

# SACR 1

Office of the President  
June 14, 2005

Members, Board of Trustees:

## CODE OF STUDENT CONDUCT REVISION

Recommendation: that the Board of Trustees approve the attached revision to the *Code of Student Conduct*, effective July 1, 2005.

Background: The *Code of Student Conduct* is the document in which the Board states the rules, procedures, rights, and responsibilities governing non-academic relationships between the University and students. The Code defines prohibited behavior and specifies the procedural due process to which students and organizations are entitled in the disciplinary process. The Code also specifies the sanctions that may be imposed when a student or an organization is found responsible for a violation.

The University of Kentucky currently operates with a *Code of Student Conduct* that was originally developed in the late 1960's/early 1970's period of student unrest. Over the years, the Code has been changed in a piecemeal fashion, often in response to situations or incidents that did not fit the process or parameters outlined within the Code.

Since the current Code's adoption, there has not been a complete review of the student discipline process at the University. In Fall 2002, the Student Code Committee began this review. The current Student Code Committee, consisting of UK students, faculty, and staff, evaluated the *Code of Student Conduct* and concluded that while it has served the University well over the past 30+ years, improvements were needed in a number of areas.

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Action taken:     Approved     Disapproved     Other \_\_\_\_\_

## **CODE OF STUDENT CONDUCT**

### **Rules, Procedures, Rights and Responsibilities Governing Non-Academic Relationships**

#### **ARTICLE I - UNIVERSITY RIGHTS OF STUDENTS**

##### ***Introduction***

The University of Kentucky is an academic community in which all students, faculty, and staff share responsibility for its growth and continued welfare. As an academic community, the University strives to: 1) facilitate learning, informed by scholarship and research; 2) expand knowledge through research, scholarship and creative activity; and 3) serve a global community by disseminating, sharing and applying knowledge. Decisions and behavior in the community should be guided by the University's core values including: integrity; academic excellence and freedom; mutual respect and human dignity; diversity of thought, culture, gender and ethnicity; shared governance; a sense of community; sensitivity to work-life concerns; and civic responsibility. As members of this community, students can expect to be afforded certain basic rights and can also expect to be held accountable for certain basic responsibilities.

##### ***Right of Admission and Access***

1. An applicant for admission to the University shall not be discriminated against because of race, color, religion, sex, marital status, sexual orientation, national origin, age or beliefs. Moreover, no otherwise qualified person with a disability will be denied admission solely because of the person's disability.
2. An applicant for, or a recipient of, University financial aid, a University grant-in-aid, or a University scholarship, shall not be discriminated against because of race, color, religion, sex, marital status, sexual orientation, national origin, age or beliefs. Moreover, no otherwise qualified person with a disability will be denied financial aid solely because of the person's disability.
3. The University may delineate the purpose for which students may use certain facilities and shall make the facilities available on a fair and equitable basis. However, the University may restrict its facilities and services when their use would interfere with normal University operations.
4. The University will use its influence to secure equal access for all students to public facilities in the local community.

##### ***Freedom from Discrimination/Harassment***

5. All students shall be free from discrimination on the basis of race, color, religion, sex, marital status, sexual orientation, national origin, age, beliefs or disability.
6. All students shall be free from sexual harassment by University faculty, staff, and students. Sexual harassment—a form of sex discrimination—includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical actions of a sexual nature when submission to such conduct is made explicitly or implicitly a term or condition of the student's status in a course, program or activity; or is used as a basis for academic or other decisions affecting such student; or when such conduct has the purpose or effect of substantially interfering with the student's academic performance, or creates an intimidating, hostile, or offensive academic environment.

##### ***Rights within University Judicial Processes***

7. A student shall be guaranteed the following rights in all proceedings of a University hearing agency:
  - a. The student shall have the right to a fair and impartial hearing in all proceedings of any hearing agency.

- b. The student shall not be compelled to give testimony and refusal to do so shall not be considered evidence of responsibility for an alleged violation.
- c. The student shall be informed in writing of the reasons for appearance before any hearing agency and given sufficient time to prepare for the appearance.
- d. The student shall be entitled to receive, upon written request, a copy of all rules and procedures governing the hearing agency at least 72 hours prior to appearance before the agency.
- e. The student shall have the right to hear and question all witnesses and present witnesses of the student's choice.
- f. The student may choose an advisor, as outlined in Article II, Sections 22 and 23 of the *Code*, to assist in all processes of the University Disciplinary Hearing Process.
- g. The student may request that any member of a hearing agency be disqualified on the ground of personal bias.
- h. The student shall have access to the record of every hearing agency hearing in which the student is the accused.

### ***Right to Privacy***

8. A student shall be free from searches and seizures of person and possessions while on University property unless said search and seizure is conducted in accordance with state and federal laws. In cases of imminent danger or when there are reasonable grounds upon which to believe it is necessary to conduct a search immediately in order to protect life or property, searches may be conducted in the presence of the Dean of Students or another University official acting as the Dean's authorized representative.

9. Student records will be maintained in accordance with the Family Educational Rights and Privacy Act of 1974 and the guidelines for implementation (see Part V of this publication).

10. A student's disciplinary record shall be kept separate and confidential unless the student consents in writing to have it revealed. However, the Dean of Students may disclose the student's disciplinary record without the student's consent if legal compulsion or the safety of people or property is involved, or if the information is required by authorized University personnel for official use at the University. In these circumstances, only the information pertinent to the inquiry may be revealed. The Dean may also act without the student's consent to have a statement of disciplinary suspension or disciplinary expulsion entered on the student's academic record for the duration of the disciplinary sanction, which would prohibit the student from registering. Written notice of this action shall be sent to the student.

11. A student's test data and record in the Counseling Center shall be kept in the Center, separate and confidential, unless the student consents in writing to have it revealed to a designated person and/or for a designated purpose. Without such release, no information will be revealed except to an appropriate authority and then only when there is a clear and imminent danger to an individual or others, and such information will be limited to that which is directly pertinent to the reduction of that danger.

12. University Health Service medical, surgical and mental health records and information are strictly confidential and are not released to anyone without the student's knowledge and signed authorization. Student Mental Health records are maintained separately in a confidential file. If it becomes apparent in the course of treatment that the student is likely to cause injury to self or others, pertinent information to this extent may be revealed for protection of the student or others.

13. Official records and information maintained by the Dean of Students Office are treated in a confidential manner. A student has the right to view his/her own disciplinary records. Disciplinary and judicial records and the information contained therein will not be released except with the written authorization of the student, or as noted in Article I, Section 10 of this *Code*.

Directory information about a student (as defined in Part V of this publication) is released at the discretion of numerous University departments upon receipt of a specific request for such information.

Directory information about a student will not be released if the student has filed a request, in writing, with the Registrar of the University, stating the information is to be withheld.

14. A student's character and ability shall be evaluated only by those with personal knowledge of the student. Records containing such evaluations shall indicate when the evaluation was made, by whom, and the position of the individual. Upon a student's request to an individual faculty member or administrator, that student should be informed of all inquiries about that student directed to the faculty member or administrator and that judgments have been or will be given.

15. If presented with a subpoena to produce information about specific students and/or campus organizations, the recipient shall immediately notify the University Legal Counsel and forward to that office a copy of the subpoena. The University Legal Counsel shall immediately notify the students or student organizations involved or use his/her best effort to do so, and forward to them a copy of the subpoena by certified mail, addressed to their last known address.

16. Information about a student's or a student organization's political or social views or beliefs that faculty, staff or administrators acquire in the course of their work as instructors, advisers, counselors or supervisors is to be kept confidential. A student may waive the protection of this section by granting express permission to the relevant faculty, staff or administrator.

#### ***Right of Free Expression***

17. A student has the right to engage in discussion, to exchange thought and opinion, to speak, write, or print freely on any subject, and to join associations in accordance with the guarantees of federal or state constitutions. The freedom of expression includes the right to picket or demonstrate for a cause, subject to the following conditions:

- a. the student must act in an orderly and peaceful manner;
- b. the student must not in any way interfere with the proper functioning of the University;
- c. the student must obey the University's "Regulations Governing Time, Place and Manner of Meetings, Demonstrations, and Other Assemblies" (See Part III of this publication).

#### ***Right to a Free Student Press***

18. Student publications must be free to deal openly, fearlessly and responsibly with issues of interest and importance to the academic community. Student publications shall avoid such practices as the use of libel, undocumented allegations, obscenity, attacks on personal integrity, deliberate deception of its readers, unnecessary harassment and innuendo, and other violations of individual rights. The editors shall have the right of editorial freedom without the prior approval of copy and will be protected against dismissal or suspension or other retribution, except for violations of policies established by the Board of Student Media. Such policies shall be in accordance with the guarantees contained herein.

#### ***Right of Student Access to Meetings of Registered Student Organizations***

19. The University affirms the right of all students, including members of the student press, to attend meetings of registered student organizations that receive the majority of their regular operating budgets from allocations of student fees money and/or University allocations.

Exceptions to the foregoing right include:

- a. deliberations of election boards and selection committees;
- b. proposed or pending litigation;
- c. discussions or hearings which might lead to the appointment, discipline or dismissal of an individual employee, member or student.

### ***Grievances***

20. All student grievances involving rights stated herein shall be reported to the Dean of Students within 30 days of their occurrence. Grievances reported after this period or which otherwise come to the attention of the Dean may be acted upon according to the Dean's determination of the circumstances.

21. The Dean of Students or an authorized designee shall investigate each student grievance to determine whether it has merit. If the Dean decides that it does, the Dean shall use moral suasion, negotiation, personal appeal and the prestige of the Dean's office to settle the case to the Deans' satisfaction and that of the student. If the Dean is unable to satisfy the grievance to the satisfaction of the student or when the Dean has notified the student that the grievance does not contain merit, the student has the right to appeal within 30 days to the University Appeals Board.

22. The Dean of Students shall have broad investigatory powers in the nonacademic cases and the Dean shall receive prompt and full cooperation from students, student organizations, faculty and administrators. The Dean may recommend policies or practices that should be terminated, modified, or initiated to the Student Government Association, the Senate Council, deans, department heads or other appropriate persons.

## **ARTICLE II: THE UNIVERSITY DISCIPLINARY SYSTEM**

### ***Introduction***

The University is empowered by Kentucky Law K.R.S. 164.200 to establish a disciplinary system to govern the campus. The statute provides:

"The Board of Trustees may establish proper regulations for the government of the University and the physical training, military or otherwise, of the students. It may authorize the suspension and dismissal of students for neglect or violation of the regulations, or for other conduct prejudicial to the character and welfare of the University."

By this publication of the rules governing student conduct, the University recognizes that students have the right to know the circumstances and manner in which this disciplinary power will be exercised and advises students that disciplinary rules shall be enforced.

The *Code* does not cover decisions of the faculty of a professional school as to character, moral or ethical, required of a student for purposes of awarding a degree or certificate, or for continuation as a candidate for such degree or certificate. Similarly, the *Code* does not cover decisions of the University Administration that are made concerning a contractual agreement between the University and a student. Therefore, such decisions are not subject to review within the procedures established in the *Code* unless specifically stated within the *Code*.

### ***Authority for Student Discipline***

1. Ultimate authority for student discipline is vested in the University of Kentucky Board of Trustees. Disciplinary authority may be delegated to University administrators, faculty members, committees, and organizations, as set forth in this *Code*, and in other appropriate policies, rules, or regulations adopted by the Board.
2. Pursuant to the provisions of K.R.S. 164.200, 164.210 and 164.220 and this Code, the Board of Trustees delegates the responsibility for student discipline to the President of the University.

### ***Purpose of the Disciplinary System***

3. Pursuit of a college education provides an opportunity for exploration of new ideas, experimentation, self-examination, formation of new friendships and development of ideals and directions. An academic

community is a place where the free exchange of ideas and concepts can take place among faculty, staff and students in an atmosphere that allows for debate and disagreement on contemporary issues.

In order to protect our community, certain standards of behavior are expected of all members of the University community, including students. In general, the University of Kentucky expects students to: maintain standards of personal integrity that are in harmony with the educational goals of the institution; observe national, state and local laws, as well as University regulations; and respect the rights, privileges, and property of other people.

The University disciplinary process is a learning experience that can result in personal growth as well as an understanding of the responsibilities that accompany participation in an academic community. By formulating a general code of conduct and regulations, the University reaffirms for students the rights, protections, guarantees and responsibilities that are outlined in Article I of this *Code*.

### ***Interpretation of Regulations***

4. The purpose of publishing disciplinary regulations is to give students general notice of behavior that is expected and behavior that is prohibited by the University. This *Code* is not written with the specificity of a criminal statute and is not intended to be interpreted with the specificity of a criminal statute.

### ***Inherent Authority***

5. The disciplinary regulations outlined in this *Code* apply to behavior that occurs on University property, as defined in Article II, Section 10a., and may also apply to off-campus behavior that is prejudicial to the character and welfare of the University, as follows :

- a. any activity sponsored, conducted or authorized by the University or a registered organization (see Article II, Section 32);
- b. conduct that poses a possible serious threat to the safety, security or well-being of any member of the University community;
- c. conduct that involves academic work or the forgery, alteration, or misuse of any University document, record, key, electronic device or identification;
- d. conduct that is considered disorderly and/or causes substantial destruction to property belonging to the University or members of the University community.

### ***Disciplinary Action while Criminal Charges Are Pending***

6. Students may be simultaneously accountable to both civil authorities and to the University for acts that constitute violations of law and of this *Code*. Disciplinary action at the University shall normally proceed during ongoing criminal proceedings and shall not be subject to challenge on the ground that criminal charges involving the same incident are pending or have been resolved in any manner.

### ***Standards of Classroom Behavior***

7. The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful 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 suspensions, or dismissal from a class due to disruptive behavior, must be preceded by a disciplinary hearing as set forth in Article II, Section 24 of this *Code*.

### ***Prohibited Conduct***

8. Punishable disciplinary offenses include, but are not limited to, the following:

- a. Interference, coercion or disruption that impedes, impairs or disrupts University missions, processes or functions or interferes with the rights of others. The following, while not intended to be exclusive, illustrate the offenses encompassed herein: occupation of any University building or property, or part thereof, without authorization by the University; blocking the entrance or exit of any University building or corridor or room therein; setting fire to, or by any other means, damaging any University building or property or the property of others on University premises; any possession or display of, or attempt, or threat to use firearms, explosive or other weapons upon University property without University authorization; prevention of the convening, continuation or orderly conduct of any University class or activity or of any lawful meeting or assembly upon University property; blocking normal pedestrian or vehicular traffic on University property; and failure to vacate premises when ordered to do so by a University official.
- b. Use, possession, or distribution of narcotic or dangerous drugs, except as expressly permitted by law.
- c. Disorderly, abusive, drunken, violent or excessively noisy behavior or expression.
- d. The threat or commission of physical violence against self or other persons.
- e. The commission of acts or the implementation of programs or activities that constitute a violation of local, state or federal law.
- f. Failure to comply with directions of University officials acting in the performance of their duties.
- g. Falsifying, altering or forging any official University records or documents, employing official University documents or records for purposes of misrepresentation, or causing any official University documents or records to be falsified by means of any misrepresentation.
- h. Hazing by any action taken or situation created, intentionally or recklessly, whether on or off University premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such abusive activities and situations may include, but are not limited to the following: illegal or harmful use and/or forced consumption of food, alcohol or drugs; paddling in any form; creation of fatigue; personal servitude; physical and/or psychological shocks; wearing apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; degrading or humiliating games and activities; sleep or food deprivation; any meetings which unreasonably interfere with scholastic activities; and/or any other activities which are not consistent with the regulations and policies of the University of Kentucky.
- i. Knowingly passing a worthless check or money order to the University or to a member of the University community acting in an official capacity; recurring financial over-obligation and nonpayment of debts to the University.
- j. Theft of property or services; knowingly possessing stolen property.
- k. Possessing a deadly weapon without authorization of the Dean of Students.
- l. Defacing, disfiguring, damaging or destroying public or private property.
- m. Giving false testimony or other evidence at any official hearing of the University or giving false information to any faculty or staff members acting in the performance of their duties.
- n. Bribing any University employee or student officials.
- o. Harassing anyone present on University property.
- p. Providing information to individuals involved in organized gambling activities concerning intercollegiate athletics competition; or participating in any gambling activity that involves intercollegiate athletics or amateur athletics, through a bookmaker, a parlay card or any other method employed by organized gambling.

q. Violation of conditions imposed in connection with one or more of the sanctions enumerated in Article II, Section 11 of this *Code*.

r. Violation of other published University regulations or policies. Such regulations or policies include, but are not limited to, policies regarding computer use, alcohol, hazing, entry and use of University facilities as well as regulations governing student organizations and residence halls.

9. Attempts to commit acts prohibited by this *Code* or assisting in the commission of such acts may be punished to the same extent as completed violations.

### ***Definitions***

10. When used in this *Code*:

a. "University property" is defined as all property owned, or leased to, and operated exclusively by the University, public sidewalks and streets that are contiguous to or in the immediate vicinity of such property, and all such property leased to or operated by student and non-student organizations that are under the control and regulation of the Board of Trustees of the University of Kentucky.

b. "Group" means a number of persons who are associated with each other and operate as an organization, but who have not complied with University requirements for registration as an organization.

c. "Organization" means a number of persons who have complied with University requirements for registration.

d. "Student" means any person who is admitted, registered or enrolled in any University program or course.

### ***Sanctions***

11. All disciplinary sanctions imposed upon students are cumulative in nature and will be recorded in the student's disciplinary record. Sanctions that may be imposed in accordance with this *Code* include:

a. *Disciplinary Warning*: notice, oral or written, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action. A student may be given a warning for infractions deemed by the hearing officer to be minor in nature.

b. *Disciplinary Reprimand*: a written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action, without loss of good standing with the University. A violation of the terms of disciplinary reprimand, or subsequent misconduct after discipline, is grounds for further disciplinary action, including disciplinary probation, social suspension, disciplinary suspension, or disciplinary expulsion.

c. *Disciplinary Probation*: exclusion from participation in specified privileges or extracurricular institutional activities for a specified period of time. Additional sanctions or restrictions may also be imposed. A student on disciplinary probation is not in good standing with the University. A violation of the terms of disciplinary probation, or subsequent misconduct, is grounds for further disciplinary action, including social suspension, disciplinary suspension, or disciplinary expulsion.

d. *Social Suspension*: exclusion from University premises, as well as exclusion from participation in all privileges and extracurricular institutional activities, except for attendance in classes in which officially enrolled and defined privileges which are necessary and required, for a specified period of time. Additional sanctions or restrictions may also be imposed. A violation of the terms of social suspension, or subsequent misconduct, is grounds for further disciplinary action, including disciplinary suspension or disciplinary expulsion.



e. *Disciplinary Suspension*: exclusion from University premises, as well as participation in all privileges or extracurricular institutional activities, for a stated period of time at the end of which the student may apply for readmission to the University. While under disciplinary suspension, the student is not entitled to attend classes, use University facilities, participate in University activities, or be employed by the University. Special conditions may be stipulated for a student to be reinstated at the conclusion of the period of suspension. A violation of the terms of disciplinary suspension, or subsequent misconduct, is grounds for disciplinary expulsion.

f. *Disciplinary Expulsion*: permanent termination of student status, and exclusion from University premises, privileges and activities.

g. *Other Sanctions*: other sanctions or conditions may be imposed instead of or in addition to those specified in sections 11(a) through 11(f). Examples include, but are not limited to termination of residence hall contract, restriction of access to specific areas of campus, monetary penalty, monetary reimbursement, public or community service, research projects, compulsory attendance at education programs, compulsory psychiatric/psychological evaluation and counseling, such as alcohol and drug counseling.

### ***Temporary Sanctions***

12. Whenever there is evidence that the continued presence of a student at the University poses a substantial and immediate threat to him/herself or to others, or to the stability and continuance of normal University functions, the Vice President for Student Affairs or authorized representative may impose such temporary sanctions as the Vice President considers necessary, including exclusion from campus property. The temporary sanctions shall become effective immediately without prior notice. Upon taking such action, the Vice President shall immediately notify the University Appeals Board (see Part II, Section 6.5).

13. A student may appeal the decision of the Vice President for Student Affairs to the University Appeals Board in writing within seven (7) class days. Temporary sanctions will remain in effect during any appeal. If requested in the written appeal, a student shall be given an opportunity to appear personally before the University Appeals Board within 72 hours in order to discuss the following issues only:

- a. the reliability of the information concerning the student's conduct, including the matter of his or her identity.
- b. whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises poses a substantial and immediate threat to himself or herself or to others or the stability and continuance of normal University functions.

A student under temporary sanction shall be given an opportunity for a prompt disciplinary hearing within the University Disciplinary System.

### ***Referrals***

14. Any person may refer a student or a student group or organization suspected of violating this *Code* to the Dean of Students Office.

15. Those persons referring cases are normally expected to serve as the complainant and to present a written account of the incident, including relevant evidence to the Dean of Students Office. The complainant may request the assistance of an advisor, as outlined in Article II, Sections 22 and 23 of this *Code*. In cases that are referred to the University Disciplinary System, the Dean of Students or authorized designee shall serve as an additional complainant.

16. Once an alleged violation of this *Code* has been referred to the Dean of Students Office, the Dean or authorized designee shall investigate the allegation. If the Dean or authorized designee determines that evidence exists to prove the allegation, the Dean of Students Office shall notify and charge the accused

student with a specific violation of this *Code* and request that the student schedule an informational meeting with the Dean or authorized designee.

### ***Informational Meetings and the Counseling Process***

17. A student accused of violations of this *Code* is subject to an informational meeting with the Dean of Students or authorized designee. The procedural protections outlined in Article I, Section 7 of this *Code* shall be explained to the accused student during an informational meeting. Also, the accused student shall state whether s/he is “responsible” or “not responsible” for the alleged violation during the informational meeting.

18. When a student accepts responsibility for an alleged violation, the Dean or authorized designee shall counsel the student and outline proposed disciplinary action as defined in Article II, Section 11 of this *Code*. Information obtained from the student during this counseling process is confidential and inadmissible in any disciplinary hearing of the University except in cases where the student withdraws from the counseling process or refuses to comply with the conditions of the counseling process.

19. When a student denies responsibility for an alleged violation or withdraws from or refuses to comply with the conditions of the counseling process, the Dean or authorized designee shall forward the reports and evidence concerning the case to a disciplinary hearing officer. Once the information has been forwarded to a hearing officer, the accused student has entered the University Disciplinary Hearing Process. The Dean of Students Office is then responsible for furnishing testimony as requested by the Disciplinary Hearing Officer, keeping the records for the Disciplinary Hearing Officer, serving as a complainant as appropriate and aiding the student in complying with any sanction decreed by the Disciplinary Hearing Officer.

20. When a student fails to respond to proper notification of an informational meeting or counseling session or fails to attend a scheduled meeting within the specified period, the Dean of Students or authorized designee may:

- a. place a hold on the student’s ability to register, receive transcripts, transfer credits, be readmitted to the University, or receive the graduation diploma which certifies the degree earned until the informational meeting, counseling session or disciplinary hearing has taken place, and;
- b. deem that the student has denied responsibility for the pending charges and refer the matter to a disciplinary hearing officer to conduct a disciplinary hearing.

### ***Disciplinary Hearing Officers***

21. The President of the University shall annually appoint no fewer than three disciplinary hearing officers from among the faculty, staff, and retirees of the University. Disciplinary hearing officers shall have sole authority to determine the issue of responsibility in those cases referred. Similarly, disciplinary hearing officers shall have sole authority to impose sanctions upon students found responsible for violations through the University Disciplinary Hearing Process.

### ***Advisors***

22. A complainant and an accused student may each be assisted by one advisor. The role of the advisor shall be limited to providing advice to the complainant or accused student. Even if accompanied by an advisor, an accused student shall personally respond to inquiries from the Disciplinary Hearing Officer.

23. In consideration of the limited role of an advisor, and of the compelling interest of the University to expeditiously conclude the matter, a disciplinary hearing shall not, as a general practice, be delayed due to the unavailability of an advisor.

### ***University Disciplinary Hearing Process***

24. The purpose of the University Disciplinary Hearing Process is to provide a fair evaluation of an accused student's responsibility for violating University regulations. Formal legal rules of evidence shall not be applied, nor shall minor deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to an accused student or the University may result.

25. The following procedural guidelines, along with the rights outlined in Article I, Section 7, shall be applicable in hearings conducted by a University hearing officer:

- a. The Dean of Students Office shall give the accused student written notice of the date, time and place of the hearing as well as the specific charge against the student. An accused student shall be given reasonable access to the case file, which will be retained in the Dean of Students Office.
- b. An accused student who fails to appear after proper notice shall be deemed to have denied responsibility for the alleged violation. A hearing may be conducted in the student's absence, if necessary.
- c. The hearing will be closed to the public unless the accused student or the complainant(s) requests that the hearing be open by filing a written request with the Disciplinary Hearing Officer at least 24 hours prior to the time set for the hearing. The hearing will remain closed to the public unless both the accused and the complainant(s) agree to an open hearing. If both parties agree to an open hearing, the Disciplinary Hearing Officer shall admit to the hearing, in addition to those admitted to a closed hearing, one properly identified member of any established newspaper, magazine, television station or radio station requesting admission as well as up to four persons who have been invited by the accused student, up to four persons who have been invited by the complainant(s) and up to four persons invited by the Disciplinary Hearing Officer.
- d. The Disciplinary Hearing Officer shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the accused student, who disrupts the hearing may be excluded by the Disciplinary Hearing Officer.
- e. A record of the hearing shall be made.
- f. Both the accused student and the complainant shall have the right to call relevant and necessary witnesses. The accused student and the complainant (not the advisors) shall also be given an opportunity to ask relevant questions of those witnesses who testify at the hearing.
- g. Witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of violating this *Code* by intentionally providing false information to the University.
- h. Prospective witnesses, other than the complainant and the respondent, may be excluded from the hearing during the testimony of other witnesses.
- i. The Disciplinary Hearing Officer may ask questions of the parties and all witnesses.
- j. The charges against the accused must be established by a preponderance of the evidence (i.e. more likely than not).
- k. When a student is found responsible for a violation of the *Code*, the hearing shall conclude with a supplemental proceeding to determine the sanction that should be imposed. Both the accused and the complainant may submit relevant evidence or make relevant statements regarding the appropriateness of a specific sanction. The past disciplinary record of the accused student shall only be supplied to the Disciplinary Hearing Officer during the supplemental proceeding.

### *Appeals*

26. A student who is found responsible for a violation of this *Code* and is sanctioned with social suspension, disciplinary suspension, or expulsion may appeal in writing to the Chair of the University Appeals Board (see Part II, Section 6.5). The written appeal shall be submitted to the Chair or postmarked, if mailed to the Chair, within seven (7) class days of the receipt of the decision rendered by the Disciplinary Hearing Officer.

27. The written appeal shall clearly state the reason for appeal. Acceptable reasons for an appeal are an assertion and evidence that:

- a. Due process rights have been violated through the University Disciplinary Hearing Process;
- b. The sanction is inappropriate for the infraction for which the student was found responsible; or
- c. There is information that was unavailable at the time of the original hearing which would alter the determination of responsibility, or which would alter the sanction.

28. The University Appeals Board shall render a prompt decision after receipt of the appeal. The University Appeals Board may uphold the decision of the Hearing Officer or modify the decision by reducing or increasing the level of sanctions imposed and/or modifying any terms and conditions of the initial sanctions. The imposition of sanctions shall be deferred during the review unless, in the discretion of the Vice President for Student Affairs or authorized designee, the continued presence of the student on the campus poses a substantial threat to him/herself or to others, or to the stability and continuance of normal University functions.

#### ***Disciplinary Files and Records***

29. The record of disciplinary actions shall be maintained by the Dean of Students Office.

30. The file of a student found responsible for any violations of this *Code* shall normally be retained as a disciplinary record for seven years following the incident or five years after the last semester enrolled, whichever is longer. If a student transfers to another institution, the record shall be shared with the new institution upon request and if released by the student.

#### ***Revocation of Degrees***

31. The University reserves the right to revoke an awarded degree for unknown fraud in receipt of the degree, or for unknown serious disciplinary violations committed by a student prior to the student's graduation.

#### ***Student Groups and Organizations***

32. The registration of any student organization shall be at the discretion of a designated member of the Student Affairs staff and shall be dependent upon the completion of the required application form and compliance with the rules and additional criteria the staff member may set forth. Such criteria shall be established and published by the designated staff member and made uniform for all similar types of organizations. The designated staff member may limit an organization's registration to a fixed period of time. The length may be determined at the staff member's discretion.

33. A student group or organization may be charged with violations of this *Code* as outlined in Article II, Sections 8 and 9, whether the alleged violations occurred on or off University property.

34. A student group or an organization and its officers may be held collectively and individually responsible when violations of the *Code* by those associated with the group or organization have received the consent or encouragement of the group or organization or the group's or organization's leaders or officers.

35. The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by the Dean of Students or authorized representative to take appropriate action designed to prevent or end violations of this *Code* by the group or organization. Failure to make reasonable efforts to comply with such directive shall be considered a violation of this *Code*, both by the officers, leaders or spokesperson for the group or organization and by the group or organization itself.

36. No specific procedures for adjudicating the commission of violations by a student group or organization are established other than the Dean of Students may impose sanctions for group or organization misconduct up to and including revocation or denial of registration, as well as other appropriate sanctions. A student group or organization may appeal the denial or revocation of registration to the University Appeals Board as outlined in Section 26 of this *Code*.

#### ***University Residential Facilities***

37. The rules and regulations for University student residences are contained or provided for in the written rental agreement between the student and the University as well as in the *Residence Hall Rules of Conduct*.

38. A compilation of all rules established under the rental agreement and currently in effect shall be made readily available on request to all residents of the University building to which such rules apply and shall be posted in the University building to which such rules apply.

39. The Director of Residence Life or an authorized representative shall investigate alleged violations of the rules that are outlined in the rental agreement. Disposition of such cases shall be made in accordance with established and published procedures that have been approved by the Vice President for Student Affairs. In cases where the alleged rental agreement violation would also constitute a violation of the provisions of this *Code*, the Director of Residence Life may hear and/or refer the case to the Dean of Students Office.

### ***Financial Delinquency***

40. The University expects the student to be financially responsible and not be delinquent in financial obligations to the University or to any department or division thereof, including room and board payments to registered fraternal student organizations. Such obligations shall not include fines and penalties assessed against the student by other than University officers.

41. An office or a department of the University, with previous approval of the Executive Vice President for Finance and Administration, shall notify a student twice of any unmet financial obligation owed to it exceeding \$20.00. If not paid within 60 days, from date due, the office or department shall notify the Registrar's Office that the student is delinquent.

42. Once notified, the Registrar shall not allow the student to register, transfer credits, be readmitted to the University, or receive the graduation diploma which certifies the degree earned until the office or department declaring the delinquency notifies the Registrar that the obligation has been met or until the statute of limitations on collection applies.

43. If there is a dispute as to whether or not a student is legally liable for a financial obligation asserted by the University, and the student challenges such obligation through either timely administrative (Executive Vice President for Finance and Administration) or legal means, then the sanctions of Section 42 with respect to registration shall not apply until final resolution of the dispute.

### ***Amendment***

44. The *Code of Student Conduct* shall be amended only by the Board of Trustees. Responsibility for proposing revisions to the *Code of Student Conduct* is delegated to a committee consisting of students, faculty and administrators. The exact composition and procedure of the committee shall be determined by the President of the University.

45. The Committee shall accept and review recommendations from students, faculty and administrators regarding revisions of the *Code of Student Conduct*. The Committee shall prepare proposed revisions and forward them to the President for approval and, after approval, for presentation to the Board of Trustees for its consideration.

46. Nothing included above shall be construed as a limitation upon the President to propose changes without reference to the Committee.