



University of the Incarnate Word Behavioral Misconduct Procedures

Office of Student Advocacy and Accountability
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CARDINAL PLEDGE



I WILL PURSUE ALL OF MY ENDEAVORS WITH HONOR AND INTEGRITY TO ADVANCE THE DISCOVERY OF TRUTH, MUTUAL UNDERSTANDING, SELF-REALIZATION AND THE COMMON GOOD. I WILL TAKE PERSONAL RESPONSIBILITY FOR MY ACTIONS AND STAND FOR WHAT IS RIGHT. I WILL RESPECT THE DIGNITY OF OTHERS, TREATING THEM WITH CIVILITY, COURTESY, AND COMPASSION AS I CARRY OUT THE UIW MISSION.

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Section 1: Introduction

Part of the educational experience at the University of the Incarnate Word (hereafter referred to as “University”) is learning how to live in harmony with community members and within a system of standards established for and by the community. Students are accountable to students and others in the community for abiding by these standards through the procedures outlined below. The conduct process is not a legal process but rather an administrative hearing procedure. Principles of fairness govern all review bodies. All students who violate these standards will be held accountable for their behavior through a process that assures the rights of both the Complainant and the Respondent. These procedures are subject to change with or without notice in the sole discretion of the University.

Section 2: Definitions

- a) The term “the University” refers to the University of the Incarnate Word.
- b) The term “student” includes all persons who have accepted admission to, enrolled at, are taking courses at, or have a continuing relationship with the University, including those who attend full-time or part-time.
- c) The term “Complainant” refers to an individual who has filed a complaint in regard to behavior that may be in violation of University policy.
- d) The term “Respondent” refers to an individual who is responding to a complaint in regard to behavior they allegedly committed that may be in violation of University policy.
- e) The term “Faculty member” refers to any person employed by the University to conduct instructional activities.
- f) The term “University official” includes any person employed by the University that holds administrative or professional supervisory responsibilities.
- g) The term “member of the University community” refers to any person employed by, volunteering for, or attending the University as a student, faculty member, administrator, staff member, intern, or volunteer.
- h) The term “University property” includes all land, buildings, facilities, and other property in the possession of, owned or controlled, whether leased or rented, by the university.
- i) The term “organization” refers to any fraternity, sorority, association, corporation, order, society, corps, club, or student government, a band or musical group or an academic, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association competition, or a service, social, or similar group, whose members are primarily students. Organizations also refers to University Sponsored Organizations (i.e., Resident Assistants, University Mission and Ministry Peer Ministers, Ambassadors, etc.)
- j) The term “advisor” refers to an individual selected by a Respondent or Complainant to assist during conduct proceedings, which includes but is not limited to, a parent, friend, faculty member, advocate, or legal counsel. Advisors may not directly participate, speak, comment, or make any type of representation or argument on behalf of a Complainant or Respondent in any aspect of the student conduct process. Advisors are typically only permitted during Formal Hearings, but a student may request an advisor for other conduct proceedings by petitioning the Director of Student Advocacy and Accountability. The availability of an advisor to attend shall not unreasonably interfere with or delay any conduct proceedings. Should a student elect to have legal counsel serve as an advisor, the student must provide

notice to the Director of Student Advocacy and Accountability of a minimum of three (3) business days so that UIW's Office of General Counsel can be consulted.

- k) The term "Hearing Officer" refers to any persons authorized to determine whether a student or student organization has violated the Student Code of Conduct and whether to impose sanctions. Staff members with the Office of Student Advocacy and Accountability and the Office of Residence Life and Housing Operations are the primary Hearing Officers for UIW.
- l) The term "Hearing Panel" refers to a group of at least three (3) individuals authorized by the Dean of Campus Life to determine whether a student or student organization has violated the Student Code of Conduct and whether to impose sanctions. A Hearing Panel will include an odd number of individuals, whenever possible.
- m) The term "illegal drug" is defined as a substance defined and regulated under the provisions of the Federal Controlled Substances Act and of Article 4476-14 or Article 4476-15 of Vernon's Texas Civil Statutes, and including, but is not limited to: CNS depressants, CNS stimulants, hallucinogens, or other illegal drugs such as PCP, cocaine or crack.
- n) The term "use of drug" includes: the misuse of prescription medication; the possession or drug paraphernalia; and/or the use, possession, manufacture, sale or distribution of any one or more illegal drugs while on or off university property.
- o) The term "will" is used in the imperative sense.
- p) The term "may" is used in the permissive sense.
- q) The term "policy" is defined as the written rules of the University found in, but not limited to: the Student Code of Conduct, the Residence Life Handbook, the Student Handbook, and the Graduate and Undergraduate Bulletins.
- r) The term "day" refers to a regular business day when the University is in session.
- s) The term "Preponderance of the Evidence" is the standard of proof that applies to behavioral misconduct proceedings or determinations. It means that the evidence supports a conclusion that it is more likely than not that a policy violation occurred.

Section 3: Rights and Expectations

Rights in the Conduct Process

Should you be involved in the conduct process, you have the following rights:

- The ability to review the Student Code of Conduct and Behavioral Misconduct Procedures;
- The ability to review the Residence Life Handbook;
- Ask any relevant questions and to have them answered by a member of the Office of Student Advocacy and Accountability (OSAA) staff;
- Expect confidentiality of personally identifiable information (PII) to the extent permitted by the Family Educational Rights and Privacy Act (FERPA) and exercise the right to waive that confidentiality in writing. (Please be advised that pursuant to FERPA exceptions, some confidential information may be disclosed without consent, e.g. in health or safety emergencies.);
- Have an advisor present during a Formal Hearing. The role of the advisor is to provide advice and support during the student conduct process. An advisor may not speak for you, or address any other participant in the conduct process;
- Decline to answer questions or provide a statement during any meeting or hearing. Any statements you make may become part of your case file;

- Any information you provide could be subject to subpoena if you have a pending criminal case resulting from the same incident;
- Review the contents of your case file by scheduling an appointment with an OSAA staff member;
- Request an appeal of the conduct process decision **one time** within the established University process.

Expectations in the Conduct Process

The Office of Student Advocacy and Accountability has certain expectations for all members of the University community when participating in the student conduct process:

- Participants are to comply with all timelines as set forth in this document.
- All communication will primarily be initiated through UIW email. It is the responsibility of students to check their UIW email on a regular basis. Not checking email is not an excuse for missing a deadline or meeting.
- If participants fail to appear for a scheduled hearing, the hearing may be conducted without the participant(s), and a decision will be made based on the information that is available at the time of the hearing.
- All participants are expected to provide truthful and complete information to Hearing Officers and Hearing Panel members. Knowingly providing false or misleading information may result in additional violations of the Student Code of Conduct.

Section 4: Reporting and Review Procedures

Filing a Complaint

Any member of the University community, visitors or guests may file a complaint against any student for misconduct through the following webpage: <https://www.uiw.edu/report>.

Complaints are directed to the Director of Student Advocacy and Accountability (or their designee) or to the Director of Title IX when appropriate. All complaints should be submitted as soon as possible after the offending event occurs, preferably within one semester; however, at the discretion of the Dean of Campus Life, the University may pursue a complaint made much later.

Review of Complaints

Once a complaint is received, the Office of Student Advocacy and Accountability may conduct a preliminary investigation into the complaint, which may include contacting relevant parties for additional information. After the preliminary investigation takes place and a preliminary report is prepared, one of the following options will be selected:

- *No Action* – The report either does not provide enough information to make a preliminary determination as to a Respondent or provide enough information in order to support an allegation of misconduct. The report may be kept on file for informational purposes.
- *Educational Conversation* – While the report contains relevant information regarding a potential violation, the Office of Student Advocacy and Accountability may not have jurisdiction to bring formal charges. The Office of Student Advocacy and Accountability will bring in the Respondent to have a discussion about the concerning behavior and what may occur should future reports of behavioral misconduct be brought to the University's attention.

- *Mediation* – Based on the information in the report, mediation to resolve the complaint would be preferable to all parties involved instead of the student conduct process. If this is the case, the complaint will be referred to an appropriate party to begin mediation. All parties must agree to mediation. Should mediation fail to result in an agreeable conclusion, the Office of Student Advocacy and Accountability reserves the right to initiate the behavioral misconduct process.
- *Initiation of Behavioral Misconduct Process* – There is reasonable cause to support an allegation of misconduct under the Student Code of Conduct. Notice will be served to the Respondent as soon as possible to schedule a meeting.

False Reports

The University will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may amount to a violation of state criminal law and/or civil defamation law.

Attempted Violations

In most instances, the University will treat attempts to commit any of the violations listed in the Student Code of Conduct as if those attempts had been completed.

University as Complainant

The University reserves the right to initiate a complaint, to serve as Complainant and to initiate conduct proceedings without a formal complaint by the victim of the alleged misconduct.

Misconduct Online

Students are cautioned that behavior conducted online such as harassment or bullying via email can subject them to behavioral misconduct action. Students must also be aware that blogs, webpage entries on social media sites such as Facebook, Instagram, Snapchat, YouTube, and other similar online postings are in the public sphere and are not private. These postings can subject a student to allegations of behavioral misconduct violations if evidence of such violations is posted online. The University does not regularly search for this content but may take action if and when such information is brought to the attention of University officials.

Once a complaint has been received by the Office of Student Advocacy and Accountability and a determination has been made to initiate the behavioral misconduct process, the applicable allegations will be considered pending until the conduct process is completed and a determination has been made regarding the merit of the allegation(s).

Section 5: The Conduct Process

Notice

Whenever it is deemed that an Administrative Review meeting must take place, notice will be given to the Respondent in writing that may be delivered by one or more of the following methods:

- emailed to the student's University-issued email account;
- mailed to the local or permanent address of the student as indicated in official University records;
- delivered in person by the Director of Student Advocacy and Accountability (or their designee).

Once emailed, mailed or received in-person, such notice will be deemed delivered. For the initial notice of an allegation, the following information will be included:

- The alleged violation(s) and applicable section(s) of the Student Code of Conduct;

- Reference to the Behavioral Misconduct Procedures for applicable procedures that may be used in resolution of the complaint;
- A specified date and time for an Administrative Review meeting with the assigned Hearing Officer to discuss the complaint, the applicable sections of the Student Code of Conduct, and resolution options.

When scheduling Administrative Review meetings, the Office of Student Advocacy and Accountability will refer to University provided class schedules in order to determine the best possible time to schedule a meeting and will give a minimum notice of five (5) business days prior to the meeting, unless specified otherwise herein. Students are expected to treat notices from the Office of Student Advocacy and Accountability with the utmost priority and to communicate any potential schedule conflicts as soon as possible. While requests to re-schedule a meeting can be made, they can be denied if deemed for an inadequate reason or deemed an attempt to delay/avoid addressing the allegations.

Administrative Review

During the Administrative Review meeting, the Respondent will have the opportunity to review the following:

- their rights as part of the behavioral misconduct process;
- the complaint and any supporting documentation;
- the allegations and applicable sections of the Student Code of Conduct;
- the resolution options presented.

Additionally, the Respondent will have the opportunity to ask relevant questions of their Hearing Officer and have them answered. During this Administrative Review meeting, the Respondent must indicate in writing that they understand their rights, their resolution options, and whether they admit or deny the allegations of the complaint.

Hearing Options & Preparation

The following sections describe the University's conduct hearing processes. Except in a complaint involving failure to obey the summons of the Director of Student Advocacy and Accountability (or their designee), no student may be found to have violated the Student Code of Conduct solely due to the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Hearing Officer. During the process of a hearing, if it is determined that additional violations of the Student Code of Conduct have occurred, additional charges and sanctions may be asserted.

Where the Respondent admits to violating University policy or in instances where the Respondent denies violating University policy and is facing a complaint for which the consequences do not include suspension or expulsion from University, the assigned Hearing Officer may invoke informal resolution procedures to determine and administer appropriate sanctions without a Formal Hearing. This process is also known as an Administrative Hearing.

An Administrative Hearing may occur concurrently with an Administrative Review or may be scheduled for a later date. Should a later date be chosen, every effort will be made to schedule an Administrative Hearing within five (5) business days of the Administrative Review. The Hearing Officer will make a decision regarding

responsibility and appropriate consequences for the violation(s) of University policy. The resolution/outcome will be mailed to the Respondent's University email account. Any deadlines assessed will begin when the letter is electronically sent by the Office of Student Advocacy and Accountability.

Administrative (Informal) Hearing

An Administrative Hearing takes place between the Respondent and a Hearing Officer and does not allow for the presentation of witnesses or information submitted by the Respondent prior to the Hearing, although the Hearing Officer may follow up with other parties as necessary before making a decision. Administrative Hearings are not audio recorded and are closed to the public. Advisors are not permitted at Administrative Hearings except upon special application to the Director of Student Advocacy and Accountability (or their designee).

Formal Hearing

Where the Respondent denies violating the Student Code of Conduct or in instances where the Respondent is facing a complaint for which the consequences may include suspension or expulsion from the University, a Formal Hearing will be conducted as befits the gravity of the alleged offense and the very serious nature of the consequences. At the discretion of the Director of Student Advocacy and Accountability (or their designee), a request by the Respondent for an Administrative Hearing may be considered. Respondents who deny a violation for which a Formal Hearing will be held will be given a minimum of five (5) business days to prepare for the Formal Hearing. Preparation for a Formal Hearing is summarized in the following guidelines:

- a) Notice of the time, date and location of the Formal Hearing will be in writing and will be delivered pursuant to the aforementioned methods of notice. Once mailed, emailed and/or received in person, such notice will be deemed delivered.
- b) If there is an alleged victim of the conduct in question, the alleged victim may serve as the Complainant or may elect to have the University administration serve as Complainant. Where there is no alleged victim, the University administration will serve as Complainant.
- c) If a Respondent fails to respond to Formal Hearing notice, the Director of Student Advocacy and Accountability (or their designee) may initiate a complaint against the Respondent for failure to comply with the directives of a University official and will give notice of this offense. Unless the Respondent responds to this notice within two (2) days by answering the original notice, a Formal Hearing may be scheduled and held on the Respondent's behalf and the Respondent may have a disciplinary hold placed on their University account, deeming them ineligible to register for courses or University housing until such time as they respond to the initial complaint.
- d) At least three (3) days before any scheduled Formal Hearing, the following will occur:
 - The Respondent and/or Complainant will deliver a written response to the complaint to their assigned Office of Student Advocacy and Accountability staff member;
 - The Respondent and/or Complainant will deliver to their assigned Office of Student Advocacy and Accountability staff member a written list of all witnesses they would like to appear on their behalf;
 - The Respondent and/or Complainant will deliver all items of physical information they intend to introduce at the Formal Hearing and will indicate who has possession or custody of such information, if known; and

- The Respondent and/or Complainant will notify their assigned Office of Student Advocacy and Accountability staff member of the name of any advisor who may be accompanying the Respondent and/or Complainant at the Formal Hearing.
- e) The Director of Student Advocacy and Accountability (or their designee) will ensure that the Formal Hearing information and any other available written documentation is shared with the Respondent and/or Complainant at least one (1) day before any scheduled hearing. In addition, the parties will be given a list of the names of all the Hearing Panel members for the complaint. Should either party object to any member(s) of the Hearing Panel they must raise all objections in writing to the Director of Student Advocacy and Accountability within one (1) business day before the Formal Hearing. Hearing Panel members will only be unseated if the Director of Student Advocacy and Accountability concludes that their bias precludes an impartial hearing of the complaint. Additionally, any Hearing Panel member or Hearing Officer who feels they cannot make an objective determination of the Respondent's culpability based on the available information must recuse themselves from the proceedings.

Formal Hearing Procedures

The Complainant and Respondent have the right to be present at the Formal Hearing; however, they do not have the right to be present during deliberations. If the Complainant or Respondent cannot attend the scheduled Formal Hearing, it is their responsibility to notify the Director of Student Advocacy and Accountability no later than one (1) business day before the scheduled Hearing to arrange for another date, time and location. Except in unusual circumstances, as determined by the Hearing Officer, the Formal Hearing will proceed as scheduled even if Respondent fails to appear.

Formal Hearings will be conducted according to the following guidelines:

1. Hearings will be closed to the public.
2. Admission of people to the Hearing, other than the parties involved, will be at the discretion of the Hearing Panel and the Director of Student Advocacy and Accountability.
3. In Hearings involving more than one Respondent, the standard procedure will be to hear the complaints jointly; however, the Director of Student Advocacy and Accountability may permit Hearings for each Respondent be conducted separately. In joint hearings, separate determinations of responsibility will be made for each Respondent.
4. The Complainant and Respondent have the right to an advisor of their own choosing.
5. The Complainant, the Respondent, the Hearing Panel, and the Director of Student Advocacy and Accountability (or their designee) will have the opportunity to present witnesses and question all parties. Presentation of witnesses can be limited at the discretion of the Hearing Panel Chairperson or the Director of Student Advocacy and Accountability (or their designee).
6. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Hearing Panel and the Director of Student Advocacy and Accountability. Formal rules of evidence adopted by the Texas Supreme Court are not observed. The Director of Student Advocacy and Accountability may limit the number of character witnesses presented to two (2) or may accept written affidavits of character instead.
7. All procedural questions are subject to the final decision of the Director of Student Advocacy and Accountability.

8. After a Formal Hearing, the Hearing Panel will deliberate and determine by majority vote whether, **it is more likely than not** that the Respondent violated the Student Code of Conduct. The Director of Student Advocacy and Accountability (or their designee) will be present and available as a resource during all deliberations. When a finding is reached, if the finding is that the Respondent(s) violated a policy, the Hearing Panel will determine an appropriate sanction(s). The Director of Student Advocacy and Accountability (or their designee) is responsible for informing the Hearing Panel of applicable precedent and any previous conduct violations by the Respondent. The Hearing Panel Chair will prepare a summary report detailing the finding(s), the information cited by the Hearing Panel in support of its finding, and any information the Hearing Panel excluded from its consideration and why. The report should include any recommended sanctions. The report will be submitted to the Director of Student Advocacy and Accountability within two (2) business days after deliberations.
9. The Director of Student Advocacy and Accountability reserves the right to make appropriate modifications to the Hearing Panel's summary report.
10. The Director of Student Advocacy and Accountability will then inform the Respondent and Complainant (if applicable by law or University policy) of the final determination within five (5) business days of the Hearing. Notification will be made in writing and will be delivered in pursuant to the aforementioned methods of notice. Once mailed, emailed and/or received in person, such notice will be deemed delivered.
11. There will be a single verbatim record, such as a tape recording, for all Formal Hearings. Deliberations will not be recorded. The record will be the property of the University and will be maintained according to the University's record retention policy.

Decisions in Absentia

It is the goal for Respondents to have every opportunity to participate in the behavioral misconduct process to have their side of the story heard and considered when making decisions. In certain situations, the Office of Student Advocacy and Accountability may instruct a Hearing Officer to make a decision without input from the Respondent. Such situations include, but are not limited to:

- Cases that would typically be handled via Administrative Hearing, where the Respondent has failed to appear for two (2) scheduled Administrative Reviews.
- If an Administrative or Formal Hearing is scheduled, notice has been delivered, and the Respondent fails to appear without making an attempt to reschedule.

Respondents will not be able to appeal on the grounds that their failure to participate in the behavioral misconduct process created a situation where information was not able to be considered when making a decision regarding responsibility for violations of University policy.

Defenses

It is common for individuals accused of a policy violation to defend their actions with explanations such as, but not limited to, prescription drug interactions, self-defense, and disability. The University's policy on defenses is that providing an explanation for a policy defense is equivalent to the admission of engaging in a policy violation. While explanations will not excuse an individual's commission of a policy violation, Hearing Officers and Hearing Panels will take the legitimacy of an individual's explanation into consideration in the determination of appropriate sanctioning.

Respondent Withdrawal Pending Disciplinary Charges

If a Respondent withdraws from the University pending disciplinary charges that may result in the Respondent becoming ineligible to re-enroll (i.e., suspension or expulsion) for a reason other than academic or financial hardship, the University will not end the disciplinary process until a final determination of responsibility is entered. If, as a result of the disciplinary process, the Respondent is ineligible to re-enroll, the University shall include a notation stating such on the Respondent's transcript.

Violations of the Law

Violations of federal, state and local laws are incorporated as offenses under the Student Code of Conduct. When an offense occurs over which the University has jurisdiction, the University conduct process will go forward notwithstanding any criminal complaint that may arise from the same incident. Should a student withdraw from the University when a criminal complaint is made, the University may pursue investigation and resolution of campus conduct matters, regardless of the fact that the student has withdrawn.

When a student is accused, arrested, charged, or indicted for a violent or drug-related **off-campus crime**, the University may elect to take action against that student for violation of the Student Code of Conduct, which considers violations of local, state and federal laws to be Code of Conduct violations.

When it has reasonable cause to separate a student from the community, the University may suspend a student for a reasonable time pending the scheduling of a Hearing on the violation of the Student Code of Conduct. The University reserves the right to exercise its authority to exercise interim suspension of a student upon notification that the student is facing a criminal investigation, criminal charges, and/or a complaint. The University will permit a student who receives an interim suspension to request a meeting with the Dean of Campus Life to show cause as to why an interim suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of a hearing.

When criminal charges are pending, the University may be delayed or prevented from conducting its own investigation and moving forward with a hearing. When this happens, the University will delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information from law enforcement upon which to proceed.

It may be in the best interest of students accused of crimes to withdraw from the University, without penalty, until the criminal charges are resolved. The University has a procedure for voluntary withdrawal under the following conditions:

- a. The Respondent must comply with any and all campus efforts at investigation that will not prejudice their defense in the criminal trial; and
- b. The Respondent must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, a campus hearing and must comply with any and all sanctions that are administered.

Section 6: Responsible Action Protections

The University expects all community members to take reasonable and prudent actions to prevent or stop a violation and/or crime. Taking reasonable and prudent action may include direct intervention, calling law

enforcement, or seeking assistance from a person in authority. Community members who exercise this positive moral obligation will be supported by the University and protected from retaliation.

Good Samaritan/911 Lifeline Law (Medical Amnesty)

The welfare of students in our community is of paramount importance. At times, students on and off campus may need assistance. The University encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble. For example, a student who has been drinking underage might hesitate to call University Police for emergency medical assistance in response to the possible alcohol overdose of a friend. The University exercises a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the University will provide educational options, rather than punishment, to those who offer their assistance to others in need.

The Good Samaritan policy at UIW has been long-standing. In 2011, the 911 Lifeline Law was passed by the Texas Legislature, known as [S.B. 1331](#). This law states that: “A person under 21 won’t be charged by the police for possessing or consuming alcohol if the person calls 911 because someone might have alcohol poisoning. This limited immunity applies only to the first person to call for medical assistance, only if the caller remains on scene until medical assistance arrives and cooperates with EMS and law enforcement” (Texas Alcoholic Beverage Commission, 2011).

Immunity for Victims/Survivors

The University community encourages the reporting of Code of Conduct violations and/or crimes by victims/survivors. Sometimes, victims/survivors are hesitant to report to University officials because they fear that they themselves may be accused of policy violations such as underage drinking at the time of the incident. It is in the best interest of the University community that as many victims/survivors as possible choose to report to University officials. To encourage reporting, the University exercises a policy of offering victims/survivors of Code of Conduct violations and crimes amnesty from policy violations related to the incident.

Section 7: Process Outcomes and Sanctions

Possible Outcomes

During the course of an investigation, information will be gathered regarding responsibility for violations of the Student Code of Conduct. A Hearing Officer will make a determination of “responsible” or “not responsible” for each alleged violation. In order for a Respondent to be found “responsible”, the Hearing Officer must determine that there is a preponderance of the evidence to support that decision.

Possible Sanctions

Sanctions are a method of accountability that are imposed as a result of a finding of responsibility for a violation of the Student Code of Conduct. As part of the investigation and/or hearing process, information will be gathered in order to assign appropriate sanctions. One or more sanctions may be imposed upon any Respondent for a violation of the Student Code of Conduct. Factors including but not limited to precedent and past conduct history are considered as part of the decision making process.

Status Sanctions

The following status sanctions can be imposed on a Respondent due to their conduct record.

1. Disciplinary Warning: A written notice will be sent to the Respondent who violated a University policy. The disciplinary warning will indicate that inappropriate and unacceptable actions have occurred and that more severe conduct action will result should the Respondent be involved in other violations while enrolled at the University.
2. Disciplinary Probation: Indicates that further violations may result in suspension or expulsion. Respondents who are assessed this sanction will be removed from behavioral probation automatically upon expiration of the probationary period and satisfaction of any additionally assigned sanctions.
3. University Probated Suspension: The Respondent is suspended and deemed “not in disciplinary good standing” with the University for a specified period of time. During this time, the Respondent is still permitted to attend classes, but additional violations of the Student Code of Conduct can lead to the immediate removal from courses. Specific limitations or exceptions may be granted by the Director of Student Advocacy and Accountability, and terms of this sanction may include, but are not limited to, the following:
 - Ineligibility to hold any office in any student organization recognized by the University or hold an elected or appointed office at the University; or
 - Ineligibility to represent the University to anyone outside the University community in any way including: participating in the study abroad program, attending conferences, or representing the University at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
4. University Suspension: The Respondent is immediately separated from the University for a specified period of time after which the Respondent is eligible to return. If classes are currently in session, the Respondent will be administratively withdrawn from all classes. A notation will be placed on the Respondent’s transcript. Conditions for readmission may be specified. The Respondent is required to vacate University housing and/or campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and the Director of Student Advocacy and Accountability. This sanction may be enforced with a trespass action if deemed necessary.
5. University Expulsion: The Respondent is immediately and permanently separated from the University. The Respondent is barred from being on campus and the Respondent’s presence at any University sponsored activity or event is prohibited. If classes are currently in session, the student will be administratively withdrawn from all classes. A notation will be placed on the Respondent’s transcript. The Respondent is required to vacate University housing and/or campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and the Director of Advocacy and Accountability. This action may be enforced with a trespass action if deemed necessary.

Housing Sanctions

The following housing sanctions can be imposed on a Respondent due to their conduct record.

1. University Housing Reassignment: The Respondent is reassigned to another University housing structure. Residence Life personnel will decide on the structure to which the Respondent will be reassigned.

2. University Housing Probation: The Respondent is put on official notice that should further violations of Residence Life or University policies occur during a specified probationary period the Respondent may immediately be removed from University housing.
3. University Housing Suspension: The Respondent is removed from University housing for a specified period of time after which the Respondent is eligible to return. Conditions for re-admission to University housing may be specified. Under this sanction, the Respondent is required to vacate University housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to re-application for University housing, the Respondent must gain permission from the Director of Residence Life (or their designee).
4. University Housing Expulsion: The Respondent's privilege to live in or visit any University housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.

Educational Sanctions

The following educational sanctions are designed to provide education on a specific topic or set of topics and to encourage reflection on the actions taken.

1. Educational Program: Requirement to attend and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the Respondent or organization was found responsible.
2. Reflective Activities: This includes required activities such as, but not limited to, writing a letter of apology, writing a reflection paper, etc.
3. Referral to Campus and/or Community Resource(s): This includes required activities such as, but not limited to, seeking academic or personal counseling, speaking with University Police, etc.
4. Community/University Service Requirements: For a Respondent or organization to complete a specific supervised University service. This will not fulfill the University's community service requirement for graduation.

Restrictions

The following sanctions are limitations placed on a Respondent's ability to access specific buildings, offices, departments, services, or other designated entities as a result of the Respondent's misconduct.

1. **No Contact Order:** Contact between students is limited. At the request of a student and after investigation by the Director of Student Advocacy and Accountability (or their designee), a No Contact Order may be enforced between students. No contact means that while the Complainant and Respondent are on University property or are at any activity or event associated with the University, the Respondent may not attempt to communicate with the Complainant or vice versa. **Distance restrictions may also be imposed.** Communication includes: talking with; attempting to talk with; touching; staring at; writing to; attempting telephone or other electronic contact (e.g. email, Facebook, text); enlisting a proxy (third party) to make contact on your behalf; or any other form of contact or attempted contact. Appropriate monitoring and notification of provisions may be made to enable enforcement.
2. Loss of Privileges: The Respondent will be denied specified privileges for a designated period of time. This includes access to specific buildings, offices, departments, services, or other designated entities.

3. **Restriction of Visitation Privileges:** Restrictions of visitation privileges may be levied against an individual or individuals residing in University housing. The parameters of the restriction will be specified by the Director of Student Advocacy and Accountability or their designee.

Other Sanctions

1. **Fines:** Previously established and published fines may be imposed.
2. **Restitution:** Compensation for damage caused to the University or any person's property. This is not a fine but rather a repayment for property destroyed, damaged, consumed, or stolen.
3. **Confiscation of Prohibited Property:** Items whose presence is in violation of University policy will be confiscated and will become the property of the University. Prohibited items may be returned to the owner at the discretion of the Director of Student Advocacy and Accountability and/or University Police.
4. **Deferral of sanction:** A deferral of sanction (e.g., probation or suspension) may be imposed on a Respondent for whom the specific sanction deferred is appropriate, but for whom there are mitigating circumstances as determined by Office of Student Advocacy and Accountability. If a Respondent is found to have violated any rule of the University while the deferred sanction is in effect, the minimum sanction for such a violation will be the sanction that had been deferred.
5. **Group Sanctions:** The following sanctions may be imposed upon groups or organizations found to have violated the Student Code of Conduct:
 - One or more of the sanctions listed above, and/or
 - Deactivation, loss of all privileges (including university registration), for a specified or indefinite period of time.

Sanctions imposed will be implemented immediately unless the Director of Student Advocacy and Accountability delays their implementation in extraordinary circumstances, pending the outcome of the appeal.

Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Vice President for Division of Strategy and Development and Facility Management, the Dean of Campus Life and the Director of Student Advocacy and Accountability or designee.

Interim Actions

In some unique cases, interim actions may need to be put in place in order to preserve the safety/security of the University and/or members of the University community.

Section 8: Appeals

Ability to Appeal

Individuals who are dissatisfied with a decision of responsibility and/or assigned sanction(s) may file an appeal within five (5) business days of issuance of the written decision. The five (5) business day window starts from the date on which the decision letter is sent to the Respondent and not the date the letter is opened. Once the appeal window expires, it will not be re-opened.

Appeals are ordinarily submitted by the Respondent in response to the decision made by the Hearing Officer/Hearing Panel. In the event the charges against the Respondent would constitute a "crime of violence"

as defined by the Family Educational Rights and Privacy Act (FERPA), the Complainant also has the right to file an appeal of the decision. (See section 9 for more information on what constitutes a “crime of violence”.)

Grounds for Appeal

Appeals will only be considered for one or more of the following purposes:

1. To consider new information which was unavailable at the time of the original hearing and could be outcome-determinative;
2. To assess whether a material deviation from written procedures impacted the fairness or outcome of the hearing;
3. To decide if an assigned sanction(s) falls outside the range of sanctions the University has designated for this offense;
4. To determine if the finding does not accord with the information provided in the hearing; or
5. To assess whether bias on the part of a Hearing Officer or a Hearing Panel member deprived the process of impartiality.

It is the responsibility of the appellant to clearly illustrate how one or more of the following grounds is met in their appeal submission, as appellants are not guaranteed the ability to speak before the body making the decision regarding their appeal.

Appeal Process

All appeals received within the stated appeal window will be initially reviewed by the Director of Student Advocacy and Accountability. If the Director of Student Advocacy and Accountability determines that an appeal does not meet any of the stated grounds above, the appeal may be summarily dismissed without further consideration. If an appeal is reviewed and deemed to warrant full consideration, the Director of Student Advocacy and Accountability will request all materials from the case from the Hearing Officer or Hearing Panel who decided the case. Once all materials are gathered, the appeal will be referred to the appropriate decision-making body:

- Cases heard in an Administrative (Informal) Hearing will be decided upon by the Director of Student Advocacy and Accountability.
 - If the Director of Student Advocacy and Accountability was the Hearing Officer, the Dean of Campus Life (or their designee) will be consulted.
- Cases heard at a Formal Hearing will be decided upon by the Dean of Campus Life and the VP of Enrollment.

The following outcomes are available as a result of an appeal:

1. Appeal of an Administrative Hearing:
 - a. The appeal is deemed to have merit, and the Director of Student Advocacy and Accountability will refer the case to be re-heard by a new Hearing Officer.
 - b. The appeal is deemed to have merit, and the Director of Student Advocacy and Accountability will modify any sanction(s) at their discretion.
 - c. The appeal does not create sufficient grounds to re-hear the case or modify sanctions and is denied.
2. Appeal of a Formal Hearing:
 - a. The appeal is deemed to have merit, and the Director of Student Advocacy and Accountability will refer the case to be re-heard by a new Conduct Review Council/Formal Hearing.

- b. The appeal is deemed to have merit, and the Director of Student Advocacy and Accountability will modify any finding of responsibility and/or sanction at their discretion.
- c. The appeal does not create sufficient grounds to re-hear the case or modify the findings/sanctions and is denied.

Please note: The review body will be deferential to the original Hearing Officer/Hearing Panel on the assumption that decisions and processes were executed in good faith. It is the responsibility of appellant to prove otherwise. Any decision made regarding an appeal is final and cannot be appealed further.

The original Hearing Officer/Hearing Panel may support or change a decision and/or increase, decrease or modify a sanction. The Dean of Campus Life or VP of Enrollment will be deferential to the original Hearing Officer/Hearing Panel, making changes: (1) to the finding only where there was clear error; (2) to a sanction only if a compelling justification to do so exists; and (3) only when a majority decision is reached.

Except as required to explain the basis of new information unavailable at the time of a hearing, review of a Formal Hearing will be limited to the verbatim record of the initial hearing and all supporting documents.

Section 9: Records

Holds

In order to ensure that students participate in the Behavioral Misconduct Process and are accountable for their decisions, the Office of Student Advocacy and Accountability reserves the right to place administrative holds on student accounts in order to ensure that students act in a responsible manner.

Failure to Appear for Conduct Meetings

All students, as members of the University community, are expected to comply with requests from the Hearing Officer. For all cases where University Suspension, University Expulsion, Housing Suspension, and Housing Expulsion are possible outcomes, the increased impact of such sanctions necessitates that a conversation with the student takes place. Should a student fail to attend two scheduled Administrative Reviews, an administrative hold will be placed on the student's University account until the student responds to and attends a meeting to discuss their case.

Failure to Complete Sanctions

All students, as members of the University community, are expected to comply with conduct sanctions within the time frame specified by the Hearing Officer or Hearing Panel. Failure to follow through on sanctions by the date specified, whether by refusal, neglect or any other reason, will result in an administrative hold being placed on the student's University account until the student completes the required sanctions. A hold will only be lifted when compliance with sanctions is satisfactorily achieved. This determination will be made by the Director of Student Advocacy and Accountability (or their designee).

Maintenance of Disciplinary Records

Disciplinary records are maintained by the University for seven (7) full conduct years from the time of the completion of the conduct process for a student's most recent offense. Disciplinary records older than seven (7) full conduct years will be destroyed on an annual basis, with the exception of records that indicate a University

expulsion or University housing expulsion was imposed. Records that indicate such impositions will be maintained indefinitely. For the purposes of this section, a conduct year is defined as starting August 1 and ending on July 31 of the subsequent calendar year.

Notification of Outcomes

The outcome of a behavior misconduct hearing is part of the educational record of the Respondent and is protected from release under the Family Educational Rights and Privacy Act (FERPA), except under certain conditions. In accordance with FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or sex offense, the University will inform the Complainant in writing of the final results of a hearing, “regardless of whether the University concludes that a violation was committed” (Family Educational Rights and Privacy Act, 2009). Such release of information may only include the Respondent’s name, the violation committed, and the sanctions assigned (if applicable), though in cases of sex offenses, the rationale for the outcome will also be shared with all parties to the complaint.

In cases where the University concludes that a student violated a policy that would constitute a “crime of violence” or sex offense, the University may also release the above information publicly and/or to any third party. FERPA lists “crimes of violence” as:

- a. Arson
- b. Assault offenses
- c. Criminal Homicide - manslaughter by negligence
- d. Criminal Homicide - murder and non -negligent manslaughter
- e. Burglary
- f. Destruction/damage/vandalism of property
- g. Kidnapping/abduction
- h. Robbery
- i. Sex Offenses, forcible
- j. Sex Offenses, non-forcible

Section 10: Parental Notification

Parental Notification

The University reserves the right to notify parents/guardians of dependent students regarding any conduct situation, including but not limited to alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. The University will attempt to contact the parents/guardians of a student to inform them of situations in which there is a health and/or safety risk. The University also reserves the right to designate which University employees have a legitimate need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share such information accordingly.