

# UNIVERSITY OF REDLANDS

## *Code of Student Conduct*

### 1) PURPOSE

Being a member of the University of Redlands community is a privilege. As with all privileges, it comes with responsibilities. This document explains some of those responsibilities and the procedures through which the University addresses potential breaches of those responsibilities. The policies herein exist to create an environment that fosters student wellbeing and academic success.

The Office of Student Conduct is tasked with determining if violations of law or University policies have occurred, and helping to determine an appropriate response for the good of both the community and the individual. Above all, the student conduct process is educational. It is a process that honors individuality and free choice, and seeks to cultivate student growth and development through experience. The core values embodied in the Code of Student Conduct include integrity, fairness, respect, community, and responsibility.

The University of Redlands also has an obligation to uphold the laws of the larger community. While the activities covered by the laws of the larger community and those covered by the University of Redlands' rules may overlap, it is important to note that the community's laws and the University of Redlands' rules operate independently and that they do not substitute for each other. Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not include the same due process afforded by the courts.

The University makes no attempt to shield members of the University community from the law, nor does it intervene in legal proceedings against a member of the community. Membership in the University community does not exempt anyone from local, state, or federal laws, but rather imposes the additional obligation to abide by all the University of Redlands' policies.

The longer someone waits to report an offense, the harder it becomes for the University of Redlands to obtain information and witness statements, and to make a determination regarding alleged violations. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Life and/or Public Safety.

### 2) JURISDICTION OVER STUDENT CONDUCT

Students at The University of Redlands are annually provided access to or upon request given a copy of the *Code of Student Conduct*. Students are charged with the responsibility of having read, and agreeing to abide by, the provisions of the *Code of Student Conduct* and the authority of the student conduct process. The *Code of Student Conduct* and the student conduct process apply to the conduct of individual students and University-affiliated student organizations.

Because the *Code of Student Conduct* is based on shared values, it sets a range of expectations for the University of Redlands student no matter where or when their conduct may take place (e.g. Study Abroad). Therefore, the *Code of Student Conduct* will apply to behaviors that take place on the campus, at University-sponsored events, and may also apply off-campus, when the administrator determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- A) Any action that constitutes a criminal offense as defined by California law. This includes first time and/or repeat violations of any local, state or federal law committed in the municipality where the University is located.
- B) Any situation where it appears the student may present a danger or threat to the health or safety of him/herself or others.
- C) Any situation that significantly infringes upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder.
- D) Any situation that is detrimental to the educational interests of the University.

The *Code of Student Conduct* may be applied to conduct that takes place during the time a person is enrolled as a student, including all University breaks and between semesters. Further, the *Code of Student Conduct* applies to guests of community members, whose hosts may be held accountable for the misconduct of their guests. Visitors to and guests of The University of Redlands are also protected by the *Code of Student Conduct*, and may initiate grievances for violations of the *Code of Student Conduct* committed by members of the University of Redlands community against them.

The University of Redlands may also extend its jurisdiction to misconduct that occurs prior to, but is not reported until after the graduation of the offending student. Any such misconduct will not subject the violator to normal conduct proceedings, but will subject him or her to special proceedings for the revocation of a degree (Section 12.A.1).

### 3) SPECIAL PROVISIONS

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

When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group in addition to any individual accountability. A hearing may proceed against the member(s) of the group who may be involved in the violation as joint respondents.

The University of Redlands community encourages the reporting of crimes by victims. Sometimes, victims are hesitant to report to University officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. To encourage reporting, The University of Redlands pursues the possibility of offering victims of crimes immunity from *Code of Student Conduct* violations related to the incident.

The welfare of members of our community is of paramount importance. At times, community members on and off-campus may need assistance. The University of Redlands encourages all students to offer help and assistance to others in need. Sometimes, a student may be hesitant to offer assistance to others, for fear that they may get into trouble (for example, a student who has been drinking underage might hesitate to call Public Safety for a friend that needs medical attention). The University of Redlands pursues the possibility of limited immunity for those who offer help to others in need and those reporting policy violations or circumstances that threaten the health or safety of any person. While policy violations cannot be overlooked, the University will provide educational options, rather than sanctions, to those who offer their assistance to others in need.

### 4) DEFINITIONS

- A) “*Administrative Hearing*” means a procedure for resolving complaints conducted by one of the Deans in Student Life, Director of Student Conduct, or Designee. All decisions are final, except for cases involving sexual misconduct or other offenses covered by Title IX (see Section 11).
- B) “*Code*” means the University of Redlands *Code of Student Conduct*.
- C) “*Distribution*” means sharing, sale, and exchange, gifting, or giving.
- D) “*Organization*” means a number of persons who are associated with each other and have complied with University requirements for registration as an organization.
- E) “*Group*” means a number of persons who are associated with each other and who have not complied with University requirements for registration as an organization.
- F) “*University*” means the University of Redlands.

- G) *“Reckless and/or negligence”* means conduct which one should reasonably be expected to know could create a substantial risk or harm to persons or property or would be likely to interfere with normal University sponsored activities.
- H) *“More likely than not”* means if the totality of the information indicates a violation of the *Code of Student Conduct* is “more likely than not,” the respondent will be found in violation (responsible) for that offense. If the information does not make a violation “more likely than not,” the respondent must be found not responsible.
- I) *“Discriminatory Harassment or Intimidation”* as defined in Section 11.
- J) *“Hearsay information”* is information of a statement that was made other than by a witness while testifying at the hearing and that is offered to support the truth of the matter stated.
- K) *“Student”* means a person taking or auditing courses at the University either on a full-or-part-time basis, and the relationship to the University has not been terminated. It also includes any person who has accepted enrollment but who has not yet matriculated, any person on a leave of absence, and any person who is actively enrolled, but is not at present registered for any courses.
- L) *“Respondent”* is an individual who is alleged to have engaged in conduct which is prohibited by law or University policy.
- M) *“Complainant”* is an individual who is the target of the conduct prohibited by law or University policy, or experiences the negative effects of prohibited conduct. A complainant may, or may not, be the person who initially makes a report of prohibited conduct. In many cases the University stands as the complainant in the conduct process.
- N) *“University premises”* means buildings or grounds owned, leased, operated, controlled, or directly supervised by the University.
- O) *“University policies”* means:
- 1) Any and all rules and policies set forth or referred to in the University Policy Handbook, Room and Board Contract or any publication regularly distributed to students.
  - 2) Policies, rules, and values (Section 10) regulating student conduct adopted by the University of Redlands Board of Trustees.
  - 3) Policies and rules regulating student conduct adopted by the President or administration.
- P) *“Sexual activity”* means:
- 1) Intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
  - 2) Intercourse, meaning vaginal or anal penetration, however slight, by a penis, object, tongue or finger, or oral copulation (mouth to genital contact or genital to mouth contact).
- Q) *“Weapon”* means any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited to firearms, BB/pellet/air soft guns, paint guns, knives with blades 2½ or more inches in length, and dangerous chemicals such as “Mace” or tear gas. Students are permitted to carry/possess personal protection pepper spray (not exceeding 2.5 ounces net weight of aerosol spray), known as Oleoresin Capsicum (OC), on campus properties. Persons carrying personal protection pepper spray are responsible for complying with all laws governing the possession and use of chemical/pepper spray weapons, as detailed in California Penal Codes 22810-22910. Accidentally or irresponsibly discharging pepper spray can violate this Code, as well as criminal law, especially if the discharge results in harm to self or others, damage, or a community disruption.

- R) *“University Official”* means any employee of the University to whom authority has been delegated by an authorized individual.
  - S) *“Dean”* means the VP/Dean of Student Life.
  - T) *“Administrator”* means the Administrator accountable for Student Conduct Affairs (also referred to as the Conduct Administrator).
  - U) *“President”* means the President of the University of Redlands.
  - V) *“Designee”* means an administrator assigned by the VP/Dean of Student Life or Director of Student Conduct with responsibility for a student conduct matter.
  - W) *“Advisor and/or Ex-officio”* means an administrator assigned as a non-voting party of a conduct board responsible for ensuring procedural process.
  - X) *“Presiding Officer”* means the Presiding Officer of the Critical Issues Board.
  - Y) *“Board”* means the Critical Issues Board.
  - Z) *“University Student Conduct System”* refers to the system outlined in this *Code of Student Conduct*.
- AA) *“Ally”* means an individual who offers moral support to the student. Within the Critical Issues Board, Administrative Hearing, Student Organizational Board, and Organizational Misconduct Board processes, both the complainant and the respondent are entitled, at any meeting or other proceeding which is a part of the investigation and at which such the complainant or the respondent are present, to be accompanied by an Ally of his or her choice. Such Ally may be present, but may not participate in the meeting or proceeding in any other manner, and may not serve as an advocate or spokesperson. Allies who are disruptive or do not adhere to this limited role will be dismissed from the meeting or proceeding.
- BB) *“Procedural fairness”* means the respondent(s) will have notice of a complaint at or before an informal, non-adversarial meeting with the Administrator, or designee, in which the student will be given the opportunity to respond to any information pertaining to the complaint filed against them.

**5) INTERPRETATION OF POLICIES AND DEFINITIONS**

This code and University policies are *provided to give students* general notice of conduct expectations. This code and University policies should be read broadly and are not intended to define misconduct in exhaustive terms.

**6) INHERENT AUTHORITY**

Email is the way in which the University communicates with students. Therefore, students are responsible for regularly checking their University of Redlands email and are expected to respond forthwith to requests, directions and directives from University officials acting in the performance of their duties. Failure to do so can result in various consequences, including sanctions for failure to comply (Section 12.A.7.d).

**7) COMPLAINTS / NOTICE**

Any person may make a complaint/notice to the Administrator and/or Public Safety, orally or in writing about a student, student group, and/or organization suspected of violating this code or University policies. Persons making such complaints will normally be expected to appear before a Board hearing as the complainant. The University may stand in lieu of the reporting party as the complainant at the election of the reporting party, who may still need to share information as a witness.

- A) Filing of complaints: Any member of the University community, guest or visitor, may file a complaint against a student alleging a violation of the *Code of Student Conduct*.
  - 1) At the request of any guest, visitor, student, faculty, or staff member, or acting independently, the University may file a complaint against any student according to the standards established by the *Code of Student Conduct* alleging a violation of the Code.
- B) Consolidation: Where more than one student is involved in a single occurrence or connected multiple occurrences, a single hearing may be held for all the students involved. Students may request that their complaint be consolidated with others, or separated from others. The Administrator will make determinations regarding consolidation, however, the separation of one or more complaints from a group of complaints will not be considered to affect the remaining complaints in the group.

**8) APPLICABILITY OF CODE /  
FOCUS OF INQUIRY**

- A) This code does not apply to any admissions decision or any decisions made by the University for academic reasons. The University prohibits all forms of academic dishonesty, but such violations are under the jurisdiction of the Academic Review Board.
  - 1) This code does not govern the activities of the Academic Review Board.
  - 2) This code does not apply to any student in the School of Business or School of Education, as they have their own Code.
- B) The focus of inquiry in student conduct proceedings will be determining whether students are “responsible” or “not responsible” for violating this code or University policy, and to assign any applicable sanctions. Deviations from prescribed procedures (including time deadlines) will not invalidate a decision or proceeding, unless significant prejudice to a student or the University would result.
- C) Should a student withdraw from the University with a pending conduct complaint, it is the typical practice of the University to pursue investigation and resolution of the campus complaint, regardless of the fact that the student has withdrawn. If the student is found responsible for violation of the Code of Student Conduct, a hold will be placed restricting the ability of the student to re-enroll until all sanctions have been satisfied.

**9) VIOLATIONS OF LAW AND THIS CODE**

Violations of federal, state and local laws are incorporated as offenses under the *Code of Student Conduct*. When an offense occurs over which the University has jurisdiction, the University conduct process will usually go forward notwithstanding any criminal charges that may arise from the same incident. University proceedings will not be subject to challenge because criminal charges involving the same incident have been dismissed or reduced.

When a student is accused, arrested, charged or indicted for a crime-committed off-campus, the University may elect to take action for violations of the *Code of Student Conduct*, which incorporates violation of local, state and federal laws as code infractions.

When criminal charges are pending for any felony and/or misdemeanor, the University may be delayed or prevented from conducting its own investigation, and moving forward with a campus hearing. In such cases, the University may choose to delay its hearing until it can conduct an internal investigation, or obtain from law enforcement sufficient information upon which to proceed. In cases that fall within the protections of Title IX as sex or gender discrimination, delays of no longer than 10-14 days will allow for law enforcement evidence gathering, but the University process cannot be delayed beyond that unless all parties agree, or when requested by the Conduct Administrator because the evidence gathering phase by law enforcement extends beyond the timeframe identified above.

The University of Redlands may pursue enforcement of its own rules whether or not legal proceedings are underway or in prospect, and may use information from third party sources, such as law enforcement agencies, news agencies, and the courts, to assist in determining whether University rules have been broken.

## 10) CONDUCT EXPECTATIONS

The University of Redlands community is committed to fostering a campus environment that is conducive to academic inquiry, productive campus life, and thoughtful study and discourse. The University prohibits all forms of academic dishonesty, but such violations are under the jurisdiction of the Academic Review Board (see University Catalog). A community exists based on shared values and principles. At the University of Redlands, student members of the community are expected to uphold and abide by certain policies, rules and standards of conduct that form the basis of the *Code of Student Conduct*. These policies, rules and standards are embodied within a set of core values that include *integrity, fairness, respect, community and responsibility*. When students of the community fail to exemplify these values, campus conduct proceedings are used to assert and uphold the *Code of Student Conduct*.

### A) *Integrity*

Students are expected to exemplify honesty, integrity and a respect for truth. Any form of dishonesty or misrepresentation constitutes a violation of the Code of Student conduct, including but not limited to:

- 1) Knowingly furnishing or possessing false, falsified, or forged information such as falsification or misuse of documents, accounts, records, identification (e.g. Identity theft), verbal, written or otherwise communicated statements, or financial instruments;
- 2) Unauthorized possession, duplication, or use of means of access (e.g. keys, cards, etc.) to any University building;
- 3) Action in collusion with a wrongdoer, or inaction in the presence of violation of law or University policy. In situations in which students know or reasonably should know of violations of law or University policy, students are expected to discourage or end the offending behavior, and/or remove themselves from the situation. We expect students to make appropriate judgements and report the incident in a timely manner;
- 4) Violations of positions of trust or authority within the community;
- 5) Tampering with the election of any University recognized student organization.

### B) *Fairness*

University of Redlands students exemplify fair treatment of each other in their dealings and interactions. Behavior that violates this value includes, but is not limited to:

- 1) Any disruption of University operations, including obstruction of teaching, research, administration, other University activities (e.g., invited speakers), or other authorized non-University activities which occur on campus;
- 2) Obstruction of freedom of movement by community members or visitors;
- 3) Abuse, interference or failing to comply in University processes including Student Conduct hearings (Section 12.A.7.d);
- 4) Abuse of the Student Conduct system, including:
  - (a) Failure to attend meetings scheduled for student conduct administration purposes;
  - (b) Falsification, distortion, or misrepresentation of information;

- (c) Failure to provide, destroying or hiding information during an investigation of an alleged policy violation;
- (d) Attempting to discourage an individual's proper participation in, or use of, the student conduct system;
- (e) Harassment (verbal or physical) and/or intimidation of a member of a student conduct body prior to, during, and/or after a student conduct proceeding;
- (f) Failure to comply with the sanction(s) imposed by the student conduct system;
- (g) Influencing or attempting to influence another person to commit an abuse of the student conduct system;
- (h) Knowingly or negligently violating the terms of any student conduct sanction imposed in accordance with this code.

C) *Respect*

University of Redlands students show respect for each other, for property and for the community. Any action that infringes on the safety, property, and/or privileges of others, is disruptive to the campus community in a way that is detrimental to the educational pursuits of others, violates the Code of Student Conduct, including but not limited to:

- 1) Violence, threatening or causing physical harm, actions determined to be of a retaliatory nature, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person, including one's self;
- 2) Threatening or endangering the health or safety of an animal, through direct action or neglect/abandonment.
- 3) Discrimination, including harassment, intimidation, and bias-related incidents (Section 11.A);
- 4) Hazing of any kind (Section 11.C);
- 5) Stalking, defined as engaging in a course of conduct directed a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.
- 6) Harassment, which takes place when a person is subjected to unwelcome behavior that is severe or pervasive, and objectively offensive, and which unreasonably interferes with the person's ability to carry out her or his educational functions or otherwise meet her or his responsibilities or creates an intimidating, hostile or offensive academic environment. Harassment does not include stray, insensitive, or even offensive remarks or behaviors when such remarks or behaviors are neither severe nor pervasive.
- 7) Intimidation, defined as implied threats or conduct, demeanor, words, or circumstances reasonably calculated to cause fear of harm in another;
- 8) Bullying, defined as severe and/or pervasive aggressive behavior likely to hurt, control or diminish another person, physically, emotionally, and/or mentally;
- 9) Sexual Misconduct (Section 11.A.b.c.i-v), including
  - (a) sexual harassment;
  - (b) non-consensual sexual intercourse,
  - (c) non-consensual sexual contact,
  - (d) sexual exploitation;

- 10) Conduct which incites and/or is intended to provoke imminent lawless action while on campus or at functions sponsored by, or participated in by, the University;
- 11) Conduct which creates a community disturbance, or creates an environment that is detrimental to the educational pursuits of others;
- 12) Conduct which is indecent or obscene (e.g., public urination, public nudity, exposure);
- 13) Failure to comply with directions of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
- 14) Smoking in or within 20 feet of any University building;
- 15) Unauthorized possession or use of unapproved pets, creatures, or animals on campus or at University sponsored activities;
- 16) Interfering with the freedom of expression of others on University premises or at University sponsored activities;
- 17) Failing to respect the rights of privacy of any member of the University community (e.g., student conduct hearings and records, F.E.R.P.A., student records, personnel records);
- 18) Students are expected to be courteous to residents of the City of Redlands, not to litter, congregate, or disrupt the normal operations of the City;

D) *Community*

University of Redlands students honor and value their community. Behavior that violates this value includes, but is not limited to:

- 1) Misuse of access privileges to University premises or unauthorized entry to or use of buildings, including trespass;
- 2) Misuse or unauthorized use of University or University-affiliated organizational names and images;
- 3) Knowingly taking possession of stolen property;
- 4) Intentional theft or unauthorized taking of the property of the University or property of another;
- 5) Destruction, damage, or vandalism to University property or to the property of another, including damage caused by recklessness or negligence;
- 6) Misuse of University computing facilities, equipment, network, passwords, accounts or information. Students who connect their personal computers to the campus network will be held responsible for any violation of this policy that originates from that computer. Examples of misuse include:
  - (a) Access, use, inspection, or modification of data or functions that are neither allotted nor authorized as a part of the user's account nor specified as public domain information;
  - (b) Access, use, inspection, or modification of data that refer to computer utilization, computer access authorization, or security;
  - (c) Abuse or improper use of hardware;
  - (d) Installing or executing unauthorized or unlicensed software on any University owned computer resource;
  - (e) Causing disruptive noise, or displaying abusive behavior toward other users, or creating other disturbances in any campus computing area;



- (f) Sending, displaying, printing, or storing obscene, pornographic, fraudulent, harassing, threatening, racist, or discriminatory images, files, or message either through the University's network or outside networks such as 'Myspace', 'Facebook' or similar network systems.
  - (g) Access and/or use of another user's account and the data contained in that account (e.g., invasion of privacy);
  - (h) Theft, destruction, or removal of data or University-owned computer resources;
  - (i) Unauthorized copying, installation, and/or distributing (Section 4.C), electronic media by any means;
  - (j) Physical or electronic interference with other computer systems users;
  - (k) Dissemination or distribution of a user account password to any other person;
  - (l) Use of computing facilities to interfere with the work of another student, faculty member, University official, or the normal operations of the University computing system;
  - (m) Any other practice or user activity that, in the opinion of the Chief Information Officer or the VP/Dean of Student Life, constitutes irresponsible behavior, promotes illegal activities, results in the misuse of computer resources, or jeopardizes the operation of computer or network systems;
- 7) Gambling on University premises (Section 11.B);
  - 8) Possession of firearms, explosives, other weapons or dangerous chemicals, which are unapproved (see definition in Section 4) or used in a dangerous manner while on campus;
  - 9) Violation of state, local, or campus fire policies, including:
    - (a) Failure to evacuate a University-owned or managed building during a fire alarm;
    - (b) Improper use, misuse or abuse of University fire safety equipment;
  - 10) Tampering with or improperly engaging a fire alarm in a University building.
  - 11) Intentionally, recklessly and/or negligently causing a fire which damages University or personal property or which causes injury to any member of the community.

#### E) *Responsibility*

University of Redlands students are given and accept a high level of responsibility as role models. Behavior that violates this value includes, but is not limited to:

- 1) Violation of University Alcohol and Other Drug Policy, Alcohol:
  - (a) Possession/consumption by those under the age of 21, or being found in the presence of an alcohol violation under circumstances in which the person(s) present knew or reasonably should have known of the violation;
  - (b) Irresponsible use of alcohol, including use which threatens the health or wellbeing of any person (including the user), interferes with the peace/freedoms of others, interferes with the normal operations of the university, creates a community disturbance, creates an environment that is detrimental to the educational pursuits of others, or violating other campus policies while under the influence of alcohol;
  - (c) Providing alcohol to those under the age of 21;
  - (d) Driving under the influence;
  - (e) Other Alcohol violation (e.g. public intoxication, common source alcohol container, etc.);
- 2) Violation of University Alcohol and Other Drug Policy, Drugs:

- (a) Under the influence and/or use, possession, of any federally-controlled substance, the use of general products as intoxicants, possession of drug paraphernalia, or being found in the presence of a drug violation under circumstances in which the persons present knew or reasonably should have known of the violation;
  - (b) Irresponsible use of drugs, including use which threatens the health or wellbeing of any person (including the user), interferes with the peace/freedoms of others, interferes with the normal operations of the university, creates a community disturbance, creates an environment that is detrimental to the educational pursuits of others, or violating other campus policies while under the influence of drugs;
  - (c) Abuse and/or misuse of prescription or over-the-counter medication. This includes use in any way other than as directed by the prescribing physician, and allowing someone else access to your prescription, whether or not they have a prescription for the medication themselves;
  - (d) Distribution of narcotics or any federally-controlled substance, or narcotics in sufficient quantities, packaging for sale, scales, large amounts of cash, or other circumstances that suggest potential distribution;
- 3) Assisting in the violation of University policies or public laws;
  - 4) Behaviors which could constitute violations of federal, state or local laws, whether on or off-campus with respect to local laws and ordinances regarding prohibiting underage drinking and noise violations (e.g., excessive social gatherings, stereos and/or other electronic equipment being operated at unreasonable levels and/or hours, etc.), in a residence facility, apartment and/or house on or off campus, or automobile;
  - 5) The knowing failure of any organized group to exercise preventive measures relative to violations of this *Code of Student Conduct* by members;
  - 6) Violation of other published University rules or policies (see *University Policy Handbook*);

**11) EXPECTATIONS AND POLICY  
STATEMENTS ON TITLE IX:  
DISCRIMINATION, HARASSMENT,  
SEXUAL MISCONDUCT, AND  
RETALIATION**

A) Discrimination, Intimidation, Harassment and Bias-Related Incidents Policy

The University of Redlands affirms the principle that guests, visitors, students, faculty and staff have a right to be free from any type of discrimination or intimidation by any member of the University community or their guest(s) with respect to nationality, national origin, sexual orientation/preference, racial or ethnic background, religious beliefs, disability, sex, gender, gender identity, or age. Discrimination, intimidation, harassment, and bias-related incidents, in any form, are unacceptable conduct because they create a hostile environment by depriving the recipient of educational or employment access and/or opportunities, including peaceful enjoyment of our residential campus.

Any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the University policy on nondiscrimination. When brought to the attention of the University, any such discrimination will be appropriately remedied by the University according to the procedures below.

University Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to a professional working and educational environment, and University is committed to providing a work and educational environment free of discriminatory

harassment. Consistent with the University's policy on academic freedom (see *Faculty Handbook*), University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under University policy.

#### 1) Discriminatory and Bias-Related Harassment

Harassment constitutes a form of discrimination that is prohibited by law. The University's harassment policy explicitly prohibits any form of harassment on the basis of actual or perceived membership in a protected class, by any member or group of the community, which creates a hostile environment, both objectively and subjectively.

"Hostile environment harassment" takes place when a person is subjected to severe or pervasive behavior, that is unwelcome, and which unreasonably interferes with that person's ability to carry out her or his job functions or otherwise meet her or his responsibilities (including academic responsibilities) or creates an intimidating, hostile or offensive work or academic environment. Unlawful harassment does not include stray, insensitive, or even offensive remarks or behaviors when such remarks or behaviors are neither severe nor pervasive. Harassing behaviors prohibited by this policy include, but are not limited to: severe or pervasive use of derogatory words, jokes, slurs, epithets, or statements; stereotyping activities; use of graffiti or other forms of pictorial or written messages of intimidation; threats about unwelcome physical contact; unwelcome physical contact; and stalking.

#### 2) Sexual Harassment

Sexual Harassment is:

- unwelcome, sexual or gender-based verbal, written or physical conduct that is,
- sufficiently severe, persistent or pervasive and objectively offensive that it, has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the University's educational, social and/or residential program, and is either,
- based on power differentials (*quid pro quo*), the creation of a hostile environment, or retaliation.

#### 3) Sexual Misconduct

State law defines various violent and/or non-consensual sexual acts as crimes (see *Annual Security Report*). Additionally, University has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, University considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, University reserves the right to impose any level of sanction, up to and including suspension or expulsion/termination for any act of sexual misconduct or other gender-based offenses based on the facts and circumstances of the particular complaint. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Violations include

##### (a) Non-Consensual Sexual Intercourse

Defined as:

- any sexual penetration or intercourse (anal, oral or vaginal),
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, and/or body part or oral copulation by mouth to genital contact or genital to mouth contact.

(b) Non-Consensual Sexual Contact

Defined as:

- any intentional sexual touching,
- however slight,
- with any object and/or body part
- by a person upon another person
- that is without consent and/or by force.

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

Sexual Exploitation

(c) Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
- Prostitution and/or solicitation.
- Sexual Exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.

Affirmative Consent

Affirmative Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual activity. When there are no words or actions indicating permission or consent, there can be no valid consent.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their

sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs.

Consent to some sexual activity (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

Coercion involves the application of an unreasonable amount of pressure on someone to say yes, in circumstances in which the person would not have said yes had he/she not endured a long period of convincing. Coercion is evaluated based on the intensity, frequency, and duration of comments or actions. It exists when a sexual initiator engages in physical or emotional manipulation to persuade someone to do something sexual that he/she does not want to do.

In California, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old is a crime as well as a violation of this policy, even if the minor wanted to engage in the act.

#### Other Misconduct Offenses

- (a) Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class (see *Annual Security Report*);
- (b) Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of their actual or perceived membership in a protected class;
- (c) Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class;
- (d) Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class;
- (e) Violence between those in an intimate relationship to each other (this includes romantic relationships, domestic and/or relationship violence) (see *Annual Security Report*);
- (f) Stalking, defined as engaging in a course of conduct directed a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. Any other University rules, when a violation is motivated by the actual or perceived membership of the victim in a protected class, may be pursued using this policy and process.

#### Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a complainant or for assisting in providing information relevant to a claim of harassment is a serious violation of University/College policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

#### Remedial Action

University will implement initial remedial and responsive actions upon notice of alleged harassment, retaliation, and/or discrimination, and will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest, or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. Procedures for handling reported incidents are fully described below. Deliberately false and/or malicious accusations of harassment, as opposed to complaints which, even if erroneous, are made in good faith, are just as serious an offense as harassment and will be subject to appropriate disciplinary action.

B) Gambling Policy

Students are expected to abide by the federal laws and the laws of the State of California prohibiting illegal gambling. Gambling for money or other things of value on campus or at University-sponsored activities is prohibited.

Such prohibited activity includes, but is not limited to, betting on, wagering on, or selling pools on any University athletic event; possessing on one's person or premises (e.g., room, residence unit, car) any card, book or other device for registering bets; knowingly permitting the use of one's premises or one's telephone or other electronic communications device for illegal gambling; knowingly receiving or delivering a letter, package or parcel related to illegal gambling; offering, soliciting or accepting a bribe to influence the outcome of an athletic event; and, involvement in bookmaking or wagering pools with respect to sporting events.

C) Hazing; Consistent with state law, the University defines "hazing" as any method of initiation into a student organization/group or any pastime or amusement which threatens, intimidates, causes, or is likely to cause, bodily, physical, or emotional harm or injury to any student, employee, or guest of the University as part of a new member process, initiation affiliation or similar activities with respect to the group/organization, regardless of the physical cooperation with or submission to the activities by the victim; hazing does not refer to customary athletic events or similar contests or competitions.

Allegations of hazing will be reported to the University's Department of Public Safety. In the event of a finding of "Responsible", the Department of Public Safety will notify the Redlands Police Department, as required by law.

**12) SANCTIONS**

A) One or more of the following sanctions may be imposed for violations of this code or University policies:

- 1) **DEGREE REVOCATION:** Students who are expelled post-graduation are subject to having their degree revoked. They lose the right to claim graduation from the University of Redlands, or to hold themselves out as graduates. Notations will be indicated on their transcript accordingly. Students who are suspended post-graduation are subject to having their diploma and/or degree withheld until the suspension is complete. These proceedings will only be convened if the offense alleged would have subjected the violator to suspension or expulsion if reported prior to graduation. These proceedings include notice and a hearing before the Critical Issues Board. The only sanction possible is degree revocation.
- 2) **EXPULSION:** Permanent separation of the student from the University. Permanent notation will appear on the student's transcript. The student also may be barred from University premises and University-sponsored events.
- 3) **SUSPENSION:** Separation of the student from the University for a specified time. Notice will appear on the student's transcript during the period of suspension. Formal reapplication to the University also may be required following completion of the suspension period. The meeting of certain requirements may also accompany the suspension, and any readmission can be conditioned on the satisfactory completion and proof of completion of those requirements. The letter of suspension will be held in the student's conduct file for a specified time.
- 4) **CONDUCT PROBATION:** Conduct probation is a final and formal warning status issued by the University to the student. Further violations of the Code resulting in a finding of "responsible" should

result in suspension or expulsion unless mitigating circumstances or information is identified. Additional restrictions or conditions also may be imposed. Notification will be sent to appropriate University offices, and will be carried in the student's conduct file for a designated time.

- 5) **CONDUCT REPRIMAND:** The student is warned that further misconduct may result in more severe sanctions. The reprimand will indicate that continuation or repetition of specific conduct may be grounds for other sanctions. The letter of reprimand will be carried in the student's conduct file for a designated time.
- 6) **RESTITUTION:** The student is required to make payment to the University and/or to other persons, groups, or organizations for damage incurred as a result of a violation of this code or University policies. Damages will include not only direct costs of items involved but also indirect costs of University personnel involved.
- 7) **OTHER SANCTIONS:** Other sanctions may be imposed instead of or in addition to those specified in Section 12.A.1 through 12.A.6. Additional or other sanctions include, but are not limited to:
  - (a) Loss of privileges, consistent with the offense committed such as:
    - (i) On-campus dining privileges;
    - (ii) On-campus driving privileges;
    - (iii) Removal from on campus residence facilities;
    - (iv) Restrictions from representing the University or participating in any extra curricular activity (e.g. athletic team, student office or organization, social events/functions.);
    - (v) On-campus site restriction (e.g., class only).
  - (b) The assignment of work, research projects, or other educational or rehabilitative programs or interventions.
  - (c) Imposition of fines, which will not exceed \$500 for each violation.
  - (d) Non-Compliance with the Directives of a University Official: Not responding to a communication from or failing to comply with a University official regarding a conduct matter may result in one or more of the following sanctions:
    - (i) The student will be suspended until such time as they comply; and/or
    - (ii) An automatic fine of \$100 will be assessed for each incident of non-compliance; and/or
    - (iii) The student will accept a finding of "responsible" and the respondent automatically accepts any sanctions determined by the Conduct Authority; and/or
    - (iv) Other sanctions may be imposed as well.
  - (e) No student will receive a diploma while a complaint brought against him/her is pending before an Administrative Hearing or the Critical Issues Board. No student will receive a diploma without first fulfilling the terms of a conduct sanction. Participation in the graduation ceremony is at the discretion of the Administrator.
  - (f) **Confiscation:** confiscation for a specified time, of property or materials used in violation of University policies.
  - (g) **Statements of understanding:** are signed (or mediated) statements that students will abide by all University rules, and policies or specific practices, with the understanding that violation of any rule, regulation, or agreement will result in further sanctions.
  - (h) Referral of student to a recognized professional practitioner for evaluation of behavior. In addition to the assessment, the Administrator, or an official designate, will interview the student to determine if conduct action is needed. (e.g., suicidal, acts of violence, severe depression, or other emotional distress or concerns).

- B) Certain violations of this code or University policies may result in suspension or expulsion unless specific and significant mitigating factors are present. This can include first time and/or repeated violations. (The list of examples follows as an illustration only and is not meant to be exhaustive.) The presence or involvement of alcohol or drugs will not constitute a mitigating factor.
- 1) Incidents of violence, sexual misconduct, and sexual harassment.
  - 2) Incidents involving drug possession, under the influence and/or use, distribution or sale; including misuse of legal prescription drugs.
  - 3) Incidents of reckless endangerment, misuse of emergency equipment, or any type of smoking or fire resulting from abuse or negligence.
  - 4) Incidents of harm brought to oneself or others (including instances when a student knew or should have known such harm might exist or result). This includes instances of hazing, drug involvement, alcohol abuse, driving under the influence, and reckless driving even when the student thought it was a prank.
  - 5) Incidents involving theft, stealing, or false statements or reports.
  - 6) Repeat offenses.
  - 7) Failing to comply with officials in the performance of their official duties.
  - 8) Acts that constitute a violation of local, state, or federal laws.

### 13) INTERIM SUSPENSION

- A) The Administrator, VP/Dean Student Life (or designee) may suspend a student for an interim period pending conduct proceedings or medical, psychiatric or psychological evaluation. Such interim suspension becomes effective immediately whenever there is information that the continued presence of a student on University premises or at University sponsored activities poses a substantial threat to himself, herself or others, or to the stability and continuance of normal University functions. There may also be circumstances in which it is necessary to invoke an interim suspension in furtherance of an ongoing investigation into a conduct code violation and/or a violation of state law
- B) A student suspended on an interim basis will be given the opportunity to appear before the Administrator within three (3) business days from the effective date of the interim suspension. An informal conference will be held on the following issues only:
- 1) The reliability of the information concerning the student's conduct, including the matter of his or her identity.
  - 2) The question as to whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises or at University-sponsored activities poses a substantial threat to himself, herself, others, or to the stability and continuance of University functions. In any complaints covered by Title IX (sexual misconduct, sexual harassment, stalking, etc.), the complainant will be given the opportunity to address the appropriateness of interim suspension, as well.
  - 3) Respondent(s) who fail to appear at this informal conference are in violation of the *Code of Student Conduct* for failure to comply with the instructions of a University official, and will be subject to the sanctions outlined in Section 12.A.7.d.
- C) Within three (3) business days after the informal conference (Section 13.B), or in the event there is no such conference within five (5) business days of the effective date of the interim suspension, if a suspension for failure to comply has not been imposed, the respondent will have an opportunity to accept responsibility for the alleged violations. If the respondent accepts responsibility, the complaint will be referred to an Administrative Hearing (Section 20.C). If the respondent denies responsibility for the alleged violations, the Administrator (or



designee) may refer the complaint to an Administrative Hearing or to the Presiding Officer of the Critical Issues Board.

- D) If an interim suspension has been imposed, such fact will be disclosed to the Presiding Officer of the Critical Issues Board.

#### 14) CONDUCT AUTHORITIES

The following persons and/or conduct bodies will exercise authority regarding individual, group, and/or organization student conduct matters:

- A) A Conduct Conference (Section 16) is conducted by a student life professional staff member and is appealable to the Director of Student Conduct or designee. The responsibilities of this University official include, but are not limited to, the following:

- 1) Determine which policies are alleged to have been violated.
- 2) Interview the parties involved.
- 3) Resolve complaints.
- 4) Issue sanctions and/or recommendations.
- 5) Maintain conduct records.

- B) The Johnston Peer Council (Section 17) will hear all complaints involving Johnston students referred to it by the Administrator, or designee. The Resident Hall Coordinator will serve as Advisor to this five member volunteer student council. Appeals will be heard by the Director of Student Conduct or designee. The Council's responsibilities include, but are not limited to, the following:

- 1) Determine which policies are alleged to have been violated.
- 2) Interview the parties involved.
- 3) Resolve complaints.
- 4) Issue sanctions and/or recommendations.
- 5) Submit conduct record to the Director of Student Conduct.

- C) The Peer Review Board (Section 18) will hear all complaints referred to them by the Administrator. This Board will assemble on a timely basis. An appeal can be heard by the Director of Student Conduct or designee. The responsibilities of the Peer Review Board include, but are not limited to, the following:

- 1) Determine which policies are alleged to have been violated.
- 2) Interview the parties involved.
- 3) Resolve complaints.
- 4) Issue sanctions and/or recommendations.
- 5) Maintain conduct records.

- D) Organizational Misconduct Investigations (Section 19) will initially be investigated by the Director of Student Conduct or designee (with the assistance of additional Faculty, Staff, or Administrators, as needed) when allegations of organizational/team misconduct become known. Initial findings from the investigation will be presented to the VP/Dean Student Life (or designee) for review. Upon review, the VP/Dean Student Life (or designee) will determine if the initial findings warrant a dismissal, further investigation, or the referral of the complaint to: 1. The Student Organization Board; 2. the Organizational Misconduct Partnership Process; or 3. the Organizational Misconduct Board for resolution.

1. The Student Organization Board is comprised of the ASUR President's Council, PanHellenic Council, InterFraternity Council, and ASUR Judicial Council. Wherever possible, one representative from each of the aforementioned groups will convene and facilitate the Board hearing. If representatives from each aforementioned group are not available, additional board members will be drawn from the other aforementioned groups. An Administrator (or designee) within Student Leadership and Involvement will be present to advise the board at this hearing. The decisions made by the Student Organization Board may be appealed to the Director of Student

Conduct, or the Associate Dean of Student Life, or designee. The Student Organization Board responsibilities include, but are not limited to, the following:

- a) Determine which policies are alleged to have been violated.
- b) Interview the parties involved.
- c) Resolve complaints.
- d) Issue sanctions and/or recommendations.
- e) Submit conduct record to the Director of Student Conduct.
- f) Notification to Redlands Police Department, when necessary.

2. The Organizational Misconduct Partnership Process is designed as a courtesy process allowing organizations and teams to initially accept responsibility for the alleged violations presented to them and consequently, working with the Office of Student Conduct to agree upon appropriate sanctions. The Organizational Misconduct Partnership Process does not allow for the appeal of findings or sanctions by any individual.

- a) Determine which policies are alleged to have been violated.
- b) Interview the parties involved
- c) Resolve complaints.
- d) Issue sanctions and/or recommendations.
- e) Submit conduct record to the Director of Student Conduct.
- f) Notification to Redlands Police Department, when necessary.

3. The Organizational Misconduct Board will hear alleged violations relating to interpersonal violence, drug trafficking, complaints covered by Title IX (e.g., sexual misconduct, sexual harassment, stalking, etc. and/or cases referred as the result of investigations completed in accordance with the University Discrimination and Harassment Policy) and/or are indications of habitual or other dangerous behavior(s).

- a) Convene a hearing.
- b) Hear testimony from parties involved.
- c) The Board will make a finding of “responsible” or “not responsible”. In the event it makes a finding of “responsible”, the Board may also impose appropriate sanctions.
- d) The Board’s finding of “responsible” and imposition of sanctions may be appealed by the organization or the Administrator to the Organizational Appeals Board (Section 25).
- e) There is only one appeal for any and all sanctions imposed per incident. An appeal hearing will be granted only if one or more of the criteria for an appeal is met (Section 24).

E) An Administrative Hearing (Section 20) is conducted by the Administrator, or the VP/Dean Student Life (or designee). The Administrator will have authority to take action and will execute duties described in Section 20 of this code. Matters decided by the Administrator or the VP/Dean Student Life (or designee), in an Administrative Hearing (Section 20) are final and not subject to appeal, except for cases involving sexual misconduct or other offenses covered by Title IX (see Section 11). Both parties, complainant and respondent, in Title IX cases will be afforded two appeals, as described in Sections 20 and 24.

F) The Critical Issues Board (Section 21) will hear all cases referred to it by the VP/Dean Student Life (or designee) or Administrator, and all cases referred as the result of investigations completed in accordance with the University Discrimination and Harassment Policy (see *University Policy Handbook*). Matters not decided by the Administrator may be referred to the Presiding Officer of the Critical Issues Board (Sections 21 and 22). Referrals made to the Presiding Officer will be made in writing, within five (5) business days of the date on which the Administrator receives a written complaint about a student’s conduct, or at the conclusion of an investigation conducted as described above. The Critical Issues Board responsibilities include, but are not limited to, the following:

- 1) Convene a hearing.
- 2) Hear testimony from parties involved.

- 3) The Board will make a finding of “responsible” or “not responsible”. In the event it makes a finding of “responsible”, the Board may also impose appropriate sanctions.
  - 4) The Board’s finding of “responsible” or “not responsible” and imposition of sanctions may be appealed by the complainant and/or the respondent and/or the Administrator, to the Critical Issues Appeals Board.
  - 5) There is only one appeal for each complaint, except for cases involving sexual misconduct or other offenses covered by Title IX (see Section 11). Appeals will be heard only if one or more of the criteria for an appeal is met, as stipulated in Section 24. In Title IX cases, both parties, complainant and respondent, will be afforded a second appeal, directly to the Provost of the University, as described in Sections 24 and 26.
- G) The Mediation Team may be referred complaints (except for cases involving allegations related to Title IX) by the Administrator, or the VP/Dean Student Life (or designee) as well as any student conduct body at any point during the conduct process. This team is comprised of trained facilitators who will help students or student groups work toward a mutual resolution.
- H) The Assessment Team is reserved for serious conduct cases, which may result in an Involuntary Administrative Leave of Absence.
- I) Restorative Justice Conference (RJC) or other restorative process. An RJC is a voluntary process that can be used to determine sanctioning outcomes when a responding student admits a violation. Restorative Justice is a collaborative decision-making process that includes harmed parties, responding students, and others working together to understand and identify harm and brainstorm ways for the responding student to repair the harm. When all parties in the conference agree, the agreement is then included in the conduct record, and the responding student is held accountable to that agreement. Students participating in an RJ process may elect to withdraw from the process at any time and the matter will be addressed through a different conduct authority.

**15) AUTHORITY OF THE ADMINISTRATOR;  
HEARING REFERRALS**

- A) Except according to Section 15.B and 15.C, the Administrator will be authorized to impose all sanctions permitted in this Code except the following: expulsion or suspension.
- B) The Administrator will review all complaints to determine whether alleged misconduct might result in expulsion, suspension, or a permanent conduct record. Students facing expulsion, suspension, or a permanent conduct record may have their complaint determined in an Administrative Hearing or referred to the Critical Issues Board. If the respondent accepts responsibility, the complaint will be referred to an Administrative Hearing (Section 20). If the respondent denies responsibility for the alleged violations, the Administrator or designee may refer the complaint to an Administrative Hearing or the Presiding Officer of the Critical Issues Board.
- C) In the event the complaint is referred to an Administrative Hearing, the full range of sanctions authorized by this Code may be imposed by the Administrator. The Administrator will inform the student that sanctions issued in an Administrative Hearing are not subject to appeal. Respondent(s) who fail to appear for an Administrative Hearing are in violation of the *Code of Student Conduct* for failure to comply with the instructions of a University Official, and will be subject to the sanctions outlined in Section 12.A.7.d.
- D) The Administrator has the prerogative on behalf of the University to file a complaint or provide testimony for an individual without the individual appearing or his or her name being known, so long as the Administrator is not responsible for hearing the case, if:
- 1)The witness is unavailable; or
  - 2)If the identity of the information or source of the information is not necessary for the respondent to fully challenge all the information against him/her;
- E) In the absence or inability of the Administrator to act, or in the event of a reorganization of administrative positions in the University, the VP/Dean Student Life (or designee) will designate another or additional persons to assume the responsibilities of the Administrator under this Code. In the event such a designee is named, any reference to the Administrator will apply.

## 16) CONDUCT CONFERENCE

- A) Complaints of a violation(s) of University policy and the *Code of Student Conduct* may be referred to a Conduct Conference by the Administrator.
- B) The Conduct Conference is administered by a Student Life professional staff member.
- C) Conferences are scheduled by said professional and are to be treated in an appropriate manner.
- D) In all Conduct Conferences, A respondent will be given the opportunity to accept responsibility for violation(s). If they do not accept responsibility, the student will then have the opportunity to respond to any information or jurisdiction pertaining to the complaint. The professional staff member will determine if it is *more likely than not* that the information indicates a violation. If the student(s) accepts responsibility, or is/are deemed responsible, appropriate sanctions will be administered.
- E) The Director of Student Conduct or designee will hear appeals of decisions from Conduct Conferences. A request for an appeal must be submitted in writing by the respondent within three (3) business days after reviewing the decision letter. Failure to request an appeal within this time will render the original finding and imposed sanctions final and conclusive. The Director of Student Conduct is the final appeal and will send written notice of the final outcome and sanctions, if any, to the respondent within ten (10) days.

## 17) JOHNSTON PEER COUNCIL

- A) Complaints of a violation(s) of University policy and *Code of Student Conduct* by Johnston students may be referred to the Johnston Peer Council by the Administrator or designee.
- B) The Johnston Peer Council is for situations that cannot be mediated by individuals and/or staff within the community. The Johnston Peer Council Advisor is either the Associate Director of the Johnston Center or the Residence Hall Coordinator.
- C) A selection committee will be formed with volunteers from the Johnston community once a semester, with recommendation that at least one member of the Community Assistant Staff sit on the committee. A new Council will be established prior to the end of each semester. Current members can serve consecutive terms.
- D) Five (5) members will be selected along with two (2) alternates, if possible. A quorum of five council members is required for a hearing.
- E) The purview of the Johnston Peer Council covers any Johnston student's documented incidents anywhere on complex. Incidents not on the Johnston Complex may be referred to the Johnston Peer Council Advisor or Student Life by the Administrator.
- F) In all Johnston Peer Council proceedings, A respondent will be given the opportunity to accept responsibility for violation(s). If they do not accept responsibility, the student will then have the opportunity to respond to any information or jurisdiction pertaining to the complaint. The council will determine if it is *more likely than not* that, the information indicates a violation. If the student(s) accepts responsibility, or is/are deemed responsible, appropriate sanctions will be administered.
- G) The Johnston Peer Council Advisor will send, privately, a written decision of the Council to the student with sanctions, if applicable, and a copy to the student's Student Life conduct file.

A respondent may request an appeal of the Johnston Peer Council's decision to the Director of Student Conduct within three (3) business days of the date of the decision letter. Failure to request an appeal within this time will render the original finding and imposed sanctions final and conclusive. The Director of Student Conduct, or

designee, is the final appeal and will send written notice of the final outcome and any sanctions to the respondent within ten (10) days.

### **18) PEER REVIEW BOARD**

- A) Complaints of a violation(s) of University policy and the *Code of Student Conduct* may be referred to a student Peer Review Board by the Administrator.
- B) The Peer Review Board is comprised of at least five (5) students and two (2) alternates and is advised by a designee of the Administrator (henceforth called “Advisor”). Five (5) voting members of the Board constitute a quorum.
- C) Hearings will be held weekly at a predetermined time. A respondent may bring written statements and information, as well as material witnesses, upon notice of such to the Advisor. Failure to appear at the assigned time without reasonable notice will result in a plea of “responsible” and the respondent will be subject to the sanctions outlined in Section 12.A.7.d.
- D) Students subject to the Peer Review Board are afforded the following procedural protection:
  - 1) Notification of the alleged misconduct and day and time of the scheduled hearing will be given to the respondent at least three (3) days prior to the hearing.
  - 2) In all Peer Review Board hearings, A respondent will be given the opportunity to accept responsibility for violation(s). If they do not accept responsibility, the student(s) will then have the opportunity to respond to any information or jurisdiction pertaining to the complaint. The Peer Review Board will determine if it is *more likely than not* that, the information indicates a violation. If the student(s) accepts responsibility, or is deemed responsible, appropriate sanctions will be administered.
  - 3) The respondent will have an opportunity to present their information to the Peer Review Board and to respond to information against them. Information may consist of written statements, records and/or verbal testimony.
  - 4) Hearings will be closed to the public except for the Peer Review Board, the respondent, and any witnesses announced with prior approval of the Advisor.
  - 5) Within five (5) days after the Peer Review Board hears the complaint, the respondent will receive a letter summarizing the Board’s decision and possible sanctions.
- E) The Associate Dean of Student Life or designee will hear all requests for an appeal. Requests must be submitted in writing within three (3) business days after reviewing the letter from the Peer Review Board. Failure to request an appeal within this time will render the original finding and imposed sanctions final and conclusive. The Associate Dean or designee is the final appeal and will send written notice of the final outcome and any sanctions to the respondent within ten (10) days.
- F) The respondent and the Advisor may have an informal conference at any time prior to or following the hearing to discuss procedure. However, this information will have no bearing on the decision of the Peer Review Board.

### **19) ORGANIZATIONAL MISCONDUCT INVESTIGATIONS**

Allegations of organizational/team misconduct will initially be investigated by the Director of Student Conduct, or designee, with the assistance of additional Faculty, Staff, or Administrators, when necessary. Initial findings from the investigation will be presented to the VP/Dean Student Life (or designee) for review. Upon review, the VP/Dean Student Life (or designee) will determine if the initial findings warrant a dismissal, further investigation, or the referral of the complaint to the Organizational Misconduct Partnership Process, the Organizational Misconduct Board, or the Student Organization Board for resolution.

Allegations of hazing and/or other organizational/team misconduct will be resolved only through one of the following avenues, at the direction of the VP/Dean Student Life (or designee):

- (a) For alleged violations that have not been determined to be egregious in nature, nor infringe upon the health and safety of individuals, nor are indications of habitual behavior(s), the case may be referred to the Organizational Misconduct Partnership Process for resolution.
- (b) For alleged violations relating to interpersonal violence, drug trafficking, complaints covered by Title IX (e.g., sexual misconduct, sexual harassment, stalking, etc. and/or cases referred as the result of investigations completed in accordance with the University Discrimination and Harassment Policy) and/or are indications of habitual or other dangerous behavior(s), the case may be referred to the Organizational Misconduct Board for resolution.

A) The Student Organization Board will hear complaints regarding any law or University policy violations involving an organization or group. A student group or organization and its officers may be held collectively and/or individually responsible when violations associated with the group or organization have received tacit, overt consent, or encouragement from the group and/or organization or the group's organization's leaders, officers, or representatives.

- 1) The officers, leaders, or identifiable representatives for a student group or organization may be directed by a University official to take appropriate action designed to prevent or end violations of this Code by the group or organization or by any persons associated with the group or organization who can be reasonably said to be acting in the group's or organization's behalf. Failure to make reasonable efforts to comply with the University official's directive will be considered a violation of this Code, both by the officers, leaders, or representatives for the group or organization and by the group or organization itself.
- 2) The Student Organization Board will determine sanctions. Sanctions for group or organization misconduct may include: censure, suspension of new member process (or other applicable procedures), suspension or recommendation of revocation of charter, or denial of recognition or registration, as well as other appropriate sanctions permitted under this Code (Section.12.A.7 and 12.B).
- 3) An organization and/or the Administrator (or designee) may request an appeal of a Student Organization Board decision to the, Director of Student Conduct, or the Associate Dean of Student Life, or designee.
- 4) In circumstances where urgent action is required, the VP/Dean Student Life (or designee), and/or the President of the University may determine whether a violation has occurred and implement immediate action, such as interim suspension, until the complaint can be heard.

B) The Organizational Misconduct Partnership Process is designed as a courtesy process allowing organizations and teams to initially accept responsibility for the alleged violations presented to them and consequently, working with the Office of Student Conduct to agree upon appropriate sanctions. The Organizational Misconduct Partnership Process does not allow for the appeal of findings or sanctions by any individual.

- 1) After having the case referred to the Organizational Misconduct Partnership Process, the Director of Student Conduct, or designee, will meet with representatives from the organization/team to discuss the alleged violations and share the initial findings.
- 2) Representatives of the organization/team will conduct an internal investigation of their members, with a self-report of their findings due to the Office of Student Conduct by the end of the third business day after being informed of the initial findings.
  - (i) Alleged violations referred to the Organizational Misconduct Partnership Process may be referred out of this method and into the Organizational Misconduct Board for resolution if the required self-report by the organization/team is not complete, contains false or misleading information, if the organization/team attempts to circumvent the student conduct process, or for any other reason at the discretion of the Director of Student Conduct, or designee.

- 3) The Director of Student Conduct, or designee, will make a final determination on each of the alleged violations and communicate the outcome to at least one of the representatives of the organization/team by the end of the third business day after the organization/team self-report is received by the Office of Student Conduct.
  - 4) After notification of outcomes, if a finding of responsibility has been determined, the organization/team will work with the Director of Student Conduct, or designee, to identify appropriate sanctions.
    - (i) In the event an organization/team is unwilling to identify appropriate sanctions, the case will be referred, at the discretion of the Director of Student Conduct, or designee, to the Organizational Misconduct Board for resolution.
  - 5) All outcomes and sanctions determined by the Director of Student Conduct, or designee, are not subject to appeal.
- C) Allegations of hazing and/or other organizational misconduct which have been referred to the Organizational Misconduct Board will be resolved in accordance with the following procedures:
- 1) The Organizational Misconduct Board will resolve complaints of hazing and/or other organizational misconduct that are referred to it by the VP/Dean Student Life (or designee), or out of the Organizational Misconduct Partnership Process.
  - 2) The Director of Student Conduct, or designee, acts as the fact-finder for the University in complaints resolved by the Organizational Misconduct Board.
  - 3) The Organizational Misconduct Board will be composed of five faculty/staff/administrators selected by the VP/Dean Student Life (or designee), from the pool of trained individuals for Critical Issues Board, Appeals Board, and Organizational Misconduct Committee hearings, plus the non-voting Presiding Officer (in the event of a tie, the Presiding Officer will cast the tie-breaking vote);
    - (a) The Associate Dean for Student Life, or designee, acts in the role of the Presiding Officer and is responsible for and will exercise control over the hearing to avoid needless consumption of time and to prevent harassment or intimidation of witnesses. Any person who disrupts a hearing or who fails to adhere to the rulings of the Presiding Officer may be excluded from the proceedings.
  - 4) Organizational/team and /or Administrator may challenge a Board member on the grounds of personal bias. In addition, the Presiding Officer may disqualify members challenged by any party for good cause.
  - 5) During the Organizational Misconduct Board Hearing, the Director of Student Conduct, or designee, will present the initial findings, as well as any subsequently learned information regarding the investigation.
  - 6) Organizations/teams who fail to appear at the Organizational Misconduct Committee Hearing are in violation of the *Code of Student Conduct* for failure to comply with the instructions of a University official, and will be subject to the sanctions outlined in Section 12.A.7.d and the case will be resolved by the Organizational Misconduct Board with all findings and sanctions not being subject to appeal.
  - 7) Hearings will be closed to the public, except for the organization/team's coach or Ally and a maximum of two alumni members who serve an identified role/position within the organization/team.
  - 8) All information shared by witnesses must be truthful and will be under penalty of violation of the *Code of Student Conduct*. Students giving false testimony or declarations and/or intentionally furnishing false information, at any time, may be subject to an individual conduct hearing.
  - 9) Formal rules of evidence will not apply to conduct proceedings pursuant to this *Code of Student Conduct*. The Director of Student Conduct, or designee will admit all information, from credible sources, which tend to support or not support what is at issue in the complaint. Unduly repetitious or irrelevant information may be

excluded. Character witnesses are not permitted, but up to three (3) character statements can be submitted in writing for consideration during sanctioning. Testimony containing circumstantial information may be heard if relevant, but a final determination may not be based on circumstantial information alone.

- 10) Witness statements may be requested in writing to expedite the hearing process.
- 11) All parties, witnesses, the public, and the Director of Student Conduct, or designee, will be excluded during the Organizational Misconduct Board's deliberations.
- 12) The Organizational Misconduct Board will make a finding of "responsible" or "not responsible". If the totality of the information, supplied by any party or witness or other means, indicates a violation of the *Code of Student Conduct* is "more likely than not," the organization/team will be found responsible for the violation. If the information does not make a violation "more likely than not," the organization/team must be found not responsible.
- 13) A determination of "responsible" will be followed by a supplemental proceeding in which the Director of Student Conduct, or designee, may submit information or make statements concerning the appropriate sanction to be imposed and may solicit suggestions from the responsible organization/team.
- 14) Final decisions of the Organizational Misconduct Board will be by majority vote and will consider evidence of pattern behaviors including previous similar allegations and violations.
- 15) The Presiding Officer, on behalf of the Organizational Misconduct Board, will prepare a written deliberation report to the VP/Dean of Student Life detailing the findings, how each Board member voted, the information cited in support of the finding, and any excluded and why. This report should conclude with any sanctions imposed.

## 20) ADMINISTRATIVE HEARING

- A) Any complaint not referred to the Critical Issues Board will be determined by the Administrator, or designee, by holding an Administrative Hearing with the parties. Matters decided in an Administrative Hearing are final and are not subject to appeal.
- B) Administrative Hearings will be conducted by the Administrator, or designee. An informal, non-adversarial meeting between the student(s) and the Administrator, or designee, will initially be arranged to afford the student(s) procedural fairness (Section 4.BB). Upon conclusion of this meeting, a date for the Administrative Hearing (formal) will be established and the student (s) will have signed the Administrative Hearing Acknowledgement.
- C) In all Administrative Hearings (formal), A respondent will be given the opportunity to accept responsibility for violation(s). If they do not accept responsibility, the student(s) will then have the opportunity to respond to any information or jurisdiction pertaining to the complaint. The Administrator, or designee, will determine if it is *more likely than not* that, the information indicates a violation. If the student(s) accepts responsibility, or are deemed responsible, appropriate sanctions will be administered.
  - 1) The person filing the complaint would not be required to participate unless such person's personal testimony is essential to resolving factual issues in the complaint.
  - 2) Documentary information and written statements can be relied upon, so long as the parties are given access to them and allowed to address them at the Administrative Hearing.
  - 3) The student(s) will be allowed to bring appropriate, relevant and material witnesses upon notice of such to the Administrator.
- D) Parties referred to an Administrative Hearing are accorded the following procedural protection:



- 1) Written notice of alleged misconduct at least three (3) business days prior to the scheduled Administrative Hearing.
  - 2) Reasonable access to the complaint files before and during the Administrative Hearing. Personal notes of University employees or of the person filing the complaint are not included in the complaint file to which the parties have access.
  - 3) An opportunity to respond to information and investigation findings.
  - 4) Within five (5) days after holding the Administrative Hearing, the Administrator will deliver or mail to the parties, a letter informing them of the finding of “responsible” or “not responsible” and the sanction(s) imposed.
- E) Determinations made by the Administrator, or designee, in an Administrative Hearing are not subject to appeal, except for cases involving sexual misconduct or other offenses covered by Title IX (see Section 11). In Title IX cases, both parties, complainant and respondent, will be afforded two appeals. The first appeal will be heard by the VP/Dean of Student Life, or designee. The second and final appeal will be heard by the University Provost. All appeals must be made in accordance with the stipulations laid out in Section 24.

**21) CRITICAL ISSUES BOARD**

- A) The Board will hear complaints that are referred to the Presiding Officer by the Administrator, investigator or designee. These include allegations of sexual misconduct, intimate partner/relationship violence and stalking. Students reporting complaints that fall within the jurisdiction of the Critical Issues Board will be given a written explanation summarizing their rights and the procedures applicable to resolution of their complaint (Section 22.D.).
- B) The Board will be composed of three administrative members plus the non-voting Ex-officio (a permanent member). A particular members will be chosen as follows:
- 1) The administrative members and administrative alternates will be chosen by the VP/Dean of Student Life. Neither the administrative members nor the administrative alternates will be persons who report to the Administrator;
  - 2) The Administrator:
    - (a) Is the Investigator for the University in complaints heard by the Critical Issues Board;
    - (b) May serve as an Ex-officio member of the Critical Issues Board unless acting as the investigator. The Ex-officio Member presides and renders decisions on Code of Student Conduct procedures (e.g., quorum, personal bias, need to know, etc.) and oversees the documentation of the hearing.
- C) Members of the Board will be selected as described in Section 21.B, as vacancies occur. Members will serve a two-year term following their selection, ending on May 31 of the second year except for the Ex-officio who is a permanent member of the Board.
- D) In the event that a member(s) of the Board is unable to hear a complaint, the VP/Dean of Student Life may appoint a trained alternate to replace the member(s). The final determination whether a member(s) is “unable to hear a complaint” will be within the discretion of the VP/Dean of Student Life. Alternate member(s) will be selected as described in Section 21.B.
- E) The Board will hold hearings according to Section 23 and will determine whether it is more likely than not that the respondent violated the policy or policies as alleged in the complaint. In the event of a finding of “responsible” the Board will determine the sanction to be imposed.

**22) PRESIDING OFFICER OF THE  
CRITICAL ISSUES BOARD**

The Presiding Officer will be a member of the Critical Issues Board and is appointed from among the members of the Critical Issues Board by the VP/Dean of Student Life. Within five (5) business days of receiving the referral from the Administrator, the Presiding Officer will complete the following duties:

- A) Accept referrals for a Board hearing from the Administrator.
- B) Contact the Administrator to review the complaint.
- C) Schedule a hearing of the Board.
- D) Contact the parties to review the complaint, advise them of Board hearing rights and procedures, determine what information needs to be secured and what witnesses should be notified for the Board hearing.
- E) Provide written notification for a hearing of the Critical Issues Board within five (5) business days after receiving the referral from the Administrator to members of the Board, the complainant and respondent(s). The Presiding Officer will also ensure that information, as needed, is secured for presentation at the Board hearing.
- F) If a student is involved in a complaint, but not currently registered, proceedings may be delayed to a reasonable date as determined by the Administrator, keeping in mind that promptness as required by Title IX may pertain.
- G) Simultaneously deliver (email or certified mail) written notification of the finding and any imposed sanctions by the Board to the respondent, the complainant, where appropriate, and the Administrator.
  - 1) In all complaints involving arson, assault offenses, burglary, criminal homicide, destruction/damage/vandalism of property, kidnapping/abduction, robbery, or stalking, the complainant will be given simultaneous written notice of the outcome and any sanctions;
  - 2) In all complaints involving forcible and non-forcible sex offenses, the complainant will be given simultaneous written notice of the outcome, any sanctions and rationale therefor;
  - 3) In all complaints where sanctions relate directly to the complainant, such as a no-contact order, or an order of restitution, the University will disclose in writing to the complainant only that information about the sanctions which pertains directly to him/her unless 2), above, applies.
  - 4) The University will place no conditions on the parties regarding the release of information in 1), 2) and 3) above.
- H) Prepare a written opinion on behalf of the Board as described in Section 23.K.

**23) HEARING PROCEDURE OF THE  
CRITICAL ISSUES BOARD**

The following procedural guidelines will apply to conduct hearings before the Board:

- A) The Board will hear complaints that are referred to the Presiding Officer by the Administrator or designee. Prior to making this referral, A respondent will be given the opportunity to accept responsibility for violation(s). If so, appropriate sanctions will be administered under the procedures for an Administrative Hearing. If not, referral may be made to the Board for resolution.
- B) Once a student denies responsibility, the hearing before the Board will commence within ten (10) business days of the date on which the Administrator refers a complaint to the Presiding Officer, unless an extension is granted, with notice to the parties.

- C) All parties will be given written notice of the hearing date and the specific complaints against them at least five (5) business days in advance of the hearing.
- D) The written notice may be delivered in person during a meeting with the Presiding Officer, or emailed, or mailed, to the local or permanent address of the parties. Once mailed, such notice will be presumptively delivered.
  - 1) The letter of notice will state briefly a description of the incident alleged.
  - 2) Relevant procedures for resolution of the complaint will be referred to in the notice.
- E) The parties will be accorded reasonable access to the complaint file, which will be retained in the office of the Administrator.
- F) At least 3 business days before any scheduled hearing, the following will occur:
  - 1) The *respondent* will deliver to the Administrator a written response to the complaint;
  - 2) The *respondent* will deliver to the Administrator a written list of all witnesses the Respondent wants the University to call on his/her behalf at the hearing, giving the full contact information of any such witness, if known;
  - 3) The *respondent* will deliver to the Administrator a written list of all items of physical evidence the Respondent intends to use or needs to have present at the hearing, and will indicate who has possession or custody of such evidence, if known;
  - 4) The *complainant* will deliver to the Administrator a written list of all witnesses the complainant wants the University to call and all physical evidence that will be used by the complainant at the hearing and will indicate who has possession or custody of such evidence, if known;
  - 5) The parties will notify the Administrator, at least forty-eight hours prior to the hearing, of the name of the Ally who may be accompanying them at the hearing;
  - 6) The Administrator will ensure that this information and any other available written documentation is shared between the *complainant* and *respondent* at least twenty-four hours before any scheduled hearing. In addition, the parties will be given a list of the names of all the Board Members serving to hear the complaint. Should either party object to any member(s) of the board, they must raise all objections in writing to the Administrator immediately. Board Members will only be unseated if the Ex-officio Member concludes that their bias precludes an impartial hearing of the complaint.
- G) The Administrator or designee, may interview witnesses upon the request of the parties and/or the Presiding Officer. Requests to appear will be issued by the Presiding Officer and may be personally delivered by housing staff or sent by campus or certified mail/return receipt requested. University students and employees are expected to comply with requests unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities, of which a good faith determination will be made by the Presiding Officer.
- H) A respondent who fails to appear at this informal conference are in violation of the *Code of Student Conduct* for failure to comply with the instructions of a University official, and will be subject to the sanctions outlined in Section 12.A.7.d.
- I) Hearings will be closed to the public, except for the student's Ally. Notwithstanding the foregoing, where the investigation involves accusations of domestic violence, dating violence, sexual assault or stalking, both the complainant and the respondent are entitled, at any meeting or other proceeding which is a part of the investigation and at which such the complainant or the respondent are present, to be accompanied by an Ally of his or her choice. Such Ally may be present, but may not participate in the meeting or proceeding in any other manner, and may not serve as an advocate or spokesperson. Allies who are disruptive or do not adhere to this limited role will be dismissed from the meeting or proceeding.
- J) The Presiding Officer will exercise control over the hearing to avoid needless consumption of time and to prevent harassment or intimidation of witnesses. Any person, including the complainant and/or respondent Student, who disrupts a hearing or who fails to adhere to the rulings of the Presiding Officer, may be excluded from the proceedings.
- K) The Presiding Officer, on behalf of the Board, will prepare a written deliberation report to the VP/Dean of Student Life detailing the finding, how each body member voted, the information cited by the body in support

of its finding, and any information that the body excluded from its consideration, and why. This report should conclude with any sanctions imposed.

- L) Any student party and/or the Administrator may challenge a Board member on the grounds of personal bias. In addition, the Presiding Officer may disqualify members challenged by any party for good cause.
- M) The Presiding Officer will be disqualified from presiding over a complaint if he or she has filed the complaint to be heard or is a witness in the complaint. In the event of the Presiding Officer's disqualification or inability to preside, the VP/Dean of Student Life will appoint an acting Presiding Officer who meets the qualifications specified in Section 22.
- N) All declarations and testimonies of witnesses must be truthful and will be under penalty of violation of the *Code of Student Conduct*. Persons giving false testimony or declarations and/or intentionally furnishing false information to the University may be subject to a conduct hearing.
- O) Witness statements can be requested in writing to expedite hearings. Affidavits will not be included as information unless signed by the affiant and witnessed by the Ex-Officio Member, a University employee, or by a person designated by or acceptable to the Administrator, or the Presiding Officer.
- P) Witnesses, other than the complainant and respondent, will be excluded from the hearing. All parties, the witnesses and the public will be excluded during the Board's deliberations.
- Q) The Board will make a finding of "responsible" or "not responsible".
- R) If the totality of the information, supplied by any party or witness or other means, indicates a violation of the *Code of Student Conduct* is "more likely than not," the respondent will be found responsible for the violation. If the information does not make a violation "more likely than not," the respondent must be found not responsible.
- S) Formal rules of evidence will not apply to conduct proceedings pursuant to this Code. The Presiding Officer will admit all information, from credible sources, which tend to support or not support what is at issue in the complaint. Unduly repetitious or irrelevant information may be excluded. Character witnesses are not permitted, but up to three (3) character statements from each party can be submitted in writing for consideration during sanctioning. Testimony containing circumstantial information may be heard if relevant, but a final determination may not be based on circumstantial information alone.
- T) The parties will be able to question all witnesses and investigator(s) present at the hearing. Additional opportunities to question those testifying may be afforded by the Presiding Officer and/or the Board.
- U) Board members may take informational notice of matters which would be within the general experience of the University community or its students, as long as they do so during the hearing, and give the parties a chance to challenge and question that information
- V) A determination of "responsible" will be followed by a supplemental proceeding in which the Administrator may submit information or make statements concerning the appropriate sanction to be imposed and may solicit suggestions from either party.
- W) Final decisions of the Board will be by majority vote of the board, and will consider evidence of pattern behaviors including previous similar allegations and violations.
- X) A record (such as a digital recording) will be made of every Critical Issues Board hearing. The record of the complaint will be maintained for seven years after the final decision on the complaint.
- Y) Special Provisions for Sexual Misconduct/Discrimination Complaints
  - 1) For sexual misconduct complaints, and other complaints of a sensitive nature such as relationship violence or stalking, whether the alleged victim is serving as the complainant or as a witness, alternative testimony options will be offered, such as placing a privacy screen in the hearing room, or allowing the alleged victim to testify from another room via closed circuit.

- 2) The past sexual history or sexual character of a party will not be admissible by the other party in hearings unless such evidence is determined to be highly relevant by the Presiding Officer. All such evidence sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance of the hearing by the Administrator.
- 3) The complainant alleging sexual misconduct will be notified in writing, simultaneously with the respondent, of the outcome sanction, and rationale. The complainant will have a right of appeal, and will be kept apprised of the status of any appeal requests. This is considered a final decision, unless appealed.
- 4) In any complaint where there is a finding of violation of the sexual misconduct policy, the sanctioning, in addition to standard sanctioning principles, will be guided by the following goals:
  - (a) To ensure that the discriminatory conduct is brought to an end;
  - (b) To make a reasonable efforts to prevent the reoccurrence of the discriminatory conduct in the future;
  - (c) To restore the alleged victim, as much as possible, to his/her pre-deprivation status and undo the effects of gender-based discrimination upon him/her and the community.

## 24) APPEALS

- A) Within three business days from written notification of a sanction(s), a student, student group or organization/team may formally request to appeal a decision rendered by a conduct body. The appeal request will first be reviewed by the Director of Student Conduct, VP/Dean of Student Life, or designee, to determine whether all of the following conditions were present:
  - 1) Whether the sanction(s) imposed were appropriate for the violation of the *Code of Student Conduct*.
  - 2) The original hearing was conducted fairly in light of the allegations and the information presented, and in conformity with prescribed procedures giving the parties reasonable opportunity to prepare and to present regarding the allegations.
  - 3) To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing that were reasonably unavailable at the time of the original hearing.
- B) If all the aforementioned conditions were present, the decision of the conduct body will be sustained. If, however, any of the conditions are found not to be present, the Director of Student Conduct, Administrator, or designee, will review the complaint and will decide upon the appropriate action and make a recommendation. Where possible, the complaint will be returned to the original conduct body for reconsideration, if such action will cure the flaw that gave rise to the granting of the appeal request. If the complaint cannot be returned to the original conduct body, the Director of Student Conduct, Administrator, or designee, is authorized to reconsider the complaint based on the record of the original hearing since the Administrators noted above do not rehear complaints. They will send written notice of the final outcome and any sanctions to the parties within ten (10) business days.

## 25) APPEAL PROCEDURE FOR ORGANIZATIONAL MISCONDUCT FINDINGS

- A) The Appeals Board will be comprised of three Faculty, Staff, or Administrators selected by the VP/Dean of Student Life, or designee, from the pool of trained individuals for the Critical Issues Board, Appeals Board, and Organizational Misconduct Board hearings.

- B) In appealing sanctions, the written appeal must set forth mitigating factors (respondent organization/team), aggravating factors (Administrator), or new information which could justify a lesser or greater sanction (Section 24.A.1-3).
- C) A written statement in support of the appeal must be submitted to the VP/Dean of Student Life within three (3) business days of mailing the letter notifying the organization/team of the findings and imposed sanctions by the Organizational Misconduct Board. Failure to request an appeal within the allotted time will render the original findings and imposed sanctions final.
- D) A written statement in support of the appeal must be submitted to the Appeals Board by the VP/Dean of Student Life, or designee, within seven (7) business days from the date the respondent organization/team submitted their appeal request. Failure to request an appeal within the allotted time will render the original findings and imposed sanctions final.
- E) Appeals will be decided upon the record of the original proceedings, appeal statements submitted by the respondent organization/team and/or the Director of Student Conduct, or designee.
- F) The Appeals Board, solely at their discretion, may request an informal conference with the representatives of the organization/team and/or the Director of Student Conduct, or designee, to hear statements regarding why they are appealing the finding and/or imposed sanctions. Regardless of which party or parties elect to appeal, and on what basis, all eligible appeal requests will be consolidated into one final appeal reconsideration.
- G) On appeal, the Appeals Board may:
  - (a) Affirm the finding and imposed sanctions of the Organizational Misconduct Board.
  - (b) Return the complaint to the Presiding Officer to conduct an abbreviated or new Organizational Misconduct Board hearing if specified procedural errors or errors in interpretation of University policies were so substantial as to effectively deny a fair hearing, or if new and potentially outcome-determinative information became available that could not have been discovered through diligent investigation before or during the hearing. The finding as to responsible or not on the returned complaint will be final and conclusive. Imposed sanctions will be recommended “on appeal” by the Appeals Board to the VP/Dean of Student Life for implementation.
  - (c) Modify the sanctions to be more or less stringent or different from those imposed if there is a compelling justification to do so.
- H) The VP/Dean of Student Life (or designee) will notify the respondent organization/team and appropriate representatives within three business days of the outcome of the appeal. In cases that involve a recommendation of charter suspension or revocation, or termination of a team’s athletic competition schedule, the University President may review the case and take action.

**26) APPEAL PROCEDURE FOR CRITICAL ISSUES BOARD FINDINGS**

- A) The Appeals Board will be comprised of three administrators, each of whom will be selected from the Critical Issues Board pool who did not serve in the initial hearing. Members and alternates will be trained annually by the Administrator. The responsibility of chairing the Appeal Board will rotate among its members.
- B) Requests for appeal must be submitted in writing to the VP/Dean of Student Life within three (3) business days of mailing the letter notifying the parties of the findings and imposed sanctions of the Board. Failure to request an appeal within the allotted time will render the original finding and imposed sanctions final and conclusive.
- C) A written statement in support of the appeal must be submitted to the Appeals Board through the VP/Dean of Student Life within five (5) business days from the date notifying the parties of the original findings and imposed sanctions of the Board. Failure to submit a written statement within the allotted time will render the findings and imposed sanctions of the Board final and conclusive.

- D) In appealing sanctions, the written protest will set forth mitigating factors (respondent), aggravating factors (Administrator or complainant), and/or new information which could justify a lesser or greater sanction (Section 24. A.1-3).
- E) Appeals will be decided upon the record of the original proceedings and upon statements submitted by the parties and/or the Administrator.
- F) The student parties and the Administrator may have an informal conference with the Appeals Board and Dean, at his or her discretion, to present their arguments regarding their appeal of findings and/or imposed sanctions. Regardless of which party or parties elect to appeal, and on what basis, all eligible appeal requests will be consolidated into one final appeal reconsideration.
- G) On appeal, the Appeals Board, in consultation with the Dean may:
  - 1) Affirm the finding and imposed sanctions of the Critical Issues Board.
  - 2) Return the complaint to the Presiding Officer to conduct an abbreviated or new Critical Issues Board hearing if specified procedural errors or errors in interpretation of University policies were so substantial as to effectively deny a fair hearing, or if new and potentially outcome-determinative information became available that could not have been discovered through diligent investigation before or during the hearing. The finding as to responsible or not on the returned complaint will be final and conclusive. Imposed sanctions will be recommended “on appeal” by the Appeals Board to the VP/Dean of Student Life for implementation.
  - 3) Modify the sanctions to be more or less stringent or different from those imposed if there is a compelling justification to do so.
- H) The VP/Dean of Student Life will simultaneously notify the parties and appropriate University personnel by letter of finding regarding the appeal.
- I) In Title IX cases, both parties, complainant and respondent, will be afforded one additional appeal, which must be made in accordance with the stipulations laid out in Section 24. Parties in these cases address their second appeal directly to the Provost of the University.

**27) ACCESS TO INFORMATION AND RECORDS**

- A) All information pertaining to investigations and hearing proceedings may be shared only with University employees who have a legitimate educational interest in the information.
- B) Students, who wish to review and examine their files in the VP/Dean of Student Life’s Office, or designee, may do so in accordance with the Family Educational Rights and Privacy Act of 1974, as amended. Students must submit a request at least 24 hours in advance.
- C) Any student, who harms him/herself or others, resulting in even minor medical or emergency services, should expect that their parents or whomever is listed on the University emergency notification may be contacted without permission from the student.
- D) Complainant(s) of any crime of violence will be given written simultaneous notice of the outcome and any sanctions resulting from the complaint they filed (Section 22.G.1-4).
- E) Parental notification: The University believes that parental involvement can be essential to student success. Therefore, the University of Redlands will often call parents or guardians to discuss impending or completed conduct actions, to the extent permitted by law.
  - 1) Notification may be made to the parents of any student who is a dependent, regardless of age.

- 2) Notification may be made to the parents/guardians of students who have violated policies that are “crimes of violence.”
- 3) Notification may be made to parents/ guardians of students who are under age 21 when those students have committed violations of University alcohol and drug policies.
- 4) At the discretion of the VP/Dean of Student Life and/or the Administrator or designee, parents/guardians may be called whenever their son or daughter faces an emergency health and/or safety risk, or is arrested.

**28) CONDUCT FILES AND RECORDS**

- A) Complaint referrals result in the maintenance of education records which are associated with the names of every student named therein. The file of students found responsible for any complaints will be retained as conduct records for seven years from the time of their creation. At that time, they may be destroyed unless the record relates to the suspension or expulsion of a student, in which case it may be retained indefinitely.
- B) An expulsion will be noted on and released with the student’s official University transcript. A suspension can be noted on a transcript, but must be removed when the student graduates from the University of Redlands.
- C) With appropriate permission from the student, student conduct records will be reported outside the University (such as transfer applications, graduate schools, employers, or licensing agencies). Unless required by law, low level violations that result primarily in educational sanctions will not be reported outside the University; only violations serious enough to result in disciplinary probation or separation from the University (via suspension or expulsion) will be reported externally.
- D) Conduct records not covered by Title IX may be expunged by the Administrator for good cause, upon written petition of the respondent. Factors to be considered in review of such petition include:
  - 1) The present demeanor of the respondent.
  - 2) The conduct of the respondent subsequent to the violation.
  - 3) The nature of the violation and the severity of damage, injury or harm resulting from it.
- E) Conduct records retained for less than ninety (90) days or designated as “permanent” will not be expunged without unusual and compelling justification as determined by the Administrator.

**Approved by the Board of Trustees 05/15/15**

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