

# Student Code of Conduct

## ROWAN UNIVERSITY POLICY

**Title:** *Student Code of Conduct*

**Subject:** *Student Life*

**Policy No:** *SL: 2016:02*

**Applies:** *University-Wide*

**Issuing Authority:** *President*

**Responsible Officer:** *Vice President of Student Life/Dean of Students*

**Adopted:** *07/01/2016*

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**Last Reviewed:** *08/20/2021*

### I. PURPOSE

The Student Code of Conduct (Code) exists to notify students, faculty, and staff of the specific expectations Rowan University (Rowan) holds related to student behavior and the rights and responsibilities that accompany being a student and participating in student clubs or organizations.

### II. ACCOUNTABILITY

Under the direction of the President, the Vice President of Student Life/Dean of Students shall implement and ensure compliance with this policy.

### III. APPLICABILITY

This policy is applicable to all students of Rowan, and Rowan Choice students living on-campus.

### IV. DEFINITIONS

See Attachment 1 – Definitions

### V. REFERENCES

1. [RowanSOM Student Responsibilities, Rights and Disciplinary Procedures](#)
2. [RowanSOM Student Handbook](#)
3. [Honor Code and Professional Conduct sections of the \[Cooper Medical School of Rowan University\] Student Handbook](#)
4. [Student Handbook \[Graduate School of Biomedical Sciences\] Handbooks and Catalogs | Graduate School of Biomedical Sciences | Rowan University](#)

### VI. POLICY

Rowan is an academic community and as such has instituted this Code to set forth standards and expectations consistent with its purpose as an educational institution. The University reaffirms the principle of student freedom, coupled with an acceptance of full responsibility for one's behavior and the consequences of such behavior. Rowan recognizes the rights of its students guaranteed by the Constitutions of the United States and the State of New Jersey. These include a student's rights to freedom of speech, expression, inquiry, assembly, peaceful pursuit of an education, reasonable use of services and facilities of the University, and the presumption of innocence.

This Code applies equally to all Rowan students regardless of race, color, age, physical/mental abilities, veteran status, religion or creed, citizenship, national origin or ancestry, sex, gender identity, gender expression, affectional or sexual orientation. Rowan promotes a diverse community that begins with students, faculty, staff and administration who respect each other and value each other's dignity. By identifying and removing barriers and fostering individual potential, Rowan will cultivate a community where all members can learn and grow. The Rowan community is committed to a safe environment that encourages intellectual, academic, and social interaction and engagement across multiple intersections of identities. At Rowan, creating and maintaining a caring community that embraces diversity in its broadest sense is among the highest priorities.

Rowan is committed to addressing persistent issues related to diversity, equity and inclusion that result in positive outcomes for students, faculty, and staff.

As an institution of higher education, Rowan has the responsibility to expose students to educational opportunities that promote growth, development, and exposure to diverse perspectives. As a result, designated University Officials have the right to engage in conversations with students in an effort to provide educational opportunities independent of any level of responsibility for violations of the Code. While it is the goal of the disciplinary process to educate students as to the purpose and importance of abiding by the Code, the University will also issue sanctions as are appropriate and necessary to ensure continued and/or future adherence to this Code, and to protect the University community from disruptive behavior.

In addition to the Code, students must recognize and comply with the standards of classroom behavior as stated in their individual course syllabi. This document and supporting materials have been developed to guarantee procedural fairness to students when there has been an alleged failure to abide by Rowan policies and regulations. Procedures may vary in formality given the gravity and nature of the offense and the sanctions that may be applied. Each student is responsible for reading and complying with the Code.

#### 1. Authority

- a. The Vice President of Student Life/Dean of Students and his/her designees have the responsibility for maintaining and implementing the Code. In a situation where a student's health or safety is/was seriously endangered the Vice President of Student Life/Dean of Students or his /her designees has the authority and will make every attempt to notify the student's parent /guardian as soon as possible.

#### 2. Violation of Law and University Discipline

- a. Students may be accountable to both the University and to civil authorities for acts which violate the Code. University disciplinary action will normally proceed during the pendency of criminal proceedings. The University reserves the right to reach its own determination on violations of this Code independently of the outcome of any civil or criminal proceedings.

#### 3. Conduct Rules

- a. Individual students and student organizations are expected to abide by the Conduct Rules and Regulations (see Attachment 3), and administrators are expected to enforce them. Additional rules and regulations may be promulgated during the year; announcements will be made upon adoption of the changes or additions. Attempting, abetting, or being an accessory to any act prohibited by the Code will be considered the same as a completed violation.

#### 4. Rowan Global Students

- a. Rowan students in online or hybrid courses must also meet the "conduct" expectations as listed at [www.rowanonline.com](http://www.rowanonline.com). Students participating in off-site Rowan Global Extension programs will also be expected to follow the guidelines provided by that facility. Questions should be directed to Academic and Student Services, Office of Graduate Studies, Division of Global Learning & Partnerships at [global@rowan.edu](mailto:global@rowan.edu).

#### 5. Violation Levels

- a. Violations of the Code are generally grouped into three levels based upon their magnitude or seriousness. Multiple violations or the severity of a single violation may increase the given sanction. Some acts of misconduct may fall within two or more standards of the Code. In such cases, the University has the right to impose all of the sanctions available for all of the violations.

- i. Level One violations are generally a breach of the Code which adversely affect a smaller community.
- ii. Level Two violations generally are breaches of the Code which are more serious and adversely affect the Rowan community at-large (including repeated Level One violations).
- iii. Level Three violations generally are breaches of the Code which include threatening statements and/or behavior and unwanted contact that may compromise the health and safety of the Rowan community at large or individuals, specifically (including repeated Level Two violations).

#### 6. Appeals

- a. Upon receiving notification of the outcome of a case, the accused student, Complainant, victim (in cases of "crimes of violence" covered under this Code) or the Vice President of Student Life /Dean of Students or designee (in Campus Hearing Board cases) may file an appeal as outlined in Attachment 9. The appeals process described will be the final step in the discipline process and constitutes final University action.

#### 7. Procedures for Interim Suspension of Course participation, presence on Campus or Residence Areas and participation in University Related Activities

- a. A student may be suspended from continuing participation in coursework, being present on the campus or in campus residence areas or from participation in University related activities for an interim period pending a disciplinary hearing; the interim suspension is effective immediately without prior notice whenever there is evidence that the continued presence of the student on the campus may pose a substantial threat to others in the University or to the stability and/or continuance of normal University functions. (Refer to Attachment 10)

#### 8. Conduct Code Violations' Effect upon Graduation

- a. A student found responsible for violations of the Code, which could have led to expulsion or suspension had s/he remained a registered student at the University and who has otherwise satisfied the University's published requirements for graduation, may have the awarding of his/her degree postponed to a future date or permanently withheld. A student whose graduation is postponed or permanently withheld may also be refused a copy of his/her official transcript and cannot have it sent to others during the period of his/her sanction. In cases where graduation is delayed due to pending charges, cases normally will be adjudicated within as short a period of time as is practicable.

#### 9. Release of Disciplinary Record Information

- a. In accordance with current guidelines established in the Family Educational Rights and Privacy Act (FERPA) and implemented by Rowan, the record of most disciplinary proceeding's findings is not open to the public or disclosure to a third party without the consent of the individual student.
  - i. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the N.J. Sexual Assault Victim's Bill of Rights, and/or 34 CFR 668.47(a)(12) (vi) and the Violence Against Women Act of 1994 (42 U.S.C 13925 (a)) does permit the disclosure of campus discipline system findings to victims of "crimes of violence." In addition, FERPA permits, once all appeals are exhausted, the final results of campus disciplinary hearings for crimes of violence to be publicly disclosed, including the name of the accused held responsible and the nature of the offense.
  - ii. Parents or guardians may be notified for cases involving certain crimes of violence and in certain cases involving violations of campus drug or alcohol regulations, when the student is a dependent (as defined in Section 152 of the Internal Revenue Code of 1986) or when the Vice President of Student Life/Dean of Students or designee deems the matter to have been a health or safety emergency. Complainants in other kinds of cases will be notified about case adjudication and sanctions imposed if, in the Vice President of Student Life /Dean of Students or designee's opinion, such disclosure is necessary to protect the safety of the complainant or of other members of the University community.
  - iii. If FERPA or other pertinent regulations change, the students involved will be notified before a hearing is held. Information regarding FERPA Directory Information and the disclosure of information can be found on the Office of the University Registrar website at [rowan.edu/provost/registrar/ferpa.html](http://rowan.edu/provost/registrar/ferpa.html).
  - iv. The Office of Community Standards does not maintain or release police reports. Any request for a police report associated with a disciplinary case must be made to the issuing police department.

10. Record Keeping
  - a. The Office of Community Standards will maintain student disciplinary files, which contain all necessary and appropriate correspondence, Hearing Officer, Hearing Board, and appeal decisions as well as other documentation pertinent to any cases for which a student was found responsible for a violation of the Code. Records of cases that are designated as "pending" will also be maintained. Student disciplinary files will be maintained as follows:
    - i. Disciplinary records will normally be maintained for a period of seven years after the last year of the student's attendance at the University. The destruction of student disciplinary records is coordinated with the Office of Contracting & Procurement utilizing Artemis (Records Retention and Disposition Management System) and in accordance with the State of New Jersey Records Retention Policy.
    - ii. The disciplinary records of students who were Suspended or Expelled will be maintained indefinitely.
11. Timelines
  - a. All times set in the Code may be extended by the University, for good cause. Reasonable extensions will be determined by the Vice President of Student Life/Dean of Students or designee.
12. Interpretation and Revision
  - a. Any question of interpretation regarding the Code will be referred to the Vice President of Student Life/Dean of Students or designee for final determination. The Code may be periodically reviewed and amended as necessary under the direction of the Vice President of Student Life/Dean of Students or designee.

## VII. ATTACHMENTS

1. Attachment 1 – Definitions
2. Attachment 2 - Complaints Against Students, Student Groups and Non-Students
3. Attachment 3 - Conduct Rules
4. Attachment 4 - Disciplinary Procedures
5. Attachment 5 - Campus Hearing Board
6. Attachment 6 - Rights In All Disciplinary Hearings
7. Attachment 7 - Sanctions
8. Attachment 8 - Application of Standard Sanctions
9. Attachment 9 - Appeals
10. Attachment 10 - Procedures for Interim Suspension of Course participation, presence on Campus or Residence Areas and participation in University Related Activities

### ATTACHMENT 1 DEFINITIONS

1. *Administrative Hearing Officer* refers to a University official designated by the Vice President of Student Life/Dean of Students (or designee) to hold a hearing to determine whether a student has violated the Code and, if so, to impose sanctions.
2. *Campus Appeals Officer/Board* refers to the person or groups of persons authorized by the Vice President of Student Life/Dean of Students to consider an appeal from a hearing officer/hearing board's determination that a student has violated the Code or from the sanctions imposed.
3. *Campus Hearing Board* refers to groups of persons designated by the Vice President of Student Life /Dean of Students (or designee) to determine whether a student has violated the Code and, if so, to impose sanctions.
4. *Crimes of Violence* (including forcible and non-forcible sex offenses) refers to a set of crimes which includes arson, aggravated assault, simple assault, intimidation), burglary, criminal homicide - manslaughter by negligence, criminal homicide - murder and negligent manslaughter, non-negligent manslaughter, destruction/damage/vandalism of property, kidnapping/abduction, robbery, domestic violence, dating violence, and stalking, rape, sodomy, sexual assault with an object, fondling, incest and

statutory rape. (Some of these crimes/offenses may be covered under the University's Title IX Sexual Harassment/Sexual Assault Policy or Student Sexual Misconduct and Harassment Policy. To the extent they are covered by either of those policies, the conduct will be addressed in accordance with that applicable policy. If neither of those policies apply, the conduct may be addressed under the Code of Conduct.)

5. *May* is to be deemed permissive, imparting a choice.
6. *Member of the University Community* includes any person who is a student, faculty member, University official, or any other person employed by the University. A person's status in a particular situation will be determined by the Vice President of Student Life/Dean of Students.
7. *Organization* means any number of persons who have complied with the formal requirements for University recognition. This term also applies to persons involved in petitioning for recognition. (Greek Letter Organizations are also subject to the disciplinary procedures outlined in the Greek Handbook.)
8. *Special Interim Hearing Board* refers to a group of persons designated by the Vice President of Student Life/Dean of Students (or designee) to determine whether a student has violated the Code and, if so, to impose sanctions when a Campus Hearing Board cannot convene.
9. *Student* includes all persons enrolled in courses at Rowan, both full-time and part-time, pursuing undergraduate or graduate studies, and those who live in campus living units. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University, such as students who were previously enrolled, withdraw/take a leave of absence, persons participating in University sponsored academic programs and students who are serving a period of suspension, are considered "students."
10. *University* means Rowan University.
11. *University Official* includes any person employed by Rowan, performing assigned administrative or professional responsibilities.
12. *University Premises* includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by Rowan, including adjacent streets and sidewalks.
13. *University-Sponsored/Affiliated Event* means any activity on or off campus, which is initiated, aided, funded, or supervised by the University or the Student Government Association.
14. *Will* is to be used in the imperative sense, not imparting a choice.
15. *Witness* refers to a person who has personal knowledge of the incident in question.

## **ATTACHMENT 2 COMPLAINTS AGAINST STUDENTS, STUDENT GROUPS, AND NON-STUDENTS**

1. *Complaints Against Students*
  - a. The Code applies to all undergraduate and graduate students from the time they accept admission to Rowan through the date of their graduation. This includes, but is not limited to: new students at Orientation and the Pre-College Institute, persons not currently enrolled but who are still seeking a degree from Rowan, and any other person enrolled in a credit earning course offered by Rowan.
  - b. The Code also applies to any person who has graduated if the University determines that his/her graduation or receipt of credit may involve misconduct while he/she was working toward a degree (in such cases, degree revocation may be a sanction).
  - c. Adjudication of any alleged violation will continue even if a student takes a leave of absence or withdraws. Discipline may be imposed on students for conduct which occurs on University premises, in or out of the classroom setting, while using University technology, at off-campus instructional sites or during off-campus University affiliated events where students are representing the University. A University affiliated event is defined as an off-campus gathering of members of the Rowan community (and/or their guests) which is sponsored or funded in whole or in part by Rowan.

- d. Private off-campus events which are not sponsored or funded by Rowan will also be subject to the University discipline system if the conduct violates University regulations or local, state, or federal law, or when the University determines that the conduct has a direct impact on the educational mission and interests of the University and/or the safety and welfare of the University community.
  - e. The University reserves the right to hold a student responsible for actions at their residence even if they were not present at the time of the incident. In such a case, the student would be required to produce confirming evidence that s/he was not involved.
  - f. The Code may also be applied to conduct online and via email or other electronic media. Students /Organizations should be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private postings that indicate possible misconduct may subject a student and/or organization to allegations of conduct violations except for cases in which a member of the University community is legally exercising their First Amendment rights.
2. *Complaints Against Student Groups*
- a. Members of recognized and unrecognized student organizations, groups and teams may be charged as an organization and/or individually with violation(s) of the Code. The organization /group/team will be represented by the president or identifiable spokesperson in any disciplinary hearing. (Greek Organizations charged with a violation of the Code are also subject to the procedures outlined in the Greek Handbook.)
3. *Complaints Against Non-Students*
- a. Persons who are not students but who violate Federal, State, or local laws, or University regulations while on campus may be subject to arrest, immediately banned and/or may have their campus visitation privileges limited or revoked. University officials may file criminal charges against guests or other visitors who violate laws while on campus. Campus hosts may be held responsible for their guests' behavior. Non-students who are banned from the campus have the right to appeal that determination by writing to the Assistant Vice President for Public Safety & Emergency Management.

### **ATTACHMENT 3 CONDUCT RULES**

Individual students and student organizations are expected to abide by the following rules and regulations, and administrators are expected to enforce them. Additional rules and regulations may be promulgated during the year; announcements will be made upon adoption of the changes or additions. Attempting, abetting, or being an accessory to any act prohibited by the Code will be considered the same as a completed violation.

1. Violating promulgated University rules, regulations and policies, whether on or off campus.
2. Engaging in academic dishonesty including cheating (including the use of unacknowledged academic sources), fabrication, facilitating academic dishonesty, and plagiarism. (Students charged with a violation of this section of the Code are subject to the procedures outlined in the Academic Integrity Policy.
3. Furnishing false information to any University Official.
4. Forging, altering, or misusing University documents, records, identification cards, other official University database files, or other misuse or abuse of the University's computerized systems.
5. Engaging in disruptive activity which substantially disrupts or poses a tenable threat of disrupting teaching, research, administration, disciplinary procedures, public service functions, or other University authorized activities, or which substantially interferes with the rights of others, on University premises.
6. Obtaining property under false pretenses, knowingly possessing or receiving stolen property, destroying, damaging, or threatening to destroy or damage property of the state, a member of the University community, or any person on the campus.
7. Engaging in physical violence, threats, harassment, intimidation, bullying, stalking, coercion, and/or other conduct which threatens or endangers the health or safety of any person. Harassment, intimidation, or bullying include any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical, or

sensory disability, or by any other distinguishing characteristic, or any other class protected under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et. seq. that takes place on Rowan property or at any function affiliated/sponsored by Rowan that substantially disrupts or interferes with the orderly operation of the University or the rights of other students and is not otherwise protected by the Constitutions of the United States and the State of New Jersey and that:

- a. reasonable person should know, under the circumstances, what will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
  - b. has the effect of insulting or demeaning any student or group of students in such a way as to cause disruption in, or interference with, the orderly operation of the University; or
  - c. creates a hostile educational environment for the student at the University; or
  - d. infringes on the rights of the student at the University by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.
8. Engaging in conduct that is a violation of the University's Title IX Sexual Harassment/Sexual Assault Policy or Student Sexual Misconduct and Harassment Policy.
  9. Behaving in a manner that constitutes an invasion or violation of an individual's rights to privacy. Examples of prohibited behaviors that might be found to violate this provision include, but are not limited to: harassing or terroristic threats, stalking, unauthorized surveillance, imposing physical or mental restraints on another person, or engaging in obscene verbal or written communications, or verbally confronting a person using obscenities or fighting words likely to incite immediate physical altercation.
  10. Possessing, consuming, and/or distributing, or attempting to distribute alcoholic beverages in contravention of federal, state or local laws, or University regulations, or knowingly being present at the time of the prohibited conduct.
  11. Possessing, using, manufacturing, distributing, or attempting to distribute narcotics, dangerous drugs, controlled dangerous substances, or drug paraphernalia that are prohibited by federal, state or local laws, or University policies, or knowingly being present at the time of the prohibited conduct.
  12. Possessing or using a firearm, explosive, dangerous chemical, or other dangerous weapon in contravention of federal, state or local laws, or University policies and procedures.
  13. Causing noise or a disturbance. Exhibiting disorderly, lewd, indecent, or obscene conduct or exhibitionism.
  14. Using the University's name, logo, finances, materials, and supplies (including letter templates or stationery bearing the University's letterhead), or facilities (including computer facilities) for commercial, personal or political purposes without authorization.
  15. Refusing or failing to comply with a request, directive, or order from a University official, including Public Safety officers, members of the University administrative staff or other authorized persons acting in the performance of their official duties and responsibilities.
  16. Engaging in behavior that places other members of the University community at risk and/or refusing to comply with requests from University Officials related to matters of health safety. Examples include, but are not limited to, refusing to wear face coverings to prevent the spread of diseases, refusal to complete required health and safety educational programs, and failure to adhere to occupancy/social distancing guidelines during times of elevated health-related concerns.
  17. Entering into and/or using of University facilities/equipment, including but not limited to the residential facilities, library, athletic facilities and equipment, galleries, classrooms, computers, or confidential files without authorization.
  18. Engaging in off-campus actions and/or behaviors that violate laws and regulations of federal, state, and local agencies, as well as policies of the University.
  19. Abusing the Student Discipline system, including but not limited to, noncompliance with a disciplinary sanction, falsification of information, and disruption of a hearing.
  20. Using information and communication technologies including, e-mail, voicemail, telephones, cell phones, text or electronic messaging, web-cameras, or websites to engage in harassment, intimidation, bullying (as defined in #7 above), or in any behavior which violates the law, University policies or the Code.
  21. Initiating behavior that violates the law, University policies, or the Code and placing evidence of that behavior on a public website or other public medium.

## ATTACHMENT 4 DISCIPLINARY PROCEDURES

Each campus will establish its student disciplinary procedures.

Rowan University School of Osteopathic Medicine.

Disciplinary procedures are found in the Student Rights, Responsibilities and Disciplinary Procedures section of the Education Handbook. Please consult the Rowan University School of Osteopathic Medicine website ([http://www.rowan.edu/som/education/student\\_affairs/](http://www.rowan.edu/som/education/student_affairs/)).

Cooper Medical School of Rowan University

Disciplinary procedures are found in the Honor Code and Professional Conduct sections of the [Cooper Medical School of Rowan University] Student Handbook. Please consult the Cooper Medical School of Rowan University website ([http://www.rowan.edu/coopermed/students/student\\_affairs/](http://www.rowan.edu/coopermed/students/student_affairs/)).

Rowan University Graduate School of Biomedical Sciences

Disciplinary procedures are found in the Student Rights, Responsibilities and Disciplinary Procedures section of the Student Handbook. Please consult the Rowan University Graduate School of Biomedical Sciences website (<https://www.rowan.edu/gsbs/current/handbook.php>)

Rowan University - Glassboro Campus

### 1. Filing a Complaint –

Complaints against students/organizations may be made by any student, employee, or guest of the University who feels the Code has been violated. A complaint must be made in writing to the Office of Community Standards, (Chamberlain Student Center, Suite 210) within a reasonable amount of time after the occurrence. This will normally be construed to mean within 30 calendar days, unless unusual circumstances exist or it is an alleged crime that the University must report under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The “Community Standards Referral Form” can be accessed at [https://cm.maxient.com/reportingform.php?RowanUniv&layout\\_id=6](https://cm.maxient.com/reportingform.php?RowanUniv&layout_id=6). The complaint should include as much detail concerning the alleged violation as possible and include the specific reference to the part of the Code the complainant feels has been violated. The University reserves the right to investigate any reported incident, including those alleging biased behavior. Perceived criminal activity should be reported immediately to Public Safety, which will submit its report of a student violation to the Office of Community Standards. Whenever a complaint provides evidence that the continued presence of the accused student on the campus may pose a substantial threat to herself/himself, others in the University, or to the stability and/or continuance of normal University functions the University reserves the right to impose an interim suspension from classes, residence areas, or the entire campus pending a disciplinary hearing (refer to Attachment 10 for a complete description of procedures).

The following guidelines will be used to determine if a Student Organization/Group/Team would be charged with a violation of the Code:

- a. When one or more officers/authorized representatives/captains acting in the scope of their capacities committed the violation.
- b. When one or more members committed the violation after the action that constitutes the violation was approved by a vote of the organization/group/team or was part of a committee assignment of the organization/group/team.
- c. When the violation was committed at an activity funded by the organization/group/team.
- d. When the violation occurred as a result of an event sponsored by the organization/group/team.
- e. When one or more members of an organization/group/team or its officers/authorized representatives/captains permitted, encouraged, aided, or assisted in committing a violation.



- f. When a reasonable person would construe the violation as being associated with the organization /group/team

## 2. Adjudication of Complaints

- a. The Assistant Vice President for Civic Involvement or designee will review the complaint and determine whether it should be adjudicated by the student discipline system, and, if so, the appropriate adjudicator will be determined. The review of the complaint may not require meeting with all parties; The Assistant Vice President for Civic Involvement or designee will determine what meetings are necessary. For any disciplinary action for which sanctions may be imposed, the accused student/organization will have his/her case heard before one of the following adjudicators
- b. *Administrative Hearing Officer* - If the alleged violation is one for which the student/organization could not be suspended or expelled from the University, the complaint will be heard by an Administrative Hearing Officer.
- c. *Campus Hearing Board* - If the alleged violation is one for which the student/organization could likely be suspended or expelled from the University, the complaint will be heard by the Campus Hearing Board. (refer to Attachment 5 for additional information concerning the Campus Hearing Board) A hold and a transcript notation indicating "Pending Discipline" will also be placed on the accused student's transcript.
- d. *Special Interim Hearing Board* - If the Campus Hearing Board cannot meet, a Special Interim Hearing Board will be appointed at the discretion of the Office of Community Standards to expedite adjudication of student disciplinary cases under the following conditions:
  - i. An interim suspension has been issued (see Attachment 10), or
  - ii. The case will be adjudicated when the Campus Hearing Board cannot convene (for example, final exam week, vacation periods, or summer school, etc.)
- e. Given the sensitive nature and the unique legal issues related to cases involving sexual misconduct, sexual harassment and sexual assault complaints, they will be addressed under the University's Title IX Sexual Harassment/Sexual Assault Policy or Student Sexual Misconduct and Harassment Policy. To the extent such conduct may not be covered under either of those policies, it may be addressed under this Code.
- f. The University will determine if the disciplinary hearing will take place in person or virtually.

## 3. Notification

- a. When it is determined that a complaint will be adjudicated by the student disciplinary system, the accused student/organization will be notified of the alleged violation in writing (the "Hearing Notice") via a tracked letter sent to the student's Rowan email address. This is the official method of notification and students are responsible for checking their University email address daily. The Hearing notice will state what portion of the Code was allegedly violated. The student will be notified of the hearing date in the Hearing Notice. The student will receive notice of a hearing at least three (3) business days prior to an Administrative Hearing and five (5) business days prior to a hearing before the Campus Hearing Board or Special Interim Hearing Board.
- b. If the accused student/organization or complainant, if applicable fails to attend the hearing, except when there is a justifiable reason (serious illness or hospitalization, death of member of immediate family, serious physical emergency, arrest or incarceration, or unavoidable transportation delay), the hearing will proceed and a finding will be reached based upon the available information. No negative inference will be made from a failure of the accused student /organization or complainant to appear, participate or speak during a hearing.
- c. The student will be notified of the option to request an in person or virtual hearing as well as an "open" public hearing. Please Note: A request for a public hearing would only be granted if there is unanimous consent from all participants in the disciplinary case.
- d. All participants have the right to select an Advisor of his or her choosing, including an attorney. Advisors are expected to communicate privately with the student in a non-disruptive manner. Advisors may have no other role in the hearing/case and are not permitted to speak on behalf of the student, ask questions, or appear in lieu of the student/organization. Advisor availability will not be sufficient grounds for postponing a hearing. A hearing will not be cancelled or postponed in the event an Advisor does not attend. If the Advisor is not able to attend, the accused student /organization or complainant should arrange for a substitute.
- e. A student who wishes to have an attorney as an Advisor must inform the Office of Community Standards in writing, by telephone, or electronic mail at least one business day prior to a hearing.

If a complainant, accused student/organization or other participant informs the University that an attorney will be present at the hearing, the University will decide if legal counsel for the University should also be present.

- f. Both the accused student/organization and the complainant have the right to request witnesses to provide information at the hearing. Witnesses must have personal knowledge of the incident at issue and may serve no other role at the hearing/case. Witnesses may be present at the hearing only at the time they are called to participate. A hearing will not be cancelled or postponed if a scheduled witness does not attend.
- g. Written statements of witnesses not in attendance due to extraordinary circumstances may be considered by Hearing Officer or the Campus Hearing Board. Character witnesses are considered irrelevant and will not be permitted to participate. A list of witnesses must be submitted to the Office of Community Standards at least one business day prior to the hearing for approval and notification to other parties. The list should include each witness' name and a summary of the information s/he is expected to provide.

#### 4. Administrative Agreement/Hearing Waiver

- a. The accused student/organization and complainant will also be informed if the disciplinary complaint can be resolved by completing an Administrative Agreement/Hearing Waiver. An Administrative Agreement/Hearing Waiver would be completed only when there is acknowledgement of responsibility on the part of the accused student/organization, and agreement, by all parties including the complainant, and/or victim that the sanction(s) imposed are reasonable and fair.
- b. The sanction will reflect the severity of the current charge(s) against the student/organization, as well as any previous disciplinary sanctions. All participants will also waive the rights to have the complaint adjudicated at a disciplinary hearing and appeal. Should the accused student /organization not accept responsibility for the charges, nor accept the proposed sanction(s), then appearance at the disciplinary hearing is required.

#### 5. Administrative Hearing Officer Procedures

- a. A student/organization may challenge the assignment of a specific hearing officer to his/her case for good cause. This challenge must be presented in writing to the Office of Community Standards at least one business day prior to the scheduled date of the hearing. Upon reviewing the details of the challenge, the Assistant Vice President for Civic Involvement or designee will either uphold the challenge and appoint an alternate hearing officer and arrange a new hearing or deny the challenge.
- b. A hearing officer will withdraw from adjudicating any case in which he/she cannot reach a fair and objective decision.
- c. The hearing officer will exercise control over the manner in which the hearing is conducted to avoid unnecessarily lengthy hearings and to prevent the harassment or intimidation of witnesses. This includes, but is not limited to, rejecting redundant or irrelevant questions and imposing reasonable limits on the number of factual witnesses that may participate. An explanation and record of any rejected question will be made. Technical legal rules of evidence, the wording of questions, hearsay and opinions will not be formally applied. Anyone who disrupts a hearing or who fails to adhere to hearing procedures may be excluded from the proceeding at the discretion of the hearing officer.
- d. The hearing officer will review all materials, hear all information pertinent to the case from the complainant, the accused student/organization and witnesses, consult with other hearing officers who are assigned to hearings within the same disciplinary case, clarify issues raised, render a decision based on the information presented, and take all actions and make all determinations necessary and proper for the hearing.
- e. The accused student/organization will be presumed not responsible for the allegation. The hearing officer will determine if it was "more likely than not" that the accused student/organization was responsible after considering all of the credible information provided during the disciplinary hearing process. If the student is found in violation of University rules, any submitted statement of mitigating factors, records within the student's past disciplinary file and a written victim impact statement, if appropriate, will also be used in determining an appropriate sanction(s).
- f. Following all hearings in the case, the hearing officer will provide the accused student with written notification of the decision reached and information regarding the University's appeal process.

- g. For cases involving a victim of "crimes of violence,"(covered under this Code) the hearing officer will also provide the victim with written notification of the decision reached and information regarding the University's appeal process.

## **ATTACHMENT 5 CAMPUS HEARING BOARD**

### **1. Campus Hearing Board Structure**

- a. The Campus Hearing Board is chaired by a non-voting Administrative Hearing Officer, who is normally an employee of the Student Life Division and most likely the Assistant Vice President for Civic Involvement. For cases involving students participating in dual activities at another college (i. e. Rowan Choice program), the Campus Hearing Board will be co-chaired by the Director of Student Affairs and Military Services at Rowan College of South Jersey (or designee). The Campus Hearing Board is composed of nine regular members and a pool of alternates.
  - i. Three members who are matriculated undergraduate or graduate students and in good standing with the University. Student members are selected through an application and selection process conducted by the Office of Community Standards. Information on membership requirements and the application is available on the Office of Community Standards website.
  - ii. Three members of the University Senate who are appointed by the University Senate President.
  - iii. Three members of the professional staff who are appointed by the Vice President of Student Life/Dean of Students or designee.
- b. The Campus Hearing Board may be convened by a quorum of any five members. For complaints that are adjudicated by a Special Interim Hearing Board any three members of the Campus Hearing Board must be present.

### **2. Campus Hearing Board Procedures**

- a. Any student appearing before the Campus Hearing Board may challenge the assignment of any member of the Board to his/her case. This challenge must be presented in writing to the Office of Community Standards at least one business day prior to the scheduled date of the hearing. Upon reviewing the details of the challenge, the Assistant Vice President for Civic Involvement will either uphold the challenge and appoint an alternate member or deny the challenge. Any challenge at the time of the hearing, will be decided by the Chair.
- b. A Campus Hearing Board member will withdraw from adjudicating any case in which s/he cannot reach a fair and objective decision.
- c. There will be a recording of the hearing (excluding Board deliberations and voting) for the purpose of providing assistance to the Campus Hearing Board or Appeals Board in their deliberations and to the Vice President of Student Life/Dean of Students or designee, and accused student or complainant for use in filing an appeal. This recording remains the property of the University and constitutes an official record of the hearing. No other recording of the hearing is permitted.
- d. The Chair will make all determinations on questions of procedure and admissibility of information presented and will not be excluded from hearings or Board deliberations except that s/he will not vote. The Chair will exercise control over the manner in which the hearing is conducted to avoid unnecessarily lengthy hearings and to prevent the harassment or intimidation of witnesses. This includes, but is not limited to, rejecting redundant or irrelevant questions and imposing reasonable limits on the number of factual witnesses that may participate. An explanation and record of any rejected question will be made. Technical legal rules of evidence, the wording of questions, hearsay, and opinions will not be formally applied. Anyone who disrupts a hearing or who fails to adhere to hearing procedures may be excluded from the proceeding at the discretion of the Chair.
- e. The Board will review all materials and hear all information pertinent to the case from the complainant, the accused, and all witnesses. Members of the Board, including the Chair, will be free to ask relevant questions in order to clarify information or resulting issues.
- f. The accused student/organization will be presumed not responsible for the allegation. After private deliberations and by a majority vote, the Board will determine if it was "more likely than

not" that the accused student/organization was responsible. A tie vote will result in a finding of "not in violation."

- g. If the student is found "in violation" the Board will determine the appropriate sanction(s) to be imposed by majority vote . The past disciplinary record of the accused student will not be supplied to the Board by the Chair prior to this point. Other information from either party, including any submitted statement of mitigating factors, a written victim impact statement if appropriate, or information from the Chair which is relevant to the choice of sanction(s), may also be introduced at this point, including information concerning sanctions imposed against other students for similar offenses. No information directly related to the case in question may be introduced for the first time unless the accused student has been informed and allowed to review and comment on the information.
- h. Following the hearing, the Chair will provide the accused student with written notification of the decision reached and information regarding the University's appeal process.
- i. For cases involving a victim of "crimes of violence", (covered under this Code) the Chair will also provide the victim with written notification of the decision reached and information regarding the University's appeal process.
- j. The Chair may also provide the Vice President of Student Life/Dean of Students or designee with written notification of the decision reached and supporting case documents for the purpose of conducting a "Case Review." At the conclusion of the review, the Vice President of Student Life /Dean of Students or designee may also file an appeal of the decision.

## **ATTACHMENT 6**

### **RIGHTS IN ALL DISCIPLINARY HEARINGS**

The University disciplinary system is not a criminal or civil law process and the technical legal rules of evidence, the wording of questions, hearsay and opinions applicable in criminal and civil cases will not apply. University disciplinary hearings will accord the following specific rights to all students/organizations:

1. To receive written notice of any disciplinary charges.
2. To have reasonable access to the case file prior to and during any hearing, provided that all reviews, prior to the hearing, take place in the Office of Community Standards. Any alternate arrangements for the case file review may be made at the discretion of the Office of Community Standards. Note: The Office of Community Standards does not maintain or release police reports. Any request for a police report associated with a disciplinary case must be made to the issuing police department.
3. To have access to advice and support by an individual of his or her choosing, including an attorney.
4. To have no negative inference made from a failure of the accused student/organization or complainant to appear, participate or speak during a hearing.
5. The accused student/organization will be presumed not responsible for any allegation. Violation is found only after a review of the credible information presented determines that it was "more likely than not" that the accused student/organization was responsible.
6. The accused student/organization and the complainant will be given the opportunity to participate in the hearing, present information on their own behalf, bring witnesses and question those who provide information at their hearing. This does not include the right to ask questions directly.
7. Disciplinary hearings will be closed to all members of the campus and outside community except those directly involved with the case (including an individual selected as an Advisor). A participant in the case does have an option to request an "open" public hearing. Please Note: A request would only be granted if there is unanimous consent from all participants in the disciplinary case. The number of members of the public permitted to attend the hearing will be based on the reasonable seating space in the meeting room. No changes to the hearing date, time or location will be made in order to accommodate attendance by the public.
8. Following the completion of all hearings associated with a complaint, accused student/organization will receive written notification of the decision reached. The notification will also include a list of any sanctions imposed and appeal information.

9. The accused student/organization will have the right to waive any of these rights.
10. The accused student/organization may submit a written statement to the Office of Community Standards detailing the presence of any mitigating factors. This statement will be considered when determining an appropriate sanction and only if the accused student/organization is found "in violation."
11. A complainant or victim may submit a written statement to the Office of Community Standards detailing the impact the violation has had upon them and their ability to function as a student. This statement will be considered when determining an appropriate sanction and only if the accused student/organization is found "in violation."
12. Victims of "crimes of violence" (covered under this Code) will receive written notification of the decision reached. The notification will also include a list of any sanctions imposed and appeal information.
13. To be free from intimidation, harassment, bullying, or any other form of retaliation throughout and following the disciplinary process.

## ATTACHMENT 7 SANCTIONS

Hearing Officers, Campus Hearing Board, or Special Interim Hearing Board may impose a single or multiple sanctions for violations of the Code. Factors to be considered in deciding sanctions will include: past disciplinary record of the student, monetary fine resulting from a corresponding court case, the nature of the violation, and severity of any damage, injury, or harm resulting from it as perceived by the victim, and/or appropriate University officials. The imposition of a sanction will normally be effective either on the date that the University provides the party with the written determination of the result of an appeal, if any appeal is filed; or if an appeal is not filed, the date on which an appeal would no longer be considered timely. A disciplinary suspension or expulsion will normally result in withdraws from all the registered courses in the effective term, (not to exceed one academic term) regardless of the courses still being in progress or if final grades were submitted. Any request to have the effective date of a sanction deferred to a later date must be made in writing to the Vice President of Student Life/Dean of Students and will be decided on a case by case basis.

Normally there will be no refund of tuition/fees if expulsion, suspension or withdrawal from courses and/or University housing is affected because of violations of the Code. Any request for a refund due to these circumstances must be made in writing to the Vice President of Student Life/Dean of Students and will be decided on a case by case basis.

Sanctions, which may be imposed upon any student found to have violated the Code, include the following:

1. *Official Warning*: A written statement indicating a violation of the Code has occurred and warning that a subsequent violation will likely be treated more severely.
2. *Educational Task*: Completion of task(s) which benefit the individual, campus, or community.
3. *Monetary Fine*: The student is required to pay a fine that has been placed onto their student account.
4. *Suspension of Activity Privileges*: The student cannot be a member of a recognized student organization, participate in organizations' regularly scheduled activities, serve as a representative of the University, or participate in intramural, club, or intercollegiate sports. Notification of this sanction/status will be sent to appropriate University officials so they will know who may not participate in activities sponsored by their offices.
5. *Disciplinary Probation*: a designated period of time during which the student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Code and is not considered to be in good social standing with the Another violation will likely result in a more severe sanction.
6. *Suspension of Residence Privileges*: The student's privilege to live in University-owned housing, and visit the residence areas of the campus, is suspended on a temporary or permanent basis. Any request to have the effective date of the Suspension of Residence Privileges deferred to a later date must be made in writing to the Vice President of Student Life/Dean of Students and will be decided on a case by case basis. **The student is not entitled to any refund of campus housing and/or meal plan fees.** Any request for a refund must be made in writing to the Vice President of Student Life/Dean of Students and will be decided on a case by case basis.

7. *Deferred Suspension*: Deferred suspension is used for offenses found serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Code. A student on deferred suspension is not considered to be in good social standing with the University. If the student is found responsible for violating any additional University code or regulation during the period of Deferred Suspension, the student may be immediately suspended from the University. The status of Deferred Suspension may include notification to parents of dependent students.
8. *Suspension*: The student may no longer be a registered student, may not attend classes, nor receive grades for a specified period of time. In addition, while in this status, the student may not be present on the campus nor at a University-sponsored event for any reason whatsoever. The suspension will be noted on the student's academic transcript. The sanction will be effective either on the date that the University provides the party with the written determination of the result of an appeal, if any appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Any request to have the effective date of the Suspension deferred to a later date must be made in writing to the Vice President of Student Life/Dean of Students and will be decided on a case by case basis. **The student is not entitled to any refund of any tuition/fees.** Any request for a refund must be made in writing to the Vice President of Student Life/Dean of Students and will be decided on a case by case basis.
9. *Expulsion*: The student may never again be a registered student, may never attend classes, nor receive grades. In addition, the student may never be present on the campus nor at a University-sponsored event for any reason whatsoever. The expulsion will be noted on the student's academic transcript. The sanction will be effective either on the date that the University provides the party with the written determination of the result of an appeal, if any appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Any request to have the effective date of the Expulsion deferred to a later date must be made in writing to the Vice President of Student Life/Dean of Students and will be decided on a case by case basis. **The student is not entitled to any refund of any tuition/fees.** Any request for a refund must be made in writing to the Vice President of Student Life/Dean of Students and will be decided on a case by case basis.
10. *Other sanctions*: Other sanctions may be imposed in addition to, or instead of, those described in #1 through #9 above. For example, costs associated with educational programs or damage repair fees may be charged or students may have use of University facilities limited or revoked.

Students who are found responsible for Code violations which involve alcohol/drug (ab)use, may be required to attend educational programs intended to inform them about alcohol/drug use and abuse.

- a. The Office of Community Standards may notify parents/guardians of students less than 21 years of age when a student is found responsible for a violation of the Alcohol and Other Drugs Policy. Rowan Public Safety may notify parents/legal guardians when citations have been issued by law enforcement officials, without waiting for a hearing or any other due process since citations given by the law enforcement unit of a university are not covered by FERPA.
- b. Bias motivated offenses may result in more severe sanctions. Such offenses are defined as any offense wherein the accused student(s) intentionally selects the alleged victim because of the victim's actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical, or sensory disability, or by any other distinguishing characteristic, or any other class protected under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et. seq.
- c. Any sanction may be put on hold or deferred (i.e. not put into effect) for a predetermined period of time by the Vice President of Student Life/Dean of Students or his/her designee. The original sanction(s) may be re-imposed immediately upon a further finding responsibility in a subsequent campus disciplinary hearing at any level.
- d. Sanctions for group or organization misconduct may include suspension, revocation or denial of recognition, partial or total de-funding, or the imposition of other appropriate sanctions.
- e. A student who fails to complete the terms of a campus disciplinary sanction by the given deadline will receive a monetary fine for noncompliance and could be charged with noncompliance under the Code.

- f. Under the Family Educational Rights and Privacy Act (FERPA), violators of provisions of the Code pertaining to certain "crimes of violence" may have their names and disciplinary findings publicly revealed.
- g. Students should be aware that conviction in criminal court for certain controlled substance offenses including drug possession and/or sale may have them declared ineligible for Federal financial aid for a period of time. See the Financial Aid Office for details.

## **ATTACHMENT 8 APPLICATION OF STANDARD SANCTIONS**

1. Standard sanctions have been adopted by Rowan to respond to disciplinary violations. Of particular concern are substance abuse- related violations, off-campus conduct violations, as well as weapon and violence violations of the Code. Rowan is deeply concerned about the extent to which some students engage in underage consumption of alcohol, unlawful use of drugs, and/or consumption of alcohol or other drugs to a degree that renders them in need of emergency medical intervention or other extraordinary assistance. In addition, Rowan seeks to deter students from engaging in conduct that poses risks to the safety and well-being of the individual student and/or the University and Glassboro community as a whole.
2. Standard sanctions are intended to alert students and other members of the University community to the seriousness of alcohol-related and drug- related behaviors, violence, and safety violations; provide meaningful consequences for violations of the Code; and, ensure that students are provided opportunities to access education, counseling, and support. Standard sanctions apply only to those offenses described below.
3. Standard sanctions listed below apply to misconduct that occurs both on-campus and off-campus, at the discretion of the Vice President of Student Life/Dean of Students or designee. Incidents falling within the Code but not described below will be handled on a case-by-case basis in light of all the circumstances.
4. Students found responsible for multiple violations will receive the cumulative sanctions associated with each violation.

### **Level One**

1. Level One violations are generally a breach of the Code which adversely affects a smaller community.
2. Standard Sanctions for Residence Hall & Other Published Rules Related Violations (Examples include, but are not limited to: Noise Policy, Guest Policy, Pet Policy, Quiet Hours Policy & Posting Policy)
  - a. First Violation - Reflective Assignment
  - b. Second Violation -Adjudicated as "Level Two" violation (Refer to Standard Sanctions for Repeated Level One violations for additional information.)

### **Level Two**

1. Level Two violations generally are breaches of the Code which are more serious and adversely affect the Rowan community at-large (include repeated Level One violations).
2. Standard Sanctions for Repeated Level One violations, Disorderly Persons, Noncompliance, Theft and Safety-Related Violations (Examples include, but are not limited to: disorderly conduct, disruptive activity, failure to comply with directions of University officials, fire safety, forging documents, theft and vandalism)
  - a. First Violation- Disciplinary probation, financial restitution, monetary fine, attendance at educational programs
  - b. Second Violation- Adjudicated as "Level Three" violation (Refer to Level Three violation section for additional information)
3. Standard Sanctions for Alcohol Abuse-Related Violations
  - a. *Use or possession of alcohol under prohibited circumstances*

- i. First Violation-Completion of Alcohol and Other Drugs Education Program, Disciplinary Probation, Notification of Parent/Guardian (Dependent student)
    - ii. Second Violation-Completion of Substance Screening, Disciplinary Probation, Notification of Parent/Guardian (Dependent student)
    - iii. Third Violation-Deferred Suspension, possible Suspension of Campus Housing Privileges and/or University Suspension, Notification of Parent/Guardian (Dependent student)
  - b. *Supplying alcohol to underage person(s)*
    - i. First Violation-Completion of Alcohol and Other Drugs Education Program, Disciplinary Probation, Notification of Parent/ Guardian (Dependent student)
    - ii. Second Violation-Deferred Suspension, Possible Suspension of Campus Housing Privileges and/or University Suspension, Notification of Parent/Guardian (Dependent student),
    - iii. Third Violation-University Suspension or Expulsion, Notification of Parent/Guardian (Dependent student)
  - c. *Sale of alcohol*
    - i. First Violation-Completion of Alcohol and Other Drugs Education Program, Disciplinary Probation, Notification of Parent/Guardian (Dependent student)
    - ii. Second Violation-Deferred Suspension, Suspension of Campus Housing Privileges and/or University Suspension, Notification of Parent/Guardian (Dependent student)
    - iii. Third Violation- University Suspension or Expulsion, Notification of Parent/Guardian (Dependent student)
- 4. Standard Sanctions for Violations of Laws/University Rules off-campus
  - a. *Creating loud and unreasonable noise*
    - i. First Violation-Completion of the Community Responsibility Program, Disciplinary Probation
    - ii. Second Violation-Disciplinary Probation up to University Suspension (minimum of 1 semester)
    - iii. Third Violation-Deferred Suspension, University Suspension (minimum of 2 semesters)
  - b. *Public Disorderly Conduct*
    - i. First Violation- Completion of the Community Responsibility Program, Disciplinary Probation
    - ii. Second Violation-Disciplinary Probation up to University Suspension (minimum of 1 semester)
    - iii. Third Violation-Deferred Suspension, possible University Suspension (minimum of 2 semesters)

### **Level Three**

- 1. Level Three violations generally are breaches of the Code which include threatening statements and/or behavior and unwanted contact that may compromise the health and safety of the Rowan community at large or individuals, specifically.
- 2. Standard Sanctions for repeated Level Two Violations
  - a. First Violation-Suspension of Campus Housing Privileges, Deferred Suspension, University Suspension or Expulsion
  - b. Second Violation- University Suspension or University Expulsion
- 3. Standard Sanctions for Illegal Drug Abuse-Related Violations
  - a. *Use or possession of illegal drugs or drug paraphernalia*
    - i. First Violation-Completion of Substance Screening, Disciplinary Probation, Notification of Parent/Guardian (Dependent student)
    - ii. Second Violation-Completion of Substance Screening, Deferred Suspension, Notification of Parent/Guardian (Dependent student), Suspension of Campus Housing Privileges and /or University Suspension
    - iii. Third Violation- University Suspension or Expulsion, Notification of Parent/Guardian (Dependent student)
  - b. *Manufacture, sale, purchase, or distribution of illegal drugs or controlled substances*
    - i. First Violation- Expulsion, Notification of Parent/Guardian (Dependent student)
- 4. Standard Sanctions for Substance Abuse Resulting in Harm-Related Violations



- a. *Substance abuse-related behavior posing a substantial risk to the health and well-being of self and/or others, including driving while intoxicated.*
  - i. First Violation-Completion of Substance Screening, Deferred Suspension, Suspension of Campus Housing Privileges and/or University Suspension, Notification of Parent/Guardian (Dependent student)
  - ii. Second Violation- University Suspension or Expulsion, Notification of Parent/Guardian (Dependent student)
  - iii. Third Violation- University Expulsion, Notification of Parent/Guardian (Dependent student)
- 5. Standard Sanctions for Weapons-Related Violations
  - a. *Possession of a prohibited weapon or other dangerous object, including, but not limited to firearms, BB guns, air rifles, paintball guns, explosive devices, fireworks, or any other dangerous, unlawful, or hazardous object or material*
    - i. First Violation- Disciplinary Probation, Deferred Suspension, University Suspension, or Expulsion, Suspension of Campus Housing Privileges (if the student is not Suspended from the University and lives in Campus Housing) and other educational sanctions
    - ii. Second Violation- University Expulsion
  - b. *Any improper use, attempted use, or threat of use of a weapon or other dangerous, illegal, or hazardous object; any improper use as a weapon of any otherwise permitted object or material*
    - i. First Violation- University Suspension or Expulsion
    - ii. Second Violation- University Expulsion
- 6. Standard Sanctions for Bullying and Other Violence-Related Violations
  - a. *Physical harm, bullying or threat of physical harm without a weapon resulting in little or no physical injury to involved persons*
    - i. First Violation- Disciplinary probation, Deferred Suspension, University Suspension, or Expulsion; Suspension of Campus Housing Privileges (if the student is not Suspended from the University and lives in Campus Housing), Referral to the Wellness Center for Anger Management and other educational sanctions
    - ii. Second Violation- University Suspension, University Expulsion
  - b. *Physical harm without a weapon resulting in significant physical injury to another person*
    - i. First Violation- Deferred Suspension, University Suspension or Expulsion
    - ii. Second Violation- University Suspension, University Expulsion

## ATTACHMENT 9 APPEALS

1. Upon receiving notification of the outcome of a case, the accused student, complainant, victim (in cases of "crimes of violence) covered under this Code or the Vice President of Student Life/Dean of Students or designee (in Campus Hearing Board cases) may file an appeal under the following circumstances:
  - a. Procedural irregularity or substantive error that affected the outcome of the matter. Deviations from the University's policy/procedures will not be a basis for sustaining an appeal unless significant prejudice resulted.
  - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
  - c. The AVP of the Division of Diversity, Equity and Inclusion, Office of Student Equity and Compliance, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
  - d. The Disciplinary Sanction(s) imposed were substantially disproportionate or not appropriate in light of the violation(s).
2. All appeals must be made within five (5) business days of the date on the letter informing the parties of the decision. Appeals must be submitted in writing to the Office of Community Standards and should explain in detail the basis of the request, including any supporting documentation.

3. Upon receipt of the written appeal, the Assistant Vice President for Civic Involvement may defer the imposition of the sanction(s) pending the decision on the appeal. Note: Interim Suspension as well as any other prior restrictions will remain in effect during the appeal process.
4. Cases adjudicated by the Campus Hearing Board will be forwarded to the Campus Appeals Board. All other cases will be forwarded to the Vice President of Student Life/Dean of Students or designee.
5. An appeal will be responded to in a timely manner (usually two weeks) and a final decision will be issued in writing either accepting or denying the appeal. The student will be informed of any delay by the assigned Appeal Officer.
6. The Assistant Vice President for Civic Involvement or designee is responsible for compiling the appeal documentation for review, scheduling the appeal review meeting as well as sending all correspondence to the parties involved. The Assistant Vice President for Civic Involvement or designee will have no other role during the appeal review meeting.
7. The Campus Appeals Board:
  - a. The Board is comprised of a member of the University's Administration (appointed by the Office of the President), President of the University Senate, and the President of the Student Government Association. Designees may be used in any of the positions. Each member or designee must be in attendance for a quorum.
  - b. The Board will review the written appeal and all documentation contained in the case file in a closed meeting. The Board by a simple majority vote will deny or uphold the appeal. If an appeal is upheld based on procedural error or new information reasons, the case will be remanded to the Campus Hearing Board for re-opening of the hearing. If an appeal is upheld based on inappropriate sanction reason, the Board will render the appropriate determination and/or sanction.
  - c. All Campus Appeals Board decisions are final and will be forwarded to the Office of Community Standards for immediate implementation.
8. When it is not possible for the Campus Appeals Board to meet in a timely fashion (for example, final exam week, vacation periods, summer school, etc.), an appeal from the Campus Hearing Board may be reviewed by the Vice President of Student Life/Dean of Students (or Designee) for final disposition.
9. The appeals process described will be the final step in the discipline process and constitutes final University action.

## **ATTACHMENT 10**

### **PROCEDURES FOR INTERIM SUSPENSION FROM COURSE PARTICIPATION, PRESENCE ON CAMPUS OR RESIDENCE AREAS AND PARTICIPATION IN UNIVERSITY RELATED ACTIVITIES**

1. A student may be suspended from the entire campus, residence areas, extracurricular or other University related activities (ie. Internships, work study, etc.) for an interim period pending a disciplinary hearing; the interim suspension is effective immediately and without prior notice whenever there is evidence that the continued presence of the student on the campus may pose a substantial threat to others in the University or to the stability and/or continuance of normal University functions.
2. During an interim suspension from the entire campus, a student is not permitted to continue to participate in coursework in person or online, submit academic work or correspond with instructors. Course instructors and other appropriate staff are informed. Special permission is needed for the student to conduct routine business with the University, during this time.
3. The Vice President of Student Life/Dean of Students or designee is generally authorized to impose Interim Suspensions.
4. If a student wishes to return to classes and/or residence on campus, he or she is required to make an appointment to meet with a designated administrator within five (5) business days from the effective date of suspension. The purpose of this Interim Suspension appointment is to determine the following:
  - a. The reliability of the information concerning the student's conduct, including the matter of his/her identity.

- b. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the campus or at University activities likely poses a substantial threat to others or to the stability and/or continuance of normal University functions.
5. A disciplinary hearing will be scheduled at another time to hear the substantive issues involved. This follows the Interim Suspension appointment with the designated administrator and employs the procedures outlined earlier. An Interim Suspension, in and of itself, does not become part of a student's disciplinary record.