



<b>Policy Title: Standards of Student Conduct</b>	<b>Effective Date: 11/5/2014</b>
<b>Policy Number: SA-PO-1300</b>	<b>Date of Last Review: 8/11/2017</b>
<b>Oversight Department: Office of Student Standards and Conduct</b>	<b>Next Review Date: 8/1/2020</b>

## 1. PURPOSE

### A. Basis and Rationale for the Standards of Student Conduct

Radford University (University) is committed to fostering an environment that is; safe and secure; inclusive; and conducive to academic inquiry, free expression, student engagement, and student success. An academic community exists on the basis of shared values and principles. At the University, student members of the community are expected to uphold and abide by these values and principles that form the basis of the *Standards of Student Conduct (Standards)*. These *Standards* are embodied within a set of core values that include integrity, fairness, respect, trust, freedom, community, and responsibility. When student members of the community fail to exemplify these values, student conduct proceedings are used to assert and uphold the *Standards*. All students are expected to assume responsibility for their conduct. The student conduct process exists to protect the interests of the University community, and to educate and respond to those students whose behavior is not in accordance with the *Standards*.

### B. Honor Pledge

The University Honor Pledge provides the foundation for a university community in which freedom, trust, and respect can prevail. In accepting admission to the University, each student makes a commitment to support and uphold the Honor Pledge without compromise or exception.

I shall uphold the values and ideals of Radford University by engaging in responsible behavior and striving always to be accountable for my actions while holding myself and others to the highest moral and ethical standards of academic integrity and good citizenship as defined in the *Standards*.

### C. Objectives of the Student Conduct System

1. Create an environment that provides the best opportunity for academic inquiry and learning;
2. Assure students a fundamentally fair opportunity to resolve allegations when they have been accused of violating the *Standards*;

3. Protect members of the University community from harm resulting from the misconduct of the few students who fail to respect the rights of others;
4. Help ensure order in the University community.

## 2. APPLICABILITY

Because the *Standards* are based on shared values, they set a range of expectations for University students, their guests and visitors, and student organizations no matter where or when their conduct may take place. Following are general categories of the applicability of the *Standards*:

### A. Location

The *Standards* will apply to behaviors that take place on University property and at University activities. The *Standards* also apply to conduct occurring off University property.

### B. Time Frame

Those who are aware of misconduct are encouraged to report it promptly to the Office of Student Standards and Conduct and/or University Police. The longer someone waits, however, to report a suspected violation, the harder it becomes for the University to obtain information and witness statements, and to make a determination regarding alleged violations.

### C. Persons

1. **Students:** The *Standards* may be applied to conduct that takes place whenever a person has a continuing relationship with the University as a student. Students who graduate from or withdraw from the University after allegedly violating the *Standards* will still be considered “students” for the purposes of pursuing alleged violations. A student-initiated withdrawal from the University may delay resolution of conduct allegations only when felony criminal charges are pending as described in Section 4.B.
2. **Visitors and Guests:** The *Standards* apply to all guests and visitors of students, meaning a student may be held accountable for the misconduct of their guest(s)/visitor(s). Visitors to and guests of the University are also protected by the *Standards* and may initiate complaints for violations of the *Standards* allegedly committed against them by students.

### D. Student Organizations

The *Standards* apply both to the conduct of individual students as well as student organizations. Specifically, the conduct (which may be an intentional or unintentional action) must involve **one or more members** of a student organization. Members may be general members, officers, new/associate members, or alumni. Examples of conduct that will likely apply to student organizations include, but are not limited to, the following:

1. The conduct is sanctioned by the student organization and/or any of its officers (“sanctioned by” may include, but is not limited to, the following: active or passive consent or encouragement; having prior knowledge that the conduct was likely to occur; or helping to plan, advertise, or promote the conduct); or
2. The conduct is committed during the course of an activity financed by the organization, or financed as a result of one or more members of the student organization contributing personal funds in support of the activity or conduct in question; or

3. The purpose of the activity was related to initiation, admission into, affiliation with, or as a condition for the continued membership in the student organization; or
4. Non-members of the student organization learned of the activity through members, advertisements, or communications associated with the student organization, or otherwise formed a reasonable belief that the conduct or activity was affiliated with or sanctioned by the student organization; or
5. Members of the student organization attempted to conceal the activity or protect other members who were involved; or
6. One or more officer(s) of the student organization had prior knowledge or reasonably should have known that the incident would take place.

The Director of Student Standards and Conduct (Director) communicates, as appropriate, with University offices, advisors, national associations or affiliations, and others on conduct allegations involving student organizations. At the discretion of the Director, and as appropriate, student organization violations may be processed by the appropriate self-governing bodies or councils provided they have received adequate training from the Office of Student Standards and Conduct. Any such bodies will follow the same procedures and guidelines outlined in the *Standards* and will convene with a chairperson appointed by the Director.

Policies and procedures applicable to student organizations set forth or overseen by individual offices such as Student Organization Assistance and Resources (SOAR), Campus Recreation, or the Office of Greek Life are regulated by those offices.

### 3. DEFINITIONS

**Academic Exercise:** All forms of work (oral, written, electronic, or otherwise) submitted for credit, grading, continuance, graduation, honors, awards, scholarships, or recognition at the University as well as materials submitted to other institutions, associations, or organizations for evaluation (including evaluation for awards or scholarships) or for publication.

**Administrative Hearing:** A hearing in which a singular conduct officer reviews and makes determinations regarding alleged violations. Administrative hearings otherwise follow all procedures related to a hearing.

**Amnesty:** Granting an exemption from resolution via a conduct conference or hearing as described in Section 5.C., or any sanctions that may result, in cases involving underage drinking or drug use reported in accordance with Section 4.C.5. and/or Section 4.C.6. Amnesty will only be available for violations related to the use of alcohol or drugs in violation of the *Standards* and will not normally be applied for other *Standards* violations. Students granted amnesty may be required to participate in educational activities or meet other conditions in order to bypass application of sanctions and creation of a student conduct record. Amnesty granted in accordance with the *Standards* does not prevent any independent action that may be taken by any law enforcement agency, including University Police.

**Appellate Officer:** The Associate Vice President for Student Affairs/Dean of Students, Vice President for Student Affairs, or any University Official designated by the Associate Vice President for Student Affairs/Dean of Students to consider an appeal of a decision of a conduct officer or conduct board.

**Business Day:** Any weekday the University is open, regardless of whether classes are in session.

**Complainant:** Any person alleging a violation of the *Standards* (or a proxy for that person).

**Conduct Officer:** The University official or officials assigned by the Director of Student Standards and Conduct to facilitate conduct conferences or hearings as described in the *Standards*.

**Director of Student Standards and Conduct (Director):** The University official with primary responsibility for the administration of the student conduct system as outlined in this document. This official may delegate all or part of this responsibility to such other persons as she/he deems appropriate, and may take any action deemed necessary to ensure fundamental fairness consistent with the *Standards*. In the event there is no Director, the Associate Vice President for Student Affairs/Dean of Students will designate a University official to oversee this responsibility.

**Faculty Member:** Any person employed by the University to conduct classroom, lab, or teaching activities, including practicum/internships.

**Good Standing:** The status of not being under any active conduct sanction. For the purposes of *Good Standing*, formal warning is not considered to be an active sanction.

**Notice:** Written communication sent to a respondent, complainant, or other participant in a conduct case. In the case of enrolled students, notice will be sent to a student's official University email address.

**Possession:** Determined by control over an object with or without regard to ownership. For the purposes of the *Standards*, an object is determined to be possessed by a student when it is located in a place where the student has a reasonable degree of control, such as an assigned space or common area of a suite-style apartment in which the student resides.

**Respondent:** Any student or student organization accused of violating the *Standards*.

**Staff Member:** Any person employed in an administrative/professional faculty or classified staff position.

**Student:** For purposes of the *Standards*, all persons taking or enrolled in courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, and non-degree seeking students. Persons who withdraw, persons who withdraw after allegedly violating the *Standards*, persons who are not officially enrolled for a particular semester or term but who have, or may have, a continuing relationship with the University, or persons who have applied for admission to the University are considered "students." Student status continues whether or not the University's academic programs are in session.

**Student Organization:** An identifiable group of students who have complied with requirements for registration as set forth by the Department of Student Activities. Included are groups that seek, but have not yet been granted, recognized status.

**University Activity:** Any activity on or off University property that is initiated, aided, authorized, sponsored, or supervised by the University.

**University Community:** For the purposes of the *Standards*, all persons who are employees, students, contractors, volunteers, and visitors, including invited guests, of the University.

**University Official:** Any person given authority by the University to perform administrative or professional responsibilities, including, but not limited to: University police officers, resident/community assistants, graduate/teaching assistants, administrative support staff, and

custodial and grounds keeping staff. For the purposes of the *Standards*, the term “University Official” is inclusive of “Faculty Member” as defined in Section 3.

**University Property:** All land, buildings, facilities, and other property owned, leased, or controlled by the University.

#### 4. POLICY

##### A. **Standards of Classroom Behavior**

The primary responsibility for managing the classroom environment rests with the faculty member. Students who engage in any prohibited acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. Longer separations from a class must be preceded by a conduct conference or hearing as outlined in Section 5.C. Faculty members who encounter disruptive classroom behavior are encouraged to contact the Office of Student Standards and Conduct for guidance. A student dismissed from class may be required to meet with a College Dean, Department Chair, Program Director, the faculty member, or the Director, or designee, before the student is permitted to return to the class from which the student was directed to leave. Repeated or severe conduct may also be actionable under the *Standards*.

##### B. **Violations of Law**

The student conduct process is different from criminal proceedings. The standards of evidence differ and the standard of proof in the conduct process is “preponderance of the evidence” (more likely than not.) Therefore, when a student is arrested, charged, cited, indicted for, or found guilty of a crime, the University may take action against that student when the conduct occurs on University property, at University activities, or off University property. Proceedings under the *Standards* may be carried out prior to, concurrently with, or following criminal proceedings. Determinations made or sanctions imposed under the *Standards* will not be subject to change because criminal charges arising out of the same set of facts were dismissed, reduced, or resolved in favor of or against the criminal law defendant. When criminal charges are pending, the University may not be able to conduct its own investigation, and/or hold a student conduct hearing. In such cases, the University may delay its hearing until it can obtain sufficient information upon which to proceed. Nothing in this paragraph should be regarded as limiting the authority of the University to impose an interim action, including suspension, or determine what level of information is sufficient to proceed with a complaint.

##### C. **General Provisions**

- 1. Attempted Violations:** The University will treat attempts to commit any of the violations listed in the *Standards* as if those attempts had been completed.
- 2. University as Complainant:** As necessary, the University reserves the right to initiate a complaint, to serve as complainant, appoint a proxy complainant, and/or to initiate conduct proceedings without a formal complaint by the alleged victim of misconduct.
- 3. Placement of Holds:** A hold may be applied to prevent course registration, graduation and/or readmission when: the student has failed to complete sanctions by assigned deadlines; the student is suspended or dismissed from the University; the student is under an interim action; a conduct process is pending and the student is not presently enrolled; or the student has a pending conduct case that must be resolved prior to graduation.

4. **False Reports:** The University will not tolerate intentional false reporting of incidents. It is a violation of the *Standards* to make an intentionally false report of any policy violation.
5. **Amnesty for Victims/Complainants:** The University encourages the reporting of violations of the *Standards* and crimes by victims. Sometimes, victims are hesitant to report to University Officials because they fear that they may personally face sanctions due to policy violations involving underage drinking or drug use at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to University Officials. To encourage reporting, the University will give such victims amnesty from policy violations involving underage drinking or drug use at the time of the incident; however, as the definition of Amnesty indicates in Section 3., educational tasks and applicable fees may still apply in these cases.
6. **Amnesty for Help-Seeking:** The University encourages students to seek medical assistance for those in need, including oneself. Sometimes students are hesitant to seek medical assistance for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to seek help for another student who is incapacitated due to alcohol or drug use, or who has been the victim of sexual misconduct). The University has a practice of giving amnesty from policy violations involving underage drinking or drug use at the time of help-seeking for students who actively seek medical help for themselves or others, or for students who provide help-seeking assistance to victims. However, as the definition of Amnesty indicates in Section 3., educational tasks and applicable fees may still apply in these cases.
7. **Interim Action:** The Vice President for Student Affairs, or designee, may defer procedural due process and enforce an interim action if necessary to maintain safety or order. Students who have had interim action taken against them will be afforded a conduct conference or hearing as soon as it is practicable.
8. **Notification of Outcomes:** The outcome of a student conduct proceeding is considered part of a respondent's education record and is protected from unauthorized disclosure under the Family Educational Rights and Privacy Act (FERPA)<sup>1</sup>. However, the University may release the final results<sup>2</sup> of any conduct conference or hearing, without a respondent's prior consent, in circumstances where permitted, or required, by law.
9. **Parental Notification:** The University reserves the right to notify parents or guardians when a student is found responsible for violations of University policy related to the use or possession of alcohol or a controlled substance as permitted by FERPA. Notification will occur when the student is under the age of 21 at the time of the incident.
10. **Online Misconduct:** Students are cautioned that they can be subject to the student conduct system for behavior occurring online, such as harassment delivered by email, or acts of bullying or discrimination posted in video form or on gossip sites accessed through University computing resources. Students must also be aware that information posted to blogs, webpages, social networking sites, such as Twitter and Facebook, or other online postings are in the public sphere and are not private. These postings can subject a

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<sup>1</sup> The University's *FERPA Policy* is available on the Registrar's web site at <http://www.radford.edu/content/registrar/home/about/ferpa-policy.html>

<sup>2</sup> Limited to the name of the student, finding related to the violation(s) alleged, and sanction(s) imposed as appropriate to the type of violation.

student to allegations of *Standards* violations, if information supporting the existence of a *Standards* violation is posted online. Posting of indecent behavior (defined at Section 4.D.27.) on social media or using social media to bully another person is online misconduct. Transmitting images of indecent behavior or bullying via electronic media (e.g. email, text) is also online misconduct.

#### **D. Prohibited Conduct**

**All complaints of alleged discrimination, sexual harassment, harassment based on protected characteristics or statuses, and sexual misconduct (to include sexual assault or sexual violence, dating violence, domestic violence, sexual exploitation, and stalking) are governed exclusively by the University's *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy* and *Discrimination Grievance Procedures*, not the *Standards of Student Conduct* and any investigation and proceedings relating to such complaints shall proceed in accordance with the *Discrimination, Harassment, Sexual Misconduct and Retaliation Policy* and *Discrimination Grievance Procedures*. To the extent a complaint identifies prohibited conduct under these *Standards of Student Conduct* as well as acts prohibited under the *Discrimination, Harassment, Sexual Misconduct and Retaliation Policy*, parallel investigations and proceedings may occur.**

**[For additional information, refer to the University's \*Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy\* and \*Discrimination Grievance Procedure\*](#)**

- 1. Falsification:** Knowingly furnishing, or causing to be furnished, false information to the University or to a University Official.
- 2. Fabrication:** Inventing, altering or falsifying any data, citation, or information or statements. Examples of fabrication include, but are not limited to, the following: citation of a primary source, which the student actually obtained from a secondary source; or invention or alteration of experimental data without appropriate documentation (such as statistical outliers). Fabrication relates to any academic exercise.
- 3. Cheating:** Using unauthorized assistance, materials, study aids, or other information in any academic exercise. Examples of cheating include, but are not limited to, the following: using unapproved resources or assistance to complete an assignment, paper, project, quiz, or exam; collaborating without express faculty permission; and submitting the same, or substantially the same, paper to more than one course for academic credit without first obtaining the approval of faculty.
- 4. Forgery:** Making, possessing, or using any forged, altered, or falsified document, record, or identification.
- 5. Classroom disruption:** Any behavior that substantially interferes with the conduct of a class. Examples may include, but are not limited to, the following: persistent late arrivals or leaving early in a manner that disrupts the regular flow of the class; talking while the instructor is talking; speaking in class without first obtaining recognition and permission to speak; use of electronic equipment such as cell phones, computers, MP3 players, etc., in a manner that disrupts the class; or becoming belligerent or verbally abusive when confronted as a result of his/her inappropriate behavior.

6. **Possessing Unauthorized Materials/Stealing:** The unauthorized appropriation, possession, concealment, or use of property of another. Excessive use or abusive taking of complimentary materials or supplies provided for the benefit or consumption of the University community.
7. **Facilitation:** Helping another student commit, or attempt to commit, any academic integrity violation. An example of facilitation may include circulating course materials when the faculty member has not explicitly authorized their use.
8. **Plagiarism:** Using someone else’s language, ideas, or other original material without acknowledging its source in any academic exercise. Examples of plagiarism include, but are not limited to, the following: submitting a research paper obtained from a commercial research service, the Internet, or from another student as one’s own original work; or making simple changes to borrowed materials while leaving the organization, content, or phraseology intact. Plagiarism also occurs in a group project if one or more of the members of the group does none of the group’s work and participates in none of the group’s activities, but attempts to take credit for the work of the group.<sup>3</sup>
9. **Aiding and Abetting:** Helping any student violate, or attempt to violate, the *Standards*.
10. **Alcohol:** Improper use or possession of alcohol, including but not limited to:
  - a. The unlawful use, possession, or consumption of alcohol
  - b. The unlawful furnishing, distribution, or manufacturing of alcohol
  - c. Violating any local, state, or federal alcohol laws
  - d. Serving alcohol to students on University property and at University-sponsored events not on University property without prior approval from the Vice President for Student Affairs
11. **Impersonation:** Impersonating any person or office.
12. **Violation of Residence Hall policy:** Violation of any policy published in the University’s [Residence Hall Policies](#)
13. **Damage to or unauthorized possession of property:** Destroying, damaging, possessing, or taking the property of the University or the personal property of another without permission (including the possession of stolen property).
14. **Disruptive Conduct/Interference:** Disrupting or interfering with the regular or normal function of the University community (on or off University property) or with the legitimate activities of any person or University activity.

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<sup>3</sup> In formulating this definition of plagiarism, the University has adopted the position of the Council of Writing Program Administrators (WPA) as expressed in *Defining and Avoiding Plagiarism: The WPA Statement on Best Practices*. This statement provides “Ethical writers make every effort to acknowledge sources fully and appropriately in accordance with the contexts and genres of their writing. A student who attempts (even if clumsily) to identify and credit his or her source, but who misuses a specific citation format or incorrectly uses quotation marks or other forms of identifying material taken from other sources, has not plagiarized. Instead, such a student should be considered to have failed to cite and document sources appropriately.” Faculty members may consider this misuse of sources when evaluating the student’s academic performance.



**15. Drugs and other substances:**

- a. The use, possession or consumption of marijuana
- b. The possession of drug paraphernalia
- c. The unlawful use, possession, or consumption of narcotics, controlled substances, or other illegal drugs
- d. Cultivating, growing, manufacturing, distributing, selling, sharing or possessing any illegal or controlled substance
- e. Improper use of a substance or substances for intoxicating purposes
- f. Possession of narcotics, controlled substances or other illegal drugs with intent to distribute
- g. Violating any local, state, or federal drug laws

**16. Endangering Conduct:** Conduct that threatens or endangers the health or safety of any person.

**17. Failure to Comply:** Failure to comply with directions of University officials or other law enforcement officers during the performance of their duties including but not limited to failure to accurately identify oneself to these persons when requested to do so; fleeing the scene of an incident; and failure to fulfill University directives, requirements and conduct sanctions.

**18. Retaliation:** Actions including intimidation, threats, harassment, and other adverse action taken or threatened against any person reporting or filing a complaint or any person cooperating in an investigation of a complaint, to include acting as a witness, assisting or participating in any manner in an investigation. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by the *Standards*. Retaliation may result in disciplinary or other action independent of the sanctions imposed in response to the underlying allegations prompting a complaint.

**19. Smoking:** Smoking inside any University facility. University facilities include all outdoor athletic and other facilities and spaces that are defined by a fence or wall. Additionally, smoking may not occur within 25 feet from the perimeter of any residence hall and/or 25 feet from the entrance to any other University facility.

*For additional information, refer to the University's [Smoking Policy](#)*

**20. Fire Violation:** Violation of state or local fire policies, including:

- a. Failure to evacuate a University-owned or operated building during a fire alarm
- b. Improper use or possession of University fire safety equipment
- c. Tampering with or improperly engaging a fire alarm, smoke detector, or sprinkler head in a University building
- d. Causing a fire which damages University or personal property, or which causes injury to any member of the University community

**21. Trespassing and Misuse:** Unauthorized access, use, or misuse of any University facility, property, or service.

- 22. Student Identification (ID) Cards:** Failure, by a student, to carry a valid Radford University Student ID card at all times when on University property. Transferring and/or duplicating University ID cards. ID cards must be provided upon request to any person acting on behalf of the University in the performance of his/her official duties.
- 23. Fireworks and Explosives:** Unauthorized use, possession, or storage of fireworks or explosives on University property. Unauthorized use, possession, or storage of hazardous chemicals that could pose a health risk, either by themselves or in conjunction with other chemicals.
- 24. Harassment:** Behavior that is severe, pervasive, or persistent to a degree that a reasonable person similarly situated would be prevented from accessing University programs, activities, and/or resources. This behavior includes, but is not limited to, verbal abuse, coercion, bullying, and cyber-bullying.
- Behavior directed toward an individual on the basis of his or her protected characteristics or statuses is addressed under the University's [Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy and Discrimination Grievance Procedure](#).
- For additional information, refer to the [Office of Diversity and Equity](#)
- 25. Intimidation:** Implied or articulated threats or acts that cause a reasonable person to fear harm.
- 26. Hazing:** Activities related to the initiation, admission into or affiliation with, or as condition of continued membership in a club, organization, association, fraternity, sorority, or student body that may intentionally or recklessly endanger the mental or physical health or safety of any person; inflict bodily injury; remove or destroy public or private property; and/or assist, direct, or cause participation that in any way demeans, humiliates, ridicules, or degrades regardless of the consent or acquiescence of a participant.
- [Code of Virginia § 18.2-56](#), as amended, which declares hazing illegal, establishes conditions for civil and criminal liability and outlines the duties of the University when a student has been found guilty of hazing.
- 27. Indecent Behavior:** Exposure of the private or intimate parts of the body when the student may be readily observed, including but not limited to public urination. Lewd or obscene conduct.
- 28. Vehicles:** Driving motorized vehicles on University grounds or sidewalks unless authorized by University Police.
- 29. Weapons:** Carrying, maintaining, or storing of any firearm or weapon in violation of the University's [Weapons Regulation](#) on any University property. Weapons include any instrument carried or used for the purpose of inflicting or threatening bodily injury.
- 30. Solicitation Activities:** Any type of door-to-door sales or solicitation not in accordance with federal, state, local laws, or University policies may not take place.
- 31. Violation of the University's Animals on University Property Policy:** Possession of any animal or other action in violation of the University's [Animals on University Property Policy](#).

- 32. Physical Abuse/Harm:** Any intentional or reckless action that causes physical injury or physical harm.
- 33. Violation of the University's [Acceptable Use Policy for University Computers and Information Technology Systems](#):** Any unauthorized use of University information technology resources including, but not limited to, computers, computer labs, and networks. Unauthorized download, creation, sale, transfer, access, reproduction, or distribution of: copyrighted material or patented inventions, including but not limited to audio materials, video materials, or research materials; or of any course materials, whether copyrighted or not, distributed by the faculty member (such as the faculty member's notes or PowerPoint presentations, handouts, tests, outlines, and similar materials).
- 34. Violation of the University's [Free Expression Policy](#):** Actions, behavior, or activities in violation of the University's [Free Expression Policy](#). Such violations include, per Code of Virginia § 23.1-401.1, any actions, behavior, or activities intended to abridge the constitutional freedom to free expression of any person (i.e. enrolled students, employees, and invited guests) or group, while on University property.
- 35. Violation of University Policy or Regulation:** Violation of any University policy or regulation.
- For more information related to University policies, procedures, and regulations contact the [Office of Policy Compliance](#)*
- 36. Violation of Law:** Violations of federal, state, or local laws, regulations, or ordinances.

#### **E. Sanctions**

The following sanctions may be applied to any student or, where applicable, student organization:

- 1. Formal Warning:** A formal warning is an official written notice that the respondent is in violation of the *Standards*. Subsequent violations of the *Standards* will normally be met with more severe sanctions, including conduct probation.
- 2. Conduct Probation:** Conduct probation is a designated period of time during which the fitness of a respondent to continue at the University is evaluated. A student or student organization placed on probation is not considered to be in good standing with the University. Subsequent violations may result in suspension or dismissal from the University.
- 3. 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 *Standards*. A student or student organization placed on deferred suspension is not considered to be in good standing with the University. Subsequent violations may result in suspension or dismissal from the University.

- 4. Educational or Restorative Measures:** Educational or restorative measures may include, but are not limited to, the following:
  - a. Active or passive sanctions, such as research or reflection papers, projects, meetings, or attending or organizing appropriate educational activities
  - b. A specified number of community restitution hours in which a student or student organization must perform service to a designated community
  - c. Participation in classes, assessments, counseling, programs, modules, or workshops
  - d. Applicable fees may apply
- 5. Loss of Privileges:** Loss of privileges includes denial or restriction of privileges for a designated period of time. Loss of privileges may include, but is not limited to, restriction or exclusion from the following:
  - a. University property or University activities and events, or
  - b. Hosting visitors or guests on University property, or
  - c. Participating in University clubs or organizations.
- 6. Restitution to the University:** Restitution may include reasonable compensation for loss of funds or damage to University property.
- 7. University Housing Relocation:** Housing relocation is required movement to another room, hall or quad with the Director of Residential Life, or designee, having final approval. Once assigned this sanction, students must relocate in less than 72 hours, after which the relocated students cannot enter the building they were removed from throughout their term of probation without permission from the Director of Residential Life or designee.
- 8. Termination of the Housing Agreement:** Termination of the Housing Agreement occurs when the student's current (and/or future) Housing Agreement is cancelled or revoked for violating the *Standards*. When a Housing Agreement is terminated, the student will remain financially responsible for the entire cost of the agreement period for the assigned building.
- 9. Academic Grade Penalty:** Grade penalty is at the discretion of a faculty member for a grade reduction on an assignment or in a class that is a result of an academic integrity violation. Once a student has received notice that he or she has been charged with an academic integrity offense, the student will not be permitted to withdraw from the course to avoid a grade penalty.
- 10. Suspension of Student Organization Status:** Student organizations may have their status as a student organization suspended on a temporary or permanent basis. A student organization whose status is suspended is no longer eligible to receive benefits normally afforded to student organizations including, but not limited to, the ability to utilize University facilities or funds to support any activities related to the student organization. A suspended student organization must comply with any conditions imposed as well as any reactivation or recognition privileges in effect at the time the suspension is set to expire.
- 11. Suspension:** Conduct suspension is the separation of a student from the University for a designated period of time. Suspension often requires satisfaction of conditions prior to readmission in the University as established by a conduct officer or board. Readmission in

a specific College or academic degree program is subject to that College or program's approval. During a suspension, the suspended student may not be allowed on University property or at University activities without express permission from the Director or his/her designee. A registration hold is placed on the student during the suspension.

**12. Dismissal:** Conduct dismissal is the permanent separation of a student or student organization from the University. The dismissed student is not permitted on University property or at University activities, and may also be subject to trespass orders. The sanction of dismissal resulting from a conduct hearing comes to the Associate Vice President for Student Affairs/Dean of Students as a recommendation that is not effective until approved.

**13. Revocation of Admission and/or Degree:** Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violations of institutional standards in obtaining the degree, or for other serious violations committed by a student prior to graduating.

#### **F. Record Maintenance**

The Office of Student Standards and Conduct is the official custodian of records maintained in accordance with the *Standards* and has final decision-making authority on all requested disclosures and any fees charged for preparing the disclosures. All records maintained in accordance with the *Standards* will be retained by the Office of Student Standards and Conduct for a period of no less than seven (7) years to facilitate compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Records associated with cases resulting in suspension, dismissal, or incomplete sanctions will be retained permanently. In cases where an FCR process or amnesty resolves a complaint in lieu of a conduct conference or hearing, related records will not be classified as student conduct records, though they will be similarly maintained for a period of no less than seven(7) years. Amnesty and Facilitated Conflict Resolution records are generally considered both private and confidential among the parties, and will therefore not generally be disclosed to third parties making inquiries about past misconduct of students, except as permitted by the student or as required by law.

### **5. PROCEDURES**

#### **A. Reporting Suspected Violations**

1. The Office of Student Standards and Conduct will accept a written complaint or allegation of a suspected *Standards* violation from any person.
  - a. Any complaint alleging an academic integrity violation that originates from a person other than the faculty member overseeing the academic exercise in question will be forwarded to the faculty member for action consistent with the procedures outlined in Section 5.D.
2. After reviewing the complaint, the Director, or designee, will determine whether sufficient information exists to allege that a respondent engaged in any prohibited conduct listed in the *Standards* and, if so, will determine which violations apply.

## **B. Notification**

1. A respondent will be advised of the allegations via a written Notice of Alleged Violation (Allegation Notice). The Allegation Notice will cite relevant portions of the *Standards* allegedly violated and will invite the respondent to meet with a conduct officer, and when warranted in student organization complaints, a professional staff representative from Student Activities, at a specified date, time, and place for either a conduct conference or hearing as outlined in Section 5.C.
2. The Allegation Notice will be sent to the respondent's official University-supplied email address. Allegation Notices for student organizations will be emailed to the organization's representative (normally the president on file with the Department of Student Activities) and advisor. Failure to read and comply with any instructions contained in the Allegation Notice will not be suitable grounds for appeal.
3. Prior to issuing an Allegation Notice, the Director, or designee, or in instances of a student organization when warranted, a professional staff representative from Student Activities may request the appearance of any student at a mandatory administrative meeting to discuss the complaint and/or gather additional information. If the Director, or designee, subsequently determines the complaint lacks merit, it will be dismissed, and there will be no further proceedings.
3. Email is the official communication method used for all conduct proceedings, including when classes are not in session and during academic break periods.
4. Once the Allegation Notice has been sent to a respondent, the conduct officer or hearing chairperson may choose to resolve the allegations in the respondent's absence should the student fail to appear. In the event the case is not resolved in the respondent's absence, a "hold" will be placed on the respondent's records to prevent course registration, receiving of diploma, conferral of degree, and/or readmission until reviewed by the Director.

## **C. Resolution Options**

Any of the following resolution options may be offered to a respondent at the discretion of the Director or designee. When more than one respondent is involved in the same incident, conduct conferences, and/or conduct hearings may be combined, though separate findings will be made for each respondent.

1. **Conduct Conference:** Respondents may be provided with a conduct conference (hereafter "conference"). Conferences are closed meetings that permit respondents to discuss the complaint/allegation informally with a conduct officer. When warranted, a professional staff representative from Student Activities may be present with a conduct officer at a conduct conference held with a student organization.

A case may be resolved informally during a conference if the respondent admits violating the *Standards* as charged and mutual agreement regarding sanctions is reached. A respondent must acknowledge that by accepting the outcome, he or she is waiving his or her rights to a hearing and any further appeal. If no agreement is reached, the matter will proceed through the conference (provided revocation of admission and/or degree, suspension, or dismissal are not possible sanctions) or to a hearing.

If the conference continues, the conduct officer, after considering all relevant information, will determine whether it is more likely than not that, the respondent violated any policies contained in the Allegation Notice and if so impose appropriate sanctions. Respondents scheduled to participate in a conference will be provided:

- a. Written notice of an alleged violation no less than two (2) business days prior to the occurrence of the conference;
  - b. Reasonable access to any written complaints/allegations, reports, other supporting documentation, or media that is relevant to the pending allegations;
  - c. An opportunity to present relevant information on one's own behalf during the conference;
  - d. An opportunity to be accompanied by an advisor as described in Section 5.E.12.
2. **Hearing:** If resolution through a conduct conference is not offered to a respondent, or the conference does not result in a final resolution, the respondent will be afforded an opportunity for an administrative hearing with a conduct officer or hearing with a conduct board. All hearings will observe the criteria and procedures outlined in Section 5.E., in addition to any special procedures noted elsewhere in the *Standards*. Respondents will normally be sent a Hearing Notice no less than five (5) business days prior to the occurrence of any hearing. The Director may develop subsidiary conduct boards to hear select cases of non-academic misconduct. Any such conduct boards must receive adequate training from the Office of Student Standards and Conduct. Subsidiary conduct boards will follow the same procedures and guidelines outlined in the *Standards*. The Director or designee will appoint a chairperson.
3. **Facilitated Conflict Resolution:** Complaints may be resolved via mediation or other facilitated conflict resolution (FCR) processes within or outside of the University when relevant parties agree to such a diversion and the Director, or designee, agrees that the proposed FCR is an acceptable way to resolve the allegation. The Office of Student Standards and Conduct will maintain written descriptions of FCR processes offered by the University (such as mediation, shuttle diplomacy, facilitated dialogue, restorative conferences, etc.). Any voluntary resolutions resulting from FCR processes will be binding on all students involved.

#### **D. Academic Integrity Procedures**

1. Faculty members who believe that a student may have engaged in an academic integrity violation are encouraged to consult with the Office of Student Standards and Conduct regarding the applicability of the *Standards*, potential courses of action, and guidance on imposing appropriate sanctions.
  - a. Given the nature of graduate studies, graduate students will normally face suspension or dismissal for any violation of academic integrity.
2. Faculty should submit a written complaint or allegation to their college case coordinator or the Office of Student Standards and Conduct within ten (10) business days of the alleged violation's discovery. The complaint should include, when available: a description of the information giving rise to the allegation; the names of any witnesses; a copy of the course syllabus; the student's accumulated grade for the course (notwithstanding the academic exercise in question); and any other relevant information, documents or

correspondences concerning the allegation. The complaint should indicate whether the student and faculty have reached a voluntary resolution in accordance with Section 5.D.2.a., or if the matter is being referred for a hearing. Faculty members are required to meet with the student prior to submitting a complaint in order to discuss the allegation and/or seek a voluntary resolution.

a. Voluntary Resolution – If the faculty member meets with the student, the student acknowledges the violation, and the faculty member is satisfied that the incident can be effectively resolved with a grade sanction:

i. The faculty member will propose an appropriate grade penalty, usually an F in the course or an F for the assignment or exam during which the academic integrity violation occurred.

Any academic integrity violation resolved between a faculty member and a student by a grade penalty must be reported to the Office of Student Standards and Conduct.

ii. The faculty member will submit a written complaint to their college case coordinator or the Office of Student Standards and Conduct after meeting with the student. The complaint should include the information described in Section 5.D.2. in addition to student's written acknowledgement of the academic integrity violation and acceptance of the proposed resolution.

iii. If the student has been found responsible of a prior academic integrity violation, the Office of Student Standards and Conduct will institute a hearing to determine if additional sanctions are appropriate. Such sanctions will likely include suspension or dismissal from the University.

b. Hearing Resolution – If the faculty member meets with the student, and the student does not acknowledge responsibility for the violation:

i. The faculty member will forward a written complaint to their college case coordinator or the Office of Student Standards and Conduct. The complaint should include the information described in Section 5.D.2. as well as what grade sanction, if any, the faculty member intends to impose if the student is found responsible.

ii. The case will be referred to a conduct board unless an administrative hearing is necessary to provide a more timely resolution.

iii. The reporting faculty member and any relevant witnesses will be given the opportunity to provide information at any hearing that occurs. The faculty member is strongly encouraged to participate in the hearing.

iv. No grade sanction should be assigned by the faculty member until the allegation is finally resolved, including the process of considering the student's appeal, if any. Should the allegation not be resolved prior to the end of the semester, a grade of "I" should be assigned by the faculty member.

v. If a student withdraws from a course in which the alleged violation occurs prior to the final resolution of the allegations, and the student is found responsible for the violation and a grade sanction is assigned, the resultant grade will



appear on the student's transcript even when the student has previously withdrawn with a grade of "W."

- vi. The Repetition of Courses Policy may not be utilized to replace the grade in a class in which an academic integrity violation was proven. Nothing about this provision is intended to prevent a student from retaking a course required for advancement within the student's intended course of study.
  - vii. In all academic integrity cases, the faculty member will be notified of the final outcome so that an appropriate grade may be assigned.
  - viii. If a student accused of an academic integrity violation is found not responsible for the allegation(s), the student will have the option to withdraw from the course without notation on the student's academic transcript, even if the deadline to withdraw without a grade of "W" has passed. Should the student choose to remain in the course, a faculty member may not issue a grade sanction.
3. Students may file a grade appeal utilizing the Grade Appeal Procedures outlined in the appropriate University Catalog if a grade sanction for an alleged academic integrity violation occurs without substantial adherence to the above procedures.

#### **E. Hearing Procedures**

Hearing participants are advised that hearings are not comparable to civil or criminal trials (see Section 4.B., Violations of Law.) Formal rules of evidence and procedure used in courts of law do not apply in student conduct hearings. Hearings should, whenever feasible, promote an informal give-and-take between participants rather than a confrontational exchange. It is expected that any participant in a hearing will contribute to an atmosphere of dignity, civility, respect, and candor among all involved.

These procedures will apply to all administrative hearings conducted by individual conduct officers and boards. The Director, or designee, may develop additional procedures for hearings that are consistent with the *Standards*. Unless otherwise stated, the term "Chairperson" will be used in this section to refer to the leader of any conduct board authorized to conduct a hearing in accordance with the *Standards*.

1. **Composition of Conduct Board:** The conduct boards are composed of members of the University community who convene to review alleged violations of the *Standards* that may result in suspension or dismissal or when resolution is not reached through a conference. Conduct boards are generally comprised of five (5) members: three (3) students, one (1) faculty member, and one (1) staff member. At times, due to schedule conflicts, it is not possible to convene a full conduct board. In such situations, hearings will convene with a quorum of three (3) conduct board members as long as one (1) student, one (1) staff member, and one (1) faculty member are present. Hearings are facilitated by a conduct officer who serves as chairperson and is not a voting member of the conduct board. Whenever possible the student member of the conduct board will be of the same student level as the respondent (i.e. undergraduate or graduate.)
2. **Removal of Conduct Officer or Board Member:** Conduct officers and board members should remove themselves from a hearing if they believe they cannot be impartial. A respondent may also request the removal of a conduct officer or board member due to concerns of partiality. A conduct officer or board member's prior contact with the

respondent or mere familiarity with relevant facts of a case is not normally a valid reason for granting a request for removal. Requests for a new conduct officer or board member should be made at the beginning of the hearing. Requests should state the precise reasons why the respondent believes a conduct officer or board member cannot be impartial. The conduct officer or chairperson will note the request and decide if the challenged conduct officer or board member may participate in the hearing.

3. **Closed Hearings:** All hearings will be closed to the public. Only persons with a legitimate role in the hearing will be permitted to attend or participate for the duration appropriate to their role.
4. **Availability of Information:** Respondents may contact the assigned conduct officer no more than two (2) business days in advance of the hearing to make arrangements to review and/or receive a copy of any written complaints or allegations, reports, other supporting documentation or media that is relevant to the pending allegations. Respondents scheduled to appear before a conduct board should contact the Office of Student Standards and Conduct to obtain access to this information in advance of the hearing.
5. **Rights of the Respondent:** Respondents called to a hearing will have the right to:
  - a. Be present at the hearing and hear all statements made;
  - b. Present witnesses and information on one's own behalf (no character witnesses will be considered in a hearing);
  - c. Be accompanied by an advisor as described in Section 5.E.12.;
  - d. Question available witnesses as described in Section 5.E.14.;
  - e. Choose not to attend the hearing, or refuse to answer any questions at the hearing. Students exercising this right are cautioned that a decision will be made based on the information available at the time of the hearing and previously withheld information will not be considered in subsequent appeal requests.
6. **Standard for Decision-Making:** If the conduct officer or a majority of conduct board members determines there is a preponderance of evidence (i.e. more likely than not) that the respondent violated the policies as alleged, the respondent will be found responsible.
7. **Maintaining Order:** The conduct officer or chairperson has the responsibility and authority to maintain order and determine the proper sequence of events during a hearing. Any person who fails to comply with instructions provided by the conduct officer or chairperson, or who otherwise disrupts or obstructs a hearing, may be directed to leave the hearing, which will proceed in the dismissed participant's absence.
8. **Credibility and Relevance:** Conduct officers or chairpersons will determine the relevance and admissibility of any information presented. Conduct officers and board members will determine the credibility of participants.
9. **Postponement of a Hearing:** A respondent's request to postpone a hearing must be emailed to the conduct officer no later than two (2) business days prior to the respondent's scheduled hearing. A hearing may be rescheduled if the request is for a reasonable cause at the discretion of the conduct officer. Hearings are not normally postponed because a respondent's work schedule conflicts with the scheduled hearing, a

preferred advisor is unavailable, or related criminal charges are filed and pending in court. Any postponement granted should not adversely impact a faculty member's ability to participate in the hearing as a witness. Nothing about this paragraph should limit the Director's ability to postpone a hearing without a student's request.

- 10. Request for Accommodations:** Students with a documented disability may request the provision of auxiliary aids or services, or other reasonable accommodations, to ensure an equitable opportunity to participate fully in any hearing. Specific modifications or accommodations are determined by the conduct officer, on a case-by-case basis after consulting with the Disability Resource Office. Any student with a disability who wishes to request an accommodation should adhere to the procedures and documentation guidelines established by the Disability Resource Office. Students should advise the conduct officer, in writing, of the student's intention to request accommodations no later than two (2) business days prior to the respondent's scheduled hearing in order to permit sufficient time to consider the student's request and make any necessary arrangements.
- 11. Obtaining Additional Information:** The conduct officer or chairperson will have the ability to reconvene the hearing at a later time or date, to call additional witnesses, to request additional information or documents, or to conduct additional investigation before making a final determination regarding the outcome of any hearing.
- 12. Advisors:** The respondent may have an advisor of his/her choosing and have that advisor present during the hearing. An advisor may have no other role in the hearing (such as a witness). In cases where a lawyer serves as a respondent's advisor, the respondent is responsible for any lawyer's fees incurred. An advisor's role is limited to providing unobtrusive assistance and support to the respondent before, during, and/or after the hearing. In concert with this role, advisors will not be permitted to speak or otherwise participate directly in any hearing, or make requests on behalf of the respondent. Respondents are requested to provide the conduct officer with notice of their intent to be accompanied by an advisor no later than two (2) business days prior to the respondent's scheduled hearing. A conduct officer or chairperson may also be assisted by an advisor.
- 13. Observers:** Respondents and participating complainants may have up to two (2) non-participating observers present at their hearing.
- 14. Witnesses:** A witness is regarded as someone who has direct knowledge of the incident at issue. Witnesses may have no other role in the hearing, such as an advisor, and should be present only during their opportunity to provide information and answer questions. The conduct officer or chairperson will decide whether the respondent or complainant may question witnesses directly, or if questions must be submitted to the conduct officer or chairperson, who will decide which of the questions to ask. Character witnesses are not relevant and therefore not permitted. Should a respondent seek to invite any witnesses, it will be the respondent's responsibility to email a list of witnesses and a summary of their roles to the conduct officer no later than two (2) business days prior to the respondent's scheduled hearing.
- 15. Remote Participation:** Any party directly involved, including the respondent, complainant or any witness, may participate in a hearing remotely by way of videoconferencing, or other appropriate and reasonable means provided the identity of the person participating remotely is known to all parties and all other guidelines and procedures described in the *Standards* are followed. Notice of intent to participate remotely, should be provided to

the conduct officer, in writing, no later than two (2) business days prior to the scheduled hearing in order to permit sufficient time to review the request and make any necessary arrangements.

**16. Recordings:** The conduct officer or chairperson will create a single, verbatim audio recording of the hearing (not to include any deliberations in cases heard by a conduct board). Hearing recordings are the property of the University. Students will be given reasonable access to the recording as determined by the conduct officer for the purposes of preparing an appeal. Any request to review a recording should be made via email to the conduct officer. Recordings are a part of a respondent's conduct record and maintained in accordance with Section 4.F.

**17. Hearing Outcome:** The conduct officer or chairperson will share the outcome after the conduct officer or board has determined whether the respondent is responsible or not responsible for the alleged violations. A rationale for the decision will be provided and, if the respondent is found responsible, any sanctions imposed will be outlined. A hearing decision letter, emailed to the respondent by the Office of Student Standards and Conduct after the hearing, communicates the outcome, supporting rationale, and details and deadlines related to any sanctions imposed, in writing.

#### **F. Appeal Procedures**

1. Respondents will have the opportunity to appeal a decision of a conduct officer or board.
2. Not all sanctions may be appealed. Sanctions involving separation (termination of the housing contract, revocation of admission and/or degree, suspension of student organization status, conduct suspension, or conduct dismissal) are eligible to be appealed on the basis of Section 5.F.4.a.
3. Requests for appeal should be emailed to the Office of Student Standards and Conduct within five (5) business days of the date on which the hearing decision letter was sent. The request will then be sent to the Associate Vice President for Student Affairs/Dean of Students, or designee. Requests received after this date will only be accepted for good cause as determined by the designated appellate officer. Any request for an appeal should describe, as thoroughly and precisely as possible, the basis for the request, as an appeal will normally be limited to a review of applicable records. When the Associate Vice President for Student Affairs/Dean of Students, or designated appellate officer, requests to speak with any party regarding the appeal, the purpose will be to gather additional information related to the appeal request, not to rehear a case.
4. A student may request an appeal for the following reasons only:
  - a. To determine whether sanctions involving separation (termination of the housing contract, revocation of admission and/or degree, suspension of student organization status, conduct suspension, or conduct dismissal) were reasonable in light of all relevant factors (other sanctions are not eligible for appeal);
  - b. To determine whether a significant departure from any provision of the *Standards* unfairly or materially impacted the outcome of the hearing (deviations from procedures outlined in the *Standards* will only be instructive when significant prejudice to the appealing student occurs);

- c. To determine whether a finding of responsibility was reasonable based on the information available to the conduct officer or board; and/or
  - d. To consider new information, not previously known or reasonably available to the appealing student at the time of the hearing, that could be sufficient to substantively modify the outcome of the hearing.
5. The Associate Vice President for Student Affairs/Dean of Students, or designee, may uphold, modify, overturn, or send back the original decision to the conduct officer or board to remedy any prior errors or to consider new information. The decision of the Associate Vice President for Student Affairs/Dean of Students is final and not subject to further appeal unless the sanction is revocation of admission and/or degree or dismissal. In cases resulting in a sanction of revocation of admission and/or degree or dismissal, the decision of the Vice President for Student Affairs is final and is not subject to further appeal.

## 6. EXCLUSIONS

**Decisions of the Faculty:** The *Standards* do not cover decisions made by the faculty in any academic program, department, or professional school as to the character or professional disposition required of a student for the purposes of awarding a degree or certificate, for continuation as a candidate for such degree or certificate, for eligibility to maintain an assistantship, or any other activity typically within the purview of the faculty. Therefore, such decisions are not subject to review within the procedures established in the *Standards* unless specifically stated within the *Standards*.

## 7. APPENDICES

None

## 8. REFERENCES

None

## 9. INTERPRETATION

The authority to interpret this policy rests with the President of the University and is generally delegated to the Vice President for Student Affairs.

## 10. APPROVAL AND REVISIONS

The President of the University and the President's Cabinet have approval authority over this policy and all subsequent revisions.

The *Standards of Student Conduct* were last approved by the Student Affairs Executive Committee for the 2010-2011 academic year. During 2013 and 2014, the *Standards of Student Conduct* were revised and reformatted into the new University-wide standard policy and procedure templates.

The new *Standards of Student Conduct* were submitted to and approved by the President's Cabinet at the meeting held on November 5, 2014. President Kyle signed the *Standards of Student Conduct* on November 11, 2014.

Effective August 11, 2017, the *Standards of Student Conduct* were reviewed by the oversight department and the Office of Policy Compliance. The *Standards* were modified to conform to the current University Policy template with minor revisions not requiring approval of the President's Cabinet.

**For general information concerning University policies, contact the [Office of Policy Compliance](#) – (540) 831-5794. For questions or guidance on a specific policy, contact the Oversight Department referenced in the policy.**