility and a different decision regarding sanctions as made by the original case resolution manager.

- ix. The decision of a second case resolution conference will be subject to all appeal options as described above.
- 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 full semesters (meaning Fall or Spring term) 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) 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. If the above criteria are not met, Community Standards & Conflict Resolution may reject the appeal or allow the student to amend the appeal to meet the above-specified criteria.
 - iv. The appeal may be shared with the reporting party, case resolution manager (if any), victim (if any) and any other appropriate party. 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. If the above criteria are not met, Community Standards & Conflict Resolution may reject the response or allow a resubmission that meets criteria.
 - v. In addition to the student's appeal and all responses, the Appellate Board may review all other documentation contained in the student's conduct file. At the discretion of the chair of the Appellate Board, all pages beyond the three-page limit of an appeal or any response may be disregarded or the entire appeal may be rejected if it does not meet criteria listed above.
 - vi. If granted, the Appellate Board may reduce the length of the suspension as deemed appropriate.
 - vii. 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.

- e. See [Appendix B](#) for operations of the Appellate Board.

B. Graduate Students

1. Initial Meeting

- a. The graduate student will be invited to participate in an initial meeting with the Associate Dean of the Graduate College (or designee), during which the charged student will be:
 - i. Allowed to review and discuss information contained in the student's conduct 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) Accept responsibility and request an administrative action hearing for the purpose of determining and applying the appropriate sanctions; or
 - b) Deny the charge(s) and request a hearing by the graduate hearing board.
- b. 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 Hearing

- 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, significantly different information is obtained, this information will be shared with the charged student before sanctions are applied. The Associate Dean of the Graduate College (or designee) will share with the charged student all sanctions recommended to be 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 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 sanctions will be applied, no appeal will be considered and the case will be closed.

- ii. The appeal must allege that the sanctions applied are inappropriate or unreasonable. The request may include what sanctions the charged student feels are appropriate.
 - iii. The written request is 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 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, 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 case resolution conference 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 case hearing will be maintained by the Graduate College in accordance with the Retention and Release of Records process, as defined in [Section X](#).

3. Graduate Board Hearings

The chairperson of the graduate board hearing 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 hearing board members 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. Graduate board hearings shall be closed to all other parties.
 - d. The reporting party must attend the graduate board hearing unless an appropriate designee has been approved by the Associate Dean of the Graduate College prior to the graduate board hearing. Note: A reporting party's failure to attend a graduate board hearing without prior approval may result in a dismissal of the charge(s). A second postponement of a graduate board 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. Graduate board hearing members shall have the opportunity to question the reporting party and the reporting party's witnesses. The charged student shall then have the opportunity to question the reporting party and the reporting party's witnesses. The charged student then may present a response to the report. Graduate board hearing members shall have opportunity to question the charged student and the charged student's witnesses. The reporting party shall then question the charged student and the charged student's witnesses. Graduate board hearing members have 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 a violation of University policy occurred must be established by a [preponderance](#) of the information, meaning it is more likely than not, based on all of the available information, that a violation of University policy occurred. .
 - g. Graduate board hearing members may exclude any information that is irrelevant to the case resolution conference or has no bearing on the case or the case resolution conference. 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 hearing board will close the hearing.
 - i. If the graduate board hearing members find the charged student has violated any or all of the University policies alleged to have been violated, information concerning the charged student's past conduct record, including student conduct process actions, housing policy violations, civil or criminal court convictions, and any other information deemed relevant by the

graduate board hearing members may be considered in determining the appropriate sanction.

- j. The Associate Dean of the Graduate College (or designee) will make a recording of all board hearings. To protect student confidentiality and the integrity of its process, the University does not provide copies of these recordings. However, to aid in the preparation of an appeal, an appealing student may listen to the 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 board hearing, unless expressly permitted by the Associate Dean of the Graduate College.
 - k. The chair of the hearing board shall submit a written report to the Associate Dean of the Graduate College within five business days of the conclusion of the board hearing. The written report shall contain:
 - i. A summary of the report and the charge(s);
 - ii. A summary of information presented at the board hearing;
 - iii. A summary of the hearing board's findings and rationale;
 - iv. The hearing board's proposed sanctions (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 sanctions (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 hearing board's decision within five business days of date on which the decision was sent.
 - n. A copy of the hearing board's decision will be maintained in the Graduate College according to the Retention and Release of Records process, as defined in [Section X](#).
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 must allege:

- a) The decision is contrary to information presented at board hearing or contrary to new information not known at the time of the board hearing;
 - b) Any board hearing procedure was not properly followed; or
 - c) A sanction applied is inappropriate or unreasonable.
- iii. The written request is 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 to the reporting party, the chairperson of the 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 board hearing, review any documents presented during the 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 hearing board pending the decision on the appeal.
- vi. If the appeal is denied, the decision of the 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 case hearing.
- viii. The only persons permitted to attend the appellate case hearing will be:
 - a) The reporting party;
 - b) The charged student;
 - c) The charged student's student conduct advisor from the board hearing (if any);
 - d) Witnesses (including any victim, and the victim's student conduct advisor from the 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 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 appellate 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 board hearing. A victim, if any, will be notified of the outcome and any sanctions 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 and Release of Records process, as defined in Section X.
- 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 may only allege a violation of the victim's rights (as defined in Section II.C.3) occurred.
 - iii. The written request is 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 to the reporting party, the chairperson of the 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 board hearing, review any documents presented during the 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 hearing board pending the decision on the appeal.
- vi. If the appeal is denied, the decision of the hearing board will become effective as of the date that the Dean of the Graduate College decides not to grant an Appellate Case resolution conference.
- 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 Case resolution conference will be:
 - a) The reporting party;
 - b) The charged student;
 - c) The charged student's student conduct advisor from the board hearing (if any)
 - d) Witnesses (including any victim, and the victim's student conduct advisor from the 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 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 appellate 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 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 and Release of Records process, as defined in Section X.

5. Graduate Hearing Board

a. Jurisdiction

The 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 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 hearing board may not be from the charged student's academic program.

C. Student Organizations

1. Student Organizations are bound by the Student Guide to University Policies and each use of the word "student" in this Student Guide means student organization. Student Organizations must comply with this Student Guide to University Policies and should review the [Student Organizations Policy](#) within the Code of Conduct and [Section VIII](#) for possible sanctions.
2. A case resolution conference for a student organization will follow the procedures for undergraduate students. Case resolution conferences 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 the 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, sanctions 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 organization is charged with a violation of University policy, 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.

VIII. Sanctions

The University administration reserves the absolute discretion to determine appropriate sanctions to be applied 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 conduct record, the severity of behavior, 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

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. In most instances involving a violation of the Alcohol or Drug Policy, educational sanctions will 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. University Status

The following sanctions, listed in increasing level of severity, may be applied 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. Disciplinary Warning

A disciplinary warning is an official written notice expressing disapproval of conduct and a statement that the conduct violates University policy. A Disciplinary Warning is not reported outside Community Standards & Conflict Resolution, in accordance with the Retention and Release of Records process, as defined in [Section X](#).

b. 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 Records process, as defined in [Section X](#).

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, and all other stipulated requirements.

d. Deferred Housing Suspension

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

e. Deferred University Suspension

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

f. Housing Suspension

Housing Suspension prohibits a student from residing in or entering any University housing facilities 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 conduct 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 Housing Suspension, the student is banned from entering all University housing facilities. 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.

g. University Suspension and Ban from Campus

University Suspension 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 placed on University Suspension 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 and Release of Records process, as defined in [Section X](#).

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

h. University Expulsion

University Expulsion is permanent separation and removal from the University. The sanction of University 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 permanently 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.

3. Organizational

- a. In addition to the specific sanctions listed above, a student organization may face additional or different sanctions for its conduct or the conduct of one or more of its members.
- b. Sanctions that may be applied upon a student organization include, but are not limited to:

i. 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.

ii. 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.

iii. 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.

iv. Deferred Student Organization Suspension

Deferred Student Organization Suspension 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 policy, the organization, and its registration, privileges, and status will be immediately suspended.

v. Suspension of Student Organization Privileges

- a) 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:
 - 1) Meet as an organization;
 - 2) Recruit members;
 - 3) Engage in social functions of any type;
 - 4) Use University buildings, facilities, property, and equipment;

- 5) Use University resources, services, or funds; or
- 6) Co-sponsor, participate or attempt to participate as an organization in any University event, including any event sponsored by another student organization

b) In a case where suspension of all organizational privileges is not applied, any one or more of the individual privileges above may be suspended.

c) 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:

- 1) The issues leading to the organization's suspension have been remedied;
- 2) Those wishing to revive the organization's status understand the University's policies and procedures and are willing and able to them;
- 3) The organization and its members have complied with the suspension, have not engaged in conduct aimed at ignoring or frustrating the suspension; and
- 4) The organization and its members have committed no intervening violations of the Code of Conduct.

4. Administrative

a. Fees

The University may assess a fee in conjunction with any case which results in a determination that a violation of University policy occurred. Fees are charged to a student's billing account.

b. Restitution

The University may require restitution for damage, destruction, or theft of University property. These charges may not be in excess of the damage or loss incurred. Restitution costs are charged to a student's billing account.

c. Parental Notification

In order to support students' learning and success following a violation of policy, the University may, in certain circumstances, contact the parent or legal guardian of a student who is tax dependent (as defined by the Family Educational Rights and Privacy Act), as deemed appropriate by Community Standards & Conflict Resolution staff.

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

B. Sanctions for Violations of the Academic Honesty Policy

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 the Graduate College for informational purposes only. If the student disagrees with the allegation of dishonesty or the proposed

academic penalty, the incident must be resolved 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 Community Standards & Conflict Resolution.

- ii. Submit the suspected academic violation to Community Standards & Conflict Resolution or the Graduate College for resolution. Once submitted, the case cannot revert to the process permitted by the Faculty Handbook.
- c. If the faculty submits the incident to be resolved through the student conduct process, the faculty member will choose one of the following academic penalty options:
 - 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.

IX. Administrative Actions

A. 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:

1. An emergency suspension is an interim action, effective immediately.
2. An emergency suspension may be from the entire University campus, from University housing only or any other specific parameters as determined by the Director of Community Standards or Associate Provost for Graduate and Professional Education.
3. The emergency suspension shall last until the charged student's case is resolved in accordance with prescribed procedures.
4. Should the student request a case resolution conference, this conference will take place, to the extent possible, within three business days from the imposition of the emergency suspension.
5. At the conclusion of the case resolution conference, the case resolution manager 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.
6. Within three business days of the conclusion of the case resolution conference, the case resolution manager 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).
7. Should an appeal be submitted, the standards outlined in [Section VII.D.3](#) will be followed except that all deadlines will be three business days rather than five business days.
8. A request by the charged student for an extension of the date of the emergency suspension case resolution conference 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.

B. Temporary Separation When Certain Charges are Pending

1. 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.
2. 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.
3. 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:
 - a. The student is not charged with a crime as listed above;
 - b. The alleged crime, even if proven, has no bearing on any legitimate University interest and;
 - c. the action is manifestly unjust.
4. 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.
5. 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."
6. A record of the reason why the temporary separation was enacted will be created and maintained according to the Retention and Release of Records process, as defined in [Section X](#).
7. The temporary separation will remain in effect until the latter of:

- a. The dismissal of all pending criminal charge(s) against the student;
 - b. The acquittal of the student on all pending criminal charge(s);
 - c. Resolution through the student conduct process of all conduct charge(s) applied based on the behavior from which the criminal charge(s) derived.
- 8. 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.
- 9. 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 student conduct sanctions.

C. Holds

- 1. Community Standards & Conflict Resolution and the Graduate College staff may place a registration or transcript hold on a student's account. The hold will be placed to ensure the student completes any business pending with that office (including unfinished sanctions). The hold will be removed solely at the discretion of the office which placed the hold.

X. Retention and Release of Records

The University's retention policy is as follows:

A. Retention of Records

- 1. For a student enrolled in an Associate in Arts degree program:
 - a. For cases in which an outcome of responsible is reached and a status sanction of expulsion is applied, all information related to the incident and outcome will be permanently retained in the student's conduct file.
 - b. For cases in which an outcome of responsible is reached and a status sanction other than expulsion is applied, all records of the incident and outcome will be maintained until:
 - i. the student's graduation from a bachelor's degree program; or

- ii. the student's graduation from the Associate in Arts degree program, if the student does not matriculate into a bachelor's degree program; or
 - iii. 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.
 - 2. For all other students:
 - a. For cases in which an outcome of responsible is reached and a status sanction of expulsion is applied, all records of the incident and outcome will be permanently retained in the student's conduct file.
 - b. For cases in which an outcome of responsible is reached and a status sanction other than expulsion is applied, all information related to the incident and outcome will be maintained until the student graduates, completes their program of study or, in the event the student ceases to maintain enrollment, for four calendar years after the student's most recent term of enrollment.
 - 3. For a student organization, when an outcome of responsible is reached all records will be maintained permanently.
 - 4. 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.
 - 5. Federal law currently requires the retention of certain data and records of certain conduct violations. 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.
- B. Release of Records
- 1. If a resolved conduct case includes 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.
 - 2. If a resolved conduct case includes 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.

3. For all other resolved cases which include any other status sanctions, information regarding that case may be released to 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.
4. Limited release of records
 - a. A student may request that records of certain incidents not be disclosed outside the University based on the below criteria.
 - b. 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.
 - c. 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.
 - d. The following criteria must be met in order to request a Limited Release of Records:
 - i. The student has a single conduct case in their record
 - ii. the case did not involve a violation of the Academic Honesty Policy, violence or threats of violence, sexual misconduct, discrimination or harassment;
 - iii. the case included a status sanction of Disciplinary Probation, Deferred Housing Suspension or Deferred University Suspension; and
 - iv. two semesters have passed since the ending date of the status sanctions.
 - e. Request to limit release of records
 - i. A student must complete an application request and may submit optional supporting documents. Details may be found on the website of Community Standards & Conflict Resolution.
 - ii. 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:

- a) the student's reflection of the incident and demonstration of learning;
 - b) the student's contributions to the community by the applicant;
 - c) the confirmed lack of additional disciplinary cases; and
 - d) the nature of the violation and the severity of any damage, injury or harm resulting from it.
- iii. The student will be notified of the outcome of their request within 30 business days of submission.
- iv. The decision of the Director of Community Standards & Conflict Resolution (or designee) will be final.

XI. Related University Policies

Below are 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 below, students should familiarize themselves with policies applicable to *all* University community members.

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

- [Active Military Duty](#)
- [Dining Contract](#)
- [Fraternity and Sorority Leadership and Learning](#)
- **Grievances**
 - [Americans with Disabilities Grievance](#)
 - [Grade Grievance](#)
 - [Discrimination or Harassment Grievance](#)
- [Housing Contract](#)
- [Medical Leave of Absence](#)
- [Missing Students](#)
- [Parking](#)
- [Student Behavior Consultation Team](#)
- **University Student Centers**
 - [Registered Student Organizations](#)
 - [Use of facilities](#)

Appendices

Appendix A (Prohibited Actions for Code of Conduct Policies)

Below please find additional information regarding policies contained within the Code of Conduct section of this Student Guide to University Policies

Academic Honesty

Behaviors which would demonstrate disrespect for academic integrity include, but are not limited to:

1. Cheating

- a. 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.
- b. 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 written material to complete an academic work;
 - iv. The unauthorized use of electronic instruments – such as computers, cell phones, smart watches, translators or personal response systems (clickers) – or generative artificial intelligence platforms to complete an academic work;
 - v. The unauthorized collaboration with any other person . to complete any academic work, in any mode (i.e. in-person, online, take-home); 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 clickers, Poll Everywhere or Canvas quizzes.

2. Fabrication

- a. Fabrication is the use of invented information or the falsification of research or other findings.
- b. 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.

3. Plagiarism

- a. 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.
- b. 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.
- c. All material used must comply with the University's [Copyright and Fair Use in Instruction Policy](#).

4. Academic Misconduct

- a. Academic misconduct is any other act that disrupts the educational process or provides a student with an academic advantage over another student.
- b. 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, study guides, exams, answer keys or any 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).

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.

Alcohol

1. The University prohibits alcohol intoxication (regardless of age); the unauthorized possession, use, manufacture, sale, or distribution of alcohol; and driving while impaired due to alcohol use. Use of alcohol must comply with the University's [Alcohol Consumption on Campus Policy](#).
2. Behaviors which would demonstrate disrespect for self by misusing alcohol include, but are not limited to:
 - a. The possession, use, manufacture, sale, or distribution of alcohol by anyone under the legal age to do so; legal age shall be determined based on laws in place for the specific location in which the behavior occurs.
 - b. The possession, use, manufacture, sale, or distribution of alcohol in any University building, facility, or property; possession or use may only occur 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
- 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 use of alcohol by a student 21 years of age or older is subject to the following limitations and conditions:
 - 1) Alcohol may only be consumed in an individual sleeping room whose assigned resident is 21 years of age or older.
 - 2) 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.
 - 3) Alcohol is prohibited in any outdoor space connected to a University housing unit (i.e. balcony or patio.)
 - 4) 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 use of alcohol is not permitted for anyone, including guests, in that residential 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 use of alcohol by guests who are at least 21 years of age).
 - iii. The student's (or a guest's) possession or use of alcohol shall not infringe upon the privacy, peace, or enjoyment of other students or guests in the University housing unit.
 - iv. 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

- i. 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, manufacture, sale, or distribution of alcohol except as provided in the [Alcohol Consumption on Campus Policy](#).
- ii. 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).
- iii. Outside functions or events involving the use of alcohol are not permitted on campus.

c. Alcohol at the University Football Stadium

- i. The unauthorized possession, use, 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.
- ii. 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

- a. The University accepts no responsibility for the possession, use, 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.
- b. 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.

Disruptive Conduct

Behaviors which would demonstrate disrespect for community include, but are not limited to:

1. 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;
2. Threatening the health, safety, or welfare of another;
3. Interfering with the freedom of movement of another;
4. Invading the privacy of another;
5. Interfering with the right of another to enter, use, or leave any University building, facility, property, service, resource, or activity;
6. Interfering with a faculty member or University official in the performance of their duty;
7. Interfering with the freedoms of speech, religion, or association of another;
8. 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;
9. Making, exhibiting, or producing any inappropriate, loud, or disruptive noise or behavior;
10. Acting recklessly or in a manner that causes a disruption to the orderly function or operation of the University;
11. Exhibiting public nudity or lewd behavior; or
12. Urinating or defecating in any area of University buildings, facilities, or property other than restrooms;
13. Publicly disclosing (typically online) any personally identifiable information or photos of a particular person without permission, with the intent of harassing, intimidating or causing physical, emotional, financial or reputation harm to the person (commonly referred to as “doxing”); or
14. Retaliation against any other person.

Drugs

1. Definitions
 - a. The term “drugs” broadly includes, but is not limited to, any stimulant, intoxicant (other than alcohol), 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.
2. While the possession and use of cannabis for medical purposes is legal under Delaware law, the manufacture, possession, distribution, dispensing and use of cannabis remains illegal under federal law. Consistent with

- federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, the use and/or possession of cannabis (even for medical purposes) continues to be prohibited while a student is on University-owned or University-controlled property, and/or at any function hosted, authorized or supervised by the college regardless of where held.
3. Any use of drugs must comply with the [Drug Free Schools and Communities Act](#).
 4. Behaviors which would demonstrate disrespect for self by misusing drugs include, but are not limited to:
 - a. The possession, use, manufacture, sale, or distribution of any illegal drug, drug paraphernalia, prescription or prescription drug not prescribed to the student; legality of a drug or drug paraphernalia shall be determined based on laws in place for the specific location in which the behavior occurs.
 - 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.

Endangering Campus or Community Safety

Behaviors which would demonstrate disrespect for safety include, but are not limited to:

1. Creating an unsafe condition or environment which could cause harm to the campus or surrounding community or any of its members;
2. 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
3. Instigating, participating or otherwise encouraging others to engage in a fight, riot or other disruption.

Failure to Comply

Behaviors which would demonstrate disrespect for self include, but are not limited to:

1. Failing to comply with the directive of any University official or faculty member, including any sanction applied by Community Standards & Conflict Resolution;

2. 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;
3. Failing to comply with any applicable local, state or federal law or law enforcement officer; or
4. Failing to advise the University of any off-campus criminal arrest or conviction.

False Information

Behaviors which would demonstrate disrespect for integrity include, but are not limited to:

1. 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;
2. 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;
3. Making a false or misleading oral or written statement that misrepresents the character, qualifications, or reputation of another;
4. 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;
5. Falsely reporting a crime or violation of this Code of Conduct or any other University policy;
6. Possessing or displaying any form of false identification or any identification not one's own;
7. Assuming or attempting to assume the identity of another person; or
8. Forgery.

Fire Safety

Behaviors which would demonstrate disrespect for safety include, but are not limited to:

1. Setting or causing a fire;
2. Tampering with, misusing or damaging fire or safety equipment, such as fire alarms, heat sensors, smoke detectors, fire extinguishers or hoses;
3. Blocking or otherwise preventing the use of a fire exit, including hallways, windows, doors and stairwells;

4. 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
5. Disobeying the command of any University official or faculty member in connection with a fire, alarm or other safety or security measure.

Hazing

1. Definitions
 - a. Hazing, as defined in the Delaware Code, [Title 14, Chapter 93](#), is “any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher learning.”
 - b. For purposes of this definition, any activity as described in this definition upon which the admission or initiation into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be “forced” activity, the willingness of an individual to participate in such activity notwithstanding.
 - c. For purposes of this definition, the term “organization” 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 gathering of students.
2. Behaviors which would demonstrate disrespect for integrity include, but are not limited to:
 - a. Any brutality of a physical nature, such as
 - i. Whipping;
 - ii. Beating;
 - iii. Branding;
 - iv. Forced calisthenics;
 - v. Exposure to the elements;
 - vi. Forced consumption of any food, liquor, drug or other substance; or
 - vii. Any other forced physical activity which could adversely affect the physical health and safety of the individual
 - b. any activity which would subject the individual to extreme mental stress, such as
 - i. Sleep deprivation;
 - ii. Forced exclusion from social contact;

- iii. Forced conduct which could result in embarrassment;
- iv. Any other forced activity which could adversely affect the mental health or dignity of the individual; or
- c. Any willful destruction or removal of public or private property.

Misuse of Materials, Services, or Property

Behaviors which would demonstrate disrespect for community include, but are not limited to:

- 1. Destroying, damaging or misusing, whether permanently or temporarily, any property belonging to another;
- 2. 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;
- 3. Destroying, damaging or defacing, whether permanently or temporarily, any University building, facility or property;
- 4. Impairing or otherwise hindering another's use of a University material, service, or property;
- 5. Reading, duplicating, removing, photographing, forging, counterfeiting, or altering any University document or record without authorization;
- 6. Littering on or in any University property, facility, or building; or
- 7. Engaging in conduct, including but not limited to skateboarding or rollerblading on steps, railings, bannisters or curbing, that may result in damage or destruction to any University building, facility or property.

Responsible Computing

- 1. Behaviors which would demonstrate disrespect for community 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.

Student Organizations

1. Behaviors which would demonstrate disrespect for community 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, University policies 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.
2. Application of Policy
 - a. 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.
3. 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.

Theft

1. Behaviors which would demonstrate disrespect for integrity 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.
2. Possession of Lost or Misplaced Items
 - a. 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](#).
 - b. 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.

Violations of Law

1. Notification of Criminal Arrest
 - a. A student is responsible for notifying the University of any off-campus criminal arrest or conviction.
 - b. 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.
2. 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 Administrative Actions 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.

Weapons and Dangerous Instruments

1. Possession or use of any weapon must comply with the University's [Possession and Use of Firearms on University Property Policy](#).
2. Behaviors which would demonstrate disrespect or safety 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.
3. Possession of a license to possess or use any of the above items shall not constitute a defense of any violation of this section.
4. This policy does not prohibit use of any chemical or instrument when 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 instruments should be addressed to the [University of Delaware Police Department](#) or [Environmental Health and Safety](#).
5. 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.

Appendix B (Appellate Board Operation)

Operations of the Appellate Board

A. Jurisdiction

The Appellate Board has sole appellate jurisdiction over cases managed by Community Standards & Conflict Resolution as well as cases managed by the Office of Equity and Inclusion in which the respondent is a student.

B. Appellate Board Pool

The Appellate Board pool shall be composed of undergraduate students, staff and faculty. 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:

1. Three voting members – one undergraduate student, one staff and one faculty; and
2. One non-voting chair, who must have served as a case resolution manager for at least one year or a voting member for at least three years.

D. Selection of Appellate Board Members

1. 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 and faculty, this is accomplished by contacting Community Standards & Conflict Resolution to express interest.
- b. Community Standards & Conflict Resolution 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) and the Faculty Senate (for faculty) to solicit interested parties.

2. 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 active sanctions
 - ii. Students who meet these requirements will participate in an interview process. Community Standards & Conflict Resolution staff will select members based on this process.
- b. Faculty and staff
 - i. After expressing their interest, faculty and staff may be asked to meet with Community Standards & Conflict Resolution to discuss their interest and learn of time commitment and responsibilities.
 - ii. Community Standards & Conflict Resolution will then decide if selecting the staff or faculty is appropriate.
- c. The decision Community Standards & Conflict Resolution to select or decline any applicant shall be final.

E. Term of Office

- 1. 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 a status 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).
- 2. Staff and faculty 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:

1. To make attendance to all training sessions and Board meetings a priority. Frequent absences are grounds for removal;
2. To maintain objectivity and impartiality. A member must disqualify oneself from participating in Board activity when the member feels objectivity cannot be maintained;
3. 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
4. To notify Community Standards & Conflict Resolution staff if any person attempts to influence a case or decision before the member.

G. Removal of Appellate Board Members

1. 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.
2. If Community Standards & Conflict Resolution determines that the allegation is supported by information, the member shall be informed. A meeting will be held to discuss the recommendation for removal and the accused member's response.
3. 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.

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