

7.5 Student Code of Conduct, Academic Code and Decorum Guide

7.5.1 Student Code of Conduct and Community Standards (Code)

7.5.1.1 Statement on Student Rights and Responsibilities

Every student who accepts admission to and enrolls in Huston-Tillotson University agrees to abide by the Statement on Student Rights and Responsibilities. Its purpose is to promote and maintain an educational environment conducive to respect, civility, free inquiry, and the general well-being of the University community.

Students at Huston-Tillotson University are provided a copy of the Student Code of Conduct and Community Standards (Code) annually in the form of a link and may be downloaded from the University website at: <http://my.htu.edu>. Hard copies are available upon request from the Office of the Dean of Students. Students are responsible for having read and abiding by the provisions of the Code of Student Conduct and Community Standards.

The Statement on Student Rights and Responsibilities is intended to delineate certain basic rights, responsibilities, and expectations of all Huston-Tillotson University students and student groups. The *HT Student Handbook*, including the Student Decorum Guide, and other policies prescribed by the University, also serve as a guide for the overall student experience at HT.

7.5.1.2 Student Rights

Students have the following rights:

1. To have access to faculty, academic technology, the University library, and other resources necessary for personal learning and development;
2. To have the opportunity to freely examine and exchange diverse ideas, perspectives, and points of view in a civil manner inside and outside the classroom and laboratory settings;
3. To have access to academic advising, with clear expectations for degree and graduation requirements;
4. To participate fully in the University community without discrimination, as defined by federal, state, and University regulations;
5. To expect disciplinary matters to be conducted through established University procedures; and
6. To have available a University grievance process regarding concerns and/or complaints. (see this Volume, Section 7.7)

7.5.1.3 Student Responsibilities

Students have the following responsibilities:

1. To uphold and maintain academic integrity and personal honesty;
2. To attend class, as prescribed by faculty through syllabi, complete all class assignments and attend all classes prepared;
3. To abide by the HT Code of Student Conduct and Community Standards as well as conduct standards set forth by HT-recognized professional societies, clubs and organizations, and scholastic and social fraternities and sororities; and

4. To abide by all University policies and procedures and local, state, and federal laws.

7.5.2 Overview of the Code

The Code of Student Conduct applies to behaviors that take place on the campus, at University-sponsored events and may also apply off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the University.

The Code of Student Conduct may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. HT does not regularly search for this information but may take action if and when such information is brought to the attention of University officials.

Note: Most online speech by students not involving HT networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

- A true threat, defined as "a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals"
- Speech posted online about the University/College or its community members that causes a significant on-campus disruption.

The Code of Student Conduct applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The Code may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs. Visitors to and guests of HT may seek resolution of violations of the Code of Student Conduct committed against them by members of the University community.

There is no time limit on reporting violations of the Code of Student Conduct; however, the longer someone waits to report an offense, the harder it becomes for University officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit the University's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of the Dean of Student Affairs, Title IX Coordinator, and/or to Campus Safety.

A responding student facing an alleged violation of the Code of Student Conduct is not permitted to withdraw from HT until all allegations are resolved.

** HT retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll [and/or obtain official transcripts and/or graduate] and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, HT may invoke these procedures and should the former student be found responsible, HT may revoke that student's degree.

HT email is the University's primary means of communication with students. Students are responsible for all communication delivered to their University email address.

*** Many students are simply electing to withdraw once notified that they are facing an accusation. Withdrawal, like admission, should require an administrative action. A student can request a withdrawal for any number of reasons, which can then be administratively approved or denied. In this approach, a request would be denied until the conduct complaint is resolved if a complaint is pending at the time of the withdrawal request. A student may effectively withdraw him/herself by dropping out but must go through the process to change his/her status officially. This approach resolves the challenge of proceeding with the conduct process after a student withdraws because, technically, an institution cannot sanction a non-student (which is what a student is after he/she withdraws). Once the process is complete, if the student is sanctioned, the student must complete the sanctions before becoming eligible to re-enroll, unless sanction prohibits. A hold on withdrawal can be placed accordingly until then.*

The **Code of Conduct and Community Standards** (Code) at Huston-Tillotson University (HT) is based on promoting academic achievement and a tradition of excellence regarding student behavior and citizenship. To accomplish these objectives and responsibilities requires that the University be free from violence, threats, and intimidation; protective of free inquiry and dissent; respectful of the rights of others; open to change; supportive of lawful and democratic procedure; and dedicated to intellectual integrity and the civil approach to the resolution of problems.

The basic principles of this Code are:

- Respect for the person;
- Respect for property, and
- Respect for campus community standards.

The HT student conduct process is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with HT policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with HT community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

While intellectual growth and positive citizenship are promoted and encouraged, the University also strives to ensure that acceptable standards of behavior are communicated to, understood, and upheld by the students of Huston-Tillotson University.

7.5.2.1 Changes and Amendments to the Code

Provisions of this Code may be revised, supplemented, or amended at any time by action of the appropriate University authorities. Any registered student organization, the University Conduct Council, Title IX Coordinator, or the Dean of Student Affairs may propose changes in the Code of Conduct and Community Standards (Code). The Dean of Student Affairs may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Code. The Code may be reviewed annually with a comprehensive revision process being conducted every 3 years. Changes require the approval of the President, Provost and Vice President for Academic and Student Affairs, Title IX Coordinator, and at least one representative from the Student Government Association. Students will be notified if the code is revised, supplemented, or amended at any time by action of the appropriate University authorities. Any question of interpretation of the Student Code of Conduct will be referred to the Dean of Student Affairs, whose interpretation is final.

7.5.2.2 Coverage

The Code is the University's policy and process regarding non-academic conduct matters of Huston-Tillotson University students. Each student may be subject to this Code whether misconduct occurs on University premises, at University sponsored activities, or at any location off-campus when such conduct is brought to the attention of the University including, but not limited to, sexual misconduct, hazing, stalking, and physical violence. Academic discipline of students is not covered by this Code but rather falls within the jurisdiction of the academic unit of the University. The Academic Code of Conduct can be found in the University Bulletin and this Student Handbook under a separate section.

7.5.2.3 Basic Expectations

The primary purpose for the imposition of non-academic discipline in the University setting is to protect and preserve the quality of the educational environment in the campus community. This purpose entails several basic expectations:

1. That the University community assumes high standards of courtesy, integrity, and responsibility by all its members;
2. That each student is responsible for his/her conduct and that continued enrollment is conditional upon compliance with the requirements of student conduct expressed or implied in this Code;
3. That matters of alleged misconduct that fall under this Code will be handled under the stated procedures set forth in this Code;
4. The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. The Dean of Student Affairs is charged with the welfare of all students. Accordingly, in emergency situations, the Dean of Student Affairs, in consultation with the Provost and Vice President for Academic and Student Affairs, has full authority to deal with student conduct according to the exigencies of the emergency and for its duration. Such necessary and appropriate action includes, but is not limited to: immediate removal from campus housing due to possession and/or use of illegal substances, arson, theft, and violent crimes as noted in the Student Handbook; and
5. Violations of this Code may lead to discipline up to and including suspension or expulsion.

7.5.2.4 Authority

The Dean of Student Affairs is delegated responsibility pertaining to all student organizations, student government, as well as fraternities and sororities. The Dean of Student Affairs is

charged with administering the overall judicial process. In addition, the Dean of Student Affairs has the responsibility and authority to discipline such organizations and, for various violations including hazing, may choose to handle such matters in a direct and expedient manner, including taking interim action, until the completion of the conduct process. The Dean of Student Affairs may also appoint a Conduct Officer and/or Conduct Hearing Officer for investigation and hearing of conduct complaints. Regulations developed by Residence Life, Campus Life, and the Student Government Association, as well as other student organizational bodies, are subject to review and approval by the Dean of Student Affairs.

7.5.2.5 Confidentiality

Students' conduct records are confidential and will not be released except in accordance with the Federal Education Rights and Privacy Act (FERPA) and any other applicable laws.

7.5.2.6 Violations of the Law and this Code

Students may be accountable to both civil authorities and to the University for acts that constitute violations of the law and this Code. Those accused of violations of this Code are subject to the University disciplinary proceedings outlined in this Code while criminal, civil, or other University proceedings regarding the same conduct are pending. Accused students may not challenge the University disciplinary proceedings outlined in this Code on the grounds that criminal charges, civil actions, or other University proceedings regarding this same incident are pending, may be initiated, have been terminated, dismissed, reduced, or not yet adjudicated. The University will refer matters to federal, state, and local authorities when appropriate.

7.5.2.7 Definitions

When used in this Code:

1. The term "complainant" can be used to refer to a person, group, an entity, or the University. When the complainant is a group, the University, or an entity, a single person may be appointed to that body to represent it;
2. The term "consent" means that it is informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious;

3. The term "sex-based harassment" includes sexual harassment and gender-based harassment.
4. The term "Gender-based harassment" means unwelcome conduct of a nonsexual nature based on a student's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes;
5. The term discrimination means any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual

orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the University's educational program or activities.

6. The term "days" means calendar days;
7. The term "distribution" means giving, selling, or exchanging;
8. The term "group" means a number of persons who are associated with each other who have not followed University requirements for recognition as an organization;
9. The term "hearing body" means any person(s) authorized by the Dean of Student Affairs to hold a disciplinary meeting or hearing, to determine whether a student has violated the Code, and to impose sanctions. This term also includes the University Conduct Council, University Appeal Board, and Conduct Officers;
10. The term "Conduct Officer" means any person(s) authorized by the Dean of Student Affairs to have preliminary meetings, conduct investigations, hold conduct hearings, and determine whether a student has violated the Code as well as recommend sanctions;
11. The term "organization" means a number of persons who have followed the University requirements for recognition. This term includes fraternities and sororities;
12. The terms "written notice," "notify in writing," or "transmit in writing" mean to mail (U.S. or campus) written notice to the student's most recent address of record, to hand deliver written notice to the student in person, or to send notice via electronic mail;
13. The term "sexual contact" means vaginal intercourse, anal intercourse, fellatio, cunnilingus, touching of the genitals, breast, buttocks, or inner thighs, or the clothing covering such, or any other physical conduct or touching of a sexual nature;
14. The term "student" means any person pursuing studies at the University. At the discretion of the Provost and Vice President for Academic and Student Affairs, the term may be extended to mean:
 - a. A person not currently enrolled who has enrolled in the fall, spring, or summer term preceding the alleged violation; or
 - b. A person who, while not currently enrolled, has been enrolled in Huston-Tillotson University and may reasonably seek enrollment at a future date; or
 - c. A person who has applied or been accepted for admission to Huston-Tillotson University and may reasonably be expected to enroll;
15. The terms "University" and "institution" mean Huston-Tillotson University;
16. The term "University premises" means buildings or grounds owned, leased, operated, controlled, affiliated with, or supervised by the University;
17. The term "University-sponsored activity" means any activity, on- or off-campus, that is initiated, aided, or supervised by the University;
18. The term "weapon" means any object or substance designed or intended to inflict a wound, cause injury or incapacitate, including, but not limited to, all firearms, pellet guns, BB guns, switchblade or gravity knives, clubs, blackjacks or brass knuckles, ice picks, or other substances designed to impair (i.e., Rohypnol, the date rape drug); and
19. References to the President of the University, Provost and Vice President for Academic and Student Affairs, and Dean of Student Affairs include the designee of these individuals.

7.5.2.8 Prohibited Conduct

Each student may be subject to this Code whether misconduct occurs on University premises, at University sponsored activities, or at any location off-campus when such conduct is brought to the attention of the University such as sexual misconduct, hazing, stalking, and physical violence. It is neither possible nor necessary to specify every instance of misconduct that could result in disciplinary action against a student. The following list includes, but is not limited to, conduct which may subject a student to disciplinary action:

1. Attempting, assisting, or encouraging any conduct prohibited by this Code;
2. Causing physical harm to any person, or causing reasonable apprehension of harm;
3. Disorderly or indecent behavior, including destroying or damaging University property or the property of others;
4. Engaging in conduct directed at a specific person or persons that seriously alarms or intimidates such person or persons and that serves no legitimate purpose. Such conduct may include:
 - a. explicit or implicit threats, including gestures that place a person in reasonable fear of unwelcome physical contact, harm, or death;
 - b. stalking;
 - c. making remarks in a public place or on the internet and social networks to a specific person that are by common usage lewd, obscene, expose a person to public hatred, or that can reasonably be expected to have a tendency to cause acts of violence by the person to whom the remark is addressed;
 - d. repeated and/or severe aggressive behavior meant to intimidate or intentionally harm or control another person physically or emotionally (i.e., bullying and/or cyber bullying).
 - e. spreading malicious rumors in a systematic or public setting or on social networks regarding a specific person;
 - f. emails, phone calls, or other communication that are by common usage lewd, obscene, expose a person to public hatred, or that can reasonably be expected to have a tendency to cause acts of violence by the person to whom the remark is addressed;
5. Engaging in sexual conduct with another person without the consent of that person;
6. Violations of the University's Policy Statement on Discriminatory Harassment, which includes sexual violence;
7. Violation of local, state, federal or campus fire policies including, but not limited to:
 - a. Intentionally or recklessly causing a fire which damages HT or personal property or which causes injury.
 - a) Failure to evacuate a University controlled building during a fire alarm;
 - b) Improper use of University fire safety equipment;
 - b. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a local fine in addition to University sanctions; or
 - c. Initiating or causing any false report, warning, or threat of fire, explosion or other emergency;
8. Misrepresenting information or furnishing false information to the University or its representatives;

9. Forgery, alteration, misrepresentation, counterfeiting, or misuse of any University or other documents, instruments of identification, or access device;
10. Distribution, possession, and student use of alcoholic beverages is prohibited on campus, irrespective of age. Student possession or consumption of alcohol in the residence halls is also prohibited;
11. Providing alcoholic beverages to an individual less than 21 years of age or to one who is noticeably intoxicated;
12. Taking any action or creating any situation that endangers another's mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiating into or affiliation with any organization or group;
13. Appearing in a public place manifestly under the influence of alcohol or a controlled or other intoxicating substance, irrespective of age;
14. Unauthorized distribution, possession, or use of any controlled substance or distribution, possession, or use of any illegal drug;
15. Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than 5 ½ inches, including the storage of any item that falls within the category of a weapon in a vehicle parked on HT property;
16. Unauthorized presence on or use of University premises, facilities, or property, including camping, building a fire, or use of an unauthorized heating, cooking, or electrical device;
17. Unauthorized videotaping and/or audio taping of individuals and/or activities without the consent of the person(s);
18. Intentionally or recklessly misusing or damaging fire or other safety equipment;
19. Exposing one's own genitals, buttocks, or breasts, urination, defecation, or sex acts in a public place;
20. Theft or misuse of property or services on University premises, at University sponsored activities, or from University organization(s) or group(s), or knowing possession of stolen property or use of stolen services on University premises, at University-sponsored activities, or from University organization(s) or group(s);
21. Substantially interfering with the freedom of expression of others;
22. Failure to promptly meet financial responsibilities to the institution, including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity;
23. Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any crime (including non-custodial or field arrests) to the Office of Student Conduct within seventy-two (72) hours of release;
24. Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.)
25. Interfering with normal University functions, University-sponsored activities, or any function or activity on University premises including, but not limited to, studying, teaching, public speaking, research, University administration, or fire, police, or emergency services;

26. Disregarding or failing to comply with the directive of a hearing body or University official and/or failure to identify oneself to these persons when requested to do so, including, but not limited to: Campus Safety, Residence Life staff, faculty member, cafeteria staff, or a campus safety or law enforcement officer acting in the performance of the officer's duties;
27. Disruption of University or other computer systems; unauthorized alteration, disclosure, gaining or providing unauthorized access; destruction of University or other computer files or systems; violation of copyright or proprietary material restrictions connected with the University or other computer systems, programs, or materials;
28. Violation of Information Technology's Acceptable Use Policy;
29. Posting information and/or communication that violates the Code on the Internet or other public spaces;
30. Disruptive behavior in class, including, but not limited to: cellular phone use while in session, profanity, acting in a hostile manner toward others, and non-compliance with the professor;
31. Violation of any government laws or ordinances, or of any University policies, or regulations. University departments have additional policies which include, but are not limited to: Residence Life, Campus Life, Library, Information Technology, Facilities, and Campus Safety;
32. Falsification, distortion, or misinterpretation of information before a hearing body;
33. Disruption or interference with the orderly conduct of disciplinary hearing proceedings;
34. Knowingly instituting disciplinary proceedings without cause;
35. Attempting to discourage an individual's proper participation in, or use of, the disciplinary system;
36. Attempting to discourage the impartiality of a member of a disciplinary body prior to or during the course of a disciplinary proceeding;
37. Harassment (verbal, physical, or written) or intimidation of a member of a disciplinary body, witness, complainant, or respondent prior to, during or after a disciplinary proceeding;
38. Knowingly violating the terms of any disciplinary sanction imposed in accordance with this policy; or
39. Influencing or attempting to influence another person to commit an abuse of the disciplinary system.

7.5.2.9 *Composition of Hearing Bodies*

7.5.2.9.1 *University Conduct Council*

The University Conduct Council is established to hear non-academic disciplinary matters involving students in any division of Huston-Tillotson University. The University Conduct Council is composed of:

1. A Chair, appointed by the Provost and Vice President for Academic and Student Affairs, who shall be a faculty or staff member and a voting member of the Council;
2. One voting faculty member appointed by the Provost and Vice President for Academic and Student Affairs;
3. One voting staff member appointed by the Provost and Vice President for Academic and Student Affairs; and

4. One to two voting student members appointed by the Dean of Student Affairs.

There shall be a pool of Council members that will receive at least 8 hours of training by the Dean of Students and Title IX Coordinator annually. The pool of faculty and staff shall be appointed by the Provost and Vice President for Academic and Student Affairs. The pool of students shall be appointed by the Dean of Student Affairs. In complaints involving discrimination, sexual misconduct, or other sensitive issues, the Dean of Student Affairs will usually use three faculty/staff members for the panel. The Council must have three members present in order to convene. If a faculty or staff member, the Chair may count as the faculty or staff representative. For quorum, the three Council members must include a student, faculty, and staff member except in complaints involving discrimination, sexual misconduct, or other sensitive issues. If alternates are not available from the pool of Council members and a quorum cannot be reached, substitutes may be appointed as described above.

7.5.2.9.2 University Conduct Appeal Board

The University Conduct Appeal Board will be established at the beginning of every academic year to hear appeals from cases heard by any hearing body and will receive at least 8 hours of training by the Dean of Students and Title IX Coordinator annually. The Board shall be composed of:

1. One voting staff member appointed by the Provost and Vice President for Academic and Student Affairs;
2. One voting faculty member appointed by the Provost and Vice President for Academic and Student Affairs; and
3. One voting student appointed by the Dean of Student Affairs.

If a faculty/staff panel is used to hear a sensitive issue, the Appeals Panel will also be comprised of only faculty/staff members. Substitutes may be selected as described above. A member of the University Appeal Board may not deliberate on or vote on any decision if that member participated in any way in the decision being appealed.

7.5.9.3 Conduct Investigation and Hearing Officers

Conduct Investigation and Hearing Officers are chosen from a pool of annually trained faculty or staff members selected by the Dean of Student Affairs.

7.5.2.10 Conduct Procedures – General

Disciplinary proceedings may be instituted against a student, group, or student organization that is alleged to have violated the Code. The proceedings are conducted in a manner that ensures fairness and is not restricted by the rules of evidence governing criminal and civil proceedings. Huston-Tillotson University (HT) is committed to providing a student conduct process that is fair and reasonable and not arbitrary or capricious. Conduct decisions will be based on the preponderance of evidence meaning that it is determined that it is more likely that prohibited conduct occurred than it did not. Accordingly, the University maintains a process that is educational, provides equal concern and dignity to all persons.

The general procedures outline the process HT will use to review alleged acts of misconduct.

7.5.2.10.1 Conflict Resolution

The Dean of Student Affairs has discretion to refer a complaint for appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution may be forwarded for formal processing and hearing; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Dean of Student Affairs may also suggest that complaints that do not involve a violation of the *Code of Student Conduct* be referred for appropriate conflict resolution.

7.5.2.10.2 Conduct Process – Individual Students

Anyone wishing to report an alleged incident of misconduct under this Code may make such report to the Department of Campus Safety or the Dean of Student Affairs. Reports generated by Residence Life, Campus Safety, and other University offices will be forwarded to the Dean of Student Affairs. A determination will be made whether action should be taken in response to a report by the Dean of Student Affairs. If it is determined that further action should be taken, the case will be assigned to a Conduct Officer by the Dean of Student Affairs or the Dean may serve as the Conduct Officer. For certain residence hall violations, the Dean may choose to have those matters handled through the Residence Hall Director.

7.5.10.2.1 Preliminary Meeting

The Office of the Dean of Student Affairs will notify the student in writing that he/she must make an appointment for a preliminary meeting within five days of the date of the written notice. Failure to schedule or attend this preliminary meeting will automatically result in the issuance of formal charges as described below.

The Conduct Officer will hold a preliminary meeting with the accused student to review the report as well as ascertain the accused student's perspective of the incident. The Conduct Officer will refer the student to the Code of Community Standards and Conduct. Copies of the Code are available on-line at the HT website and in the office of the Dean of Student Affairs. A copy will be provided upon request. In this meeting, the accused student will be asked to decide whether or not he/she wishes to accept responsibility for having violated the Code.

If a student accepts responsibility for having violated the Code and thereby waives the option of the hearing, the student shall have the following options as to how sanctions will be determined:

1. The student may have the Conduct Officer decide the appropriate sanction(s). The sanction(s) awarded shall be stated in writing and placed in the student's file; or
2. The student may choose to meet with another Conduct Officer to have that person recommend appropriate sanction(s).

This selection shall be made in writing and recorded by the Conduct Officer. A copy of this selection shall be maintained in the student's file.

If a student does not accept responsibility for having violated the Code, the Conduct Officer will conduct an investigation to determine if the matter will proceed to formal charges, or if it can be disposed of administratively by agreement of the parties involved on a basis acceptable to the Conduct Officer.

7.5.10.2.2 Investigation

The investigator(s) will take the following steps if not already completed by the Dean of Students or designee:

1. Initiate any necessary remedial actions on behalf of the victim (if any);
2. Determine the identity and contact information of the party bringing the complaint, whether that person is the initiator of the complaint, the alleged victim, or a University proxy or representative;
3. Conduct an immediate preliminary investigation to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint;
 - a. If the victim is reluctant to pursue the complaint, determine whether the complaint should still be pursued and whether sufficient independent evidence could support the complaint without the participation of the victim;
 - b. Notify the victim of whether the University intends to pursue the complaint regardless of their involvement and inform the victim of their rights in the process and option to become involved if they so choose;
 - c. Preliminary investigation usually takes between 1-7 business days to complete;
4. If indicated by the preliminary investigation and authorized by the Dean of Student Affairs, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding student violated University policy, and to determine what specific policy violations should serve as the basis for the complaint;
 - a. If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action;
 - b. A comprehensive investigation usually takes between one day and two weeks;
5. Meet with the party bringing the complaint to finalize the Party bringing the complaint's Statement, which will be drawn up by the investigator or designee as a result of this meeting;
6. Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding student, who may be given notice of the interview prior to or at the time of the interview;
 - a. Prepare the notice of alleged policy violation(s) on the basis of the reasonable cause determination, which may be delivered prior to, during or after the responding student is interviewed, at the discretion of the investigator(s);

7. Interview all relevant witnesses, summarize the information they are able to share and have each witness sign the summary to verify its accuracy;
8. Obtain all documentary evidence and information that is available;
9. Obtain all physical evidence that is available;
10. Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
11. Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
12. Present the investigation report and findings to the responding student, who may:
 - a. accept the findings,
 - b. accept the findings in part and reject them in part,
 - c. or may reject all findings;
13. Share the findings and update the party bringing the complaint on the status of the investigation and the outcome.

7.5.10.2.3 Findings

The following options (1-3) describe how to proceed depending on whether the responding student is found responsible and whether the Responding Student accepts or rejects the findings and/or the sanctions either in whole or in part.

1. The Responding Student is Found “Not Responsible”

Where the responding student is found not responsible for the alleged violation(s), the investigation will be closed. The party bringing the complaint, if any, may request that the Dean of Student affairs and/or Title IX Coordinator, as applicable, review the investigation file to possibly re-open the investigation or convene a hearing. The decision to re-open an investigation or convene a hearing rests solely in the discretion of the Dean of Student affairs or Title IX Coordinator in these cases, and is granted only on the basis of extraordinary cause.

2. The Responding Student Accepts a Finding of “Responsible”...

- a. The Responding Student Accepts a Finding of “Responsible” and Accepts the Recommended Sanctions.
- b. Should the responding student accept the finding that they violated University policy, the Investigator will recommend appropriate sanctions for the violation, having consulted with the Dean of Student Affairs and/or Title IX Coordinator, as appropriate. In cases involving discrimination, recommended sanctions will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the University community. If the responding student accepts these recommended sanctions, the sanctions are implemented by the Dean of Student Affairs and the process ends. [There will be a three-day period for review between the date of acceptance and when the resolution becomes final. Should the responding student decide to reject the sanctions within that time period, Option 2B, below, will apply]. This outcome is not subject to appeal.

3. The Responding Student Accepts a Finding of “Responsible” and Rejects the Sanctions Recommended.

The student shall have the following options for a hearing:

- a. The student may choose a hearing with another Conduct Officer serving as the hearing officer and to determine the appropriate sanction(s), if any; or
- b. The student may choose a hearing with the University Conduct Council serving as the hearing panel which will be convened within 7 business days, barring exigent circumstances, and to determine the appropriate sanction(s), if any.

This selection shall be made in writing and recorded by the Conduct Officer. A copy of this selection shall be maintained in the student's file.

If an accused student fails to respond to any notification in writing concerning the conduct process, the case will be automatically referred to a hearing with the University Conduct Council.

4. Responding Student Rejects the Findings Completely or In-part

A. Responding Student Rejects the Findings Completely

1. The student shall have the following options for a hearing:

- a. The student may choose a hearing with another Conduct Officer serving as the hearing officer and to determine the appropriate sanction(s), if any; or
- b. The student may choose a hearing with the University Conduct Council serving as the hearing panel which will be convened within 7 business days, barring exigent circumstances, and to determine the appropriate sanction(s), if any.

This selection shall be made in writing and recorded by the Conduct Officer. A copy of this selection shall be maintained in the student's file.

2. If an accused student fails to respond to any notification in writing concerning the conduct process, the case will be automatically referred to a hearing with the University Conduct Council.

- a. At the hearing, the investigator(s) will present their report to the panel, the panel will hear from the parties, and any necessary witnesses. The investigation report will be considered by the panel, which renders an independent and objective finding. Full panel procedures are detailed below.
- b. If the panel finds the responding student not responsible for all violations, the Dean of Student Affairs will timely inform the parties of this determination and the rationale for the decision in writing. This determination is subject to appeal by any party to the complaint. Appeal review procedures are outlined below.
- c. If the panel finds a violation, it will recommend a sanction/responsive action to the Dean of Student Affairs, who will confer with the Title IX Coordinator as necessary and, render a decision within 5 business days of the hearing and timely notify the parties orally, as well as in writing. An appeal of sanction(s) may be filed by any party to the complaint as detailed below.

B. Responding Student Accepts the Findings in Part and Rejects in Part

1. The student shall have the following options for a hearing:

- a. The student may choose a hearing solely on the disputed allegations with another Conduct Officer serving as the hearing officer and to determine the appropriate sanction(s), if any; or

The student may choose a hearing with the University Conduct Council solely on the disputed allegations serving as the hearing panel which will be convened

- within 7 business days, barring exigent circumstances, and to determine the appropriate sanction(s), if any.
2. This selection shall be made in writing and recorded by the Conduct Officer. A copy of this selection shall be maintained in the student's file. If an accused student fails to respond to any notification in writing concerning the conduct process, the case will be automatically referred to a hearing with the University Conduct Council.

For all findings holding a responding student responsible for a violation, the University will follow the sanctioning process detailed below. If the Panel finds the responding student "Not Responsible" on any of the contested allegations, the process will move to the Sanctioning Phase on only the uncontested allegations, as detailed below.

7.5.10.2.4 Special Hearing Provisions for Sexual Misconduct, Discrimination and Other Complaints of a Sensitive Nature

All special hearings for sexual misconduct, discrimination, and other complaints of a sensitive nature under this section will be conducted by a three member Conduct Council drawn from the panel pool. For sexual misconduct, discrimination and other complaints of a sensitive nature, whether the alleged victim is serving as the party bringing the complaint or as a witness, alternative testimony options may be provided, such as placing a privacy screen in the hearing room or allowing the alleged victim to testify from another room via audio or audio/video technology. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the responding student.

The past sexual history or sexual character of a party will not be admissible by the other parties in hearings unless such information is determined to be highly relevant by the Conduct Council Chair. All such information sought to be admitted by a party or the University will be presumed irrelevant until a showing of relevance is made, in advance of the hearing, to the Chair. Demonstration of pattern, repeated, and/or predatory behavior by the responding student, in the form of previous findings in any legal or campus proceeding, or in the form of previous good faith allegations, will always be relevant to the finding, not just the sanction. The parties will be notified in advance if any such information is deemed relevant and will be introduced in the hearing.

The party bringing any complaint alleging sexual misconduct, other behavior falling with the coverage of Title IX and/or a crime of violence will be notified in writing of the outcome of a hearing, any sanctions assigned and the rationale for the decision.

7.5.2.10.3 Conduct Process – Student Organizations

Anyone wishing to report an alleged incident of misconduct under this Code may make such report to the Department of Campus Safety or the Dean of Student Affairs. Reports generated by Residence Life, Campus Security, and other University offices will be forwarded to the Dean of Student Affairs. A determination will be made whether action should be taken in response to a report by the Dean of Student Affairs. If it is determined that further action should be taken, the case will be assigned to a Conduct Officer by the Dean of Student Affairs or the Dean may serve as the Conduct Officer.

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s):

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- Were known or should have been known to the membership or its officers.

Recognized fraternity and sorority chapters may be placed under restrictions (e.g., cease and desist), obligations, or other interim action(s) taken by other offices of the University to protect the well-being of specific persons, the community, or property. In cases pertaining to fraternities and sororities, matters will be referred to the respective national office, as appropriate.

The procedure for investigating and charging an individual student with a violation of the Code shall be used when a student organization is charged with a violation of this Code. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization. During student organizational investigations, student organizations, chapters, and/or individual students may be charged. In cases pertaining to student organizations, the organizational or chapter president will represent the organization during all conduct proceedings.

7.5.2.11 Withholding Diplomas and Transcripts

The University reserves the right to place a "hold" on the diploma, degree certification, official transcripts, or registration of a student who has been charged with a conduct violation under this Code even though he/she may have completed all academic requirements. The diploma, degree certification, official transcripts, or registration may be withheld until the conduct charges have been resolved and/or sanction(s) as well as other conduct obligations have been completed.

7.5.2.12 Interim Action

If the Dean of Student Affairs believes that the complaint against the student demonstrates the potential for violence, the student may be placed on interim suspension until a final decision is made regarding the complaint. Interim actions may include separation from the institution or restrictions on participation in the community for no more than ten (10) business days pending the scheduling of a campus hearing on alleged violation(s) of the *Student Code of Conduct*.

Within that time, the suspended student may request an immediate hearing from the Dean of Student Affairs to show cause why the interim suspension should be lifted. This hearing may resolve the allegation, or may be held to determine if the interim suspension should be continued. Interim suspension might include, but is not limited to, situations where an individual alleges violent crimes, sexual misconduct, hazing, and harassment. Specifically, a student may be temporarily suspended:

- To protect the safety and well-being of the campus community;
- To protect the student's own safety; or
- Where the student's behavior presents a threat of disruption or interference with normal campus operations.

If the Dean of Student Affairs believes one of these circumstances is present, he or she will consult with the Provost and Vice President for Academic and Student Affairs and alert Campus

Safety. An action plan will be formulated for quickly and safely removing the student from campus while an investigation is conducted and a decision on the merits of the complaint is rendered.

During an interim suspension, a student may be denied access to University housing and/or the University campus/facilities/events. As determined appropriate by the Dean of Student Affairs, this restriction may include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Dean of Student Affairs and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

7.5.2.13 Hearing Procedures – Conduct Officer and University Conduct Council

The Dean of Student Affairs, Conduct Officer, or University Conduct Council may require any student of the University to attend and/or testify at any hearing or meeting regarding a conduct matter that is covered under this Code. The Dean of Student Affairs, Conduct Officer, or University Conduct Council may request faculty or staff members to attend and/or testify at a hearing or meeting or furnish a written statement.

7.5.2.13.1 Notification

Notification in writing of a hearing before a Conduct Officer or the University Conduct Council as well as the date, time, and place of this hearing will be sent to the student/organizational president at least five (5) calendar days before the scheduled date of the hearing. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Dean of Student Affairs (or designee); mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student's University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.

The letter of notice will:

1. Include the alleged violation and notification of where to locate the *Student Conduct Code* and University procedures for resolution of the complaint; and
2. Direct the responding student to contact the Dean of Student Affairs (or designee) within a specified period of time to respond to the complaint. This time period will generally be no less than two business days from the date of delivery of the summons letter.

A meeting with the Dean of student Affairs (or designee) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the responding student may indicate, either verbally or in writing, to the Dean of Student Affairs (or designee), whether they admit to or deny the allegations of the complaint.

7.5.2.13.2 Hearing by University Conduct Council

The Dean of Student Affairs will appoint one panelist as the Chair for the hearing. The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student's responsibility to notify the Dean of Student Affairs no less than three (3) days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum three (3) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled. If the party bringing the complaint fails to appear, the complaint may be dropped unless the University

chooses to pursue the allegation on its own behalf, as determined by the Dean of Student Affairs.

The Dean of Student Affairs (or designee), the Chair and the Council will conduct hearings according to the following guidelines:

1. Hearings will be closed to the public.
2. Admission to the hearing of persons other than the parties involved will be at the discretion of the council chair and the Dean of Student Affairs.
3. In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the Dean of Student Affairs may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.
4. The parties have the right to an advisor/advocate of their own choosing, including attorneys. Typically advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor. The advisor may not make a presentation or represent the party bringing the complaint or responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair and suggest questions to their advisee.
5. The party bringing the complaint, the responding student, the panel, and the Dean of Student Affairs (or designee) will have the privilege of questioning all present witnesses and questioning all present parties (directly or through the Chair, at the discretion of the Chair). Unduly repetitive witnesses can be limited at the discretion of the University Conduct Council Chair and/or the Dean of Student Affairs, or designee.
6. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the council and the Dean of Student Affairs. Formal rules of evidence are not observed. The University Conduct Council Chair and/or the Dean of Student Affairs, or designee may limit the number of character witnesses presented or may accept written affidavits of character instead.
7. All procedural questions are subject to the final decision of the Dean of Student Affairs or University Conduct Council Chair.
8. After a panel hearing, the panel will deliberate and determine, by majority vote, the preponderance of evidence or whether it is more likely than not that the responding student has violated the Student Code of Conduct. The Dean of Student Affairs (or designee) will be available as a resource during all deliberations. At this hearing, a decision of "in violation" or "not in violation" will be made based upon the available information and evidence presented at the hearing, with or without the accused being present. Once a finding is determined, if the finding is that of a policy violation, the panel will determine an appropriate sanction(s). The Dean of Student Affairs (or designee) is responsible for informing the panel of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student. The council Chairperson will prepare a written deliberation report and deliver it to the Dean of Student Affairs, detailing the recommended finding, how each member voted, the information cited by the panel in support of its recommendation, and any information the panel excluded from its consideration and why. This report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Dean of Student Affairs within two (2) days of the end of deliberations.
9. The Dean of Student Affairs will consider the recommendations of the panel, may make appropriate modifications to the panel's report and will then render a decision and inform

the responding student and party bringing the complaint (if applicable by law or University of the final determination within 3 days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person by the Dean of Student Affairs (or designee); mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student's University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.

10. There will be a single verbatim record, such as an audio recording, for all panel hearings. Deliberations will not be recorded. The record will be the property of the University and maintained according to the University's record retention policy.

7.5.2.13.3 Advisors

All parties are entitled to an advisor of their choosing to guide and accompany them throughout the campus resolution process. The advisor may be a friend, mentor, family member, attorney, Chapter advisor in the case of a fraternity or sorority, or any other supporter a party chooses to advise them.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. Advisors should help their advisees prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The university cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the university is not obligated to provide one.

Accused individuals may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>),

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>), or
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting, interview or hearing unless invited to. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have and allows the university an opportunity to clarify the role the advisor is expected to take. Advisors are expected to refrain from interference with the university investigation and resolution.

Any advisor who steps out of his/her role in any meeting under the campus resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, he/she will be asked to leave the meeting. When an

advisor is removed from a meeting, the meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator or a deputy will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The university expects that the parties will wish to share documentation related to the allegations with their advisors. The university provides a consent form that authorizes such sharing. The parties must complete this form before the university is able to share records with an advisor. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the university. The university may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the university's privacy expectations.

The university expects an advisor to adjust their schedule to allow them to attend university meetings when scheduled. The university does not typically change scheduled meetings to accommodate an advisor's inability to attend. The university will however make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available. A party may elect to change advisors during the process, and is not required to use the same advisor throughout.

1. At least three (3) days before any scheduled formal hearing, the following will occur:
 - a. The responding student will deliver to the Dean of Student Affairs (or designee) a written response to the complaint;
 - b. The responding student will deliver to the Dean of Student Affairs (or designee) a written list of all witnesses for the University/College to call at the hearing;
 - c. The responding student will deliver to the Dean of Student Affairs (or designee) all physical evidence the student intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Dean of Student Affairs can arrange for its presence;
 - d. The party bringing the complaint will deliver to the Dean of Student Affairs (or designee) a written list of all witnesses for the University to call at the hearing;
 - e. The party bringing the complaint will deliver to the Dean of Student Affairs (or designee) all items of physical evidence needed at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Dean of Student Affairs can arrange for its presence;
 - f. The party bringing the complaint and the responding student will notify the Dean of Student Affairs (or designee) of the names of any advisors/advocates who may be accompanying the parties at the hearing.

5. The Dean of Student Affairs (or designee) will ensure that the hearing information and any other available written documentation is shared with the parties at least two (2) days before any scheduled hearing. In addition, the parties will be given a list of the names of all the panelists in advance. Should any party object to any panelist, that party must raise all objections, in writing, to the Dean of Student Affairs immediately. Hearing officers will only be unseated if the Dean of Student Affairs concludes that their bias precludes an impartial hearing of the complaint. Additionally, any panelist who feels they cannot make an objective determination must recuse themselves from the proceedings.

Both the complainant and the accused student/organizational president are allowed to:

1. Be present at the hearing until such time as the hearing body retires to deliberate the decision. However, if either the accused, complainant, or their advisor(s) fail(s) to appear at the hearing, the hearing may be held in the absence of either or both;
2. Present tangible and documentary evidence; and evidence by witness, or signed written statements of witnesses who do not attend the hearing, including the signed written statements of the complainant or the accused. If witnesses fail to appear, the hearing shall be held in their absence;

It is the responsibility of the accused student and the complainant to notify any additional witnesses not called by the hearing body. Additional witnesses must have been disclosed to the Conduct Officer at the preliminary meeting or in advance and in writing to the Dean of Student Affairs. All witnesses shall be notified of the date, time, and place of the hearing; and

3. Question all witnesses who give evidence at the hearing directly or through written questions presented through the Chair.

In cases involving any type of violence or harassment, the complainant may request, in advance of the hearing, to have alternative arrangements made to physically participate in the hearing. The Chair or Conduct Officer shall have the final decision on what evidence may be presented and the tone of questioning. The Chair/Conduct Officer may decide to stop questions at any time.

7.5.2.13.4 Amnesty

a. For Victims

The University provides amnesty to victims who may be hesitant to report to University officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.

b. For Those Who Offer Assistance

To encourage students to offer help and assistance to others, the University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Dean of Student Affairs, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.

c. For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.

Abuse of amnesty requests can result in a decision by the Dean of Student Affairs not to extend amnesty to the same person repeatedly.

7.5.2.14 Hearing Decisions – Conduct Officer and University Conduct Council

The Conduct Officer or University Conduct Council shall deliberate and decide whether the accused student/organization has violated the Code. These hearing bodies determine whether a violation occurred based on whether there is a preponderance of the evidence. The hearing body may decide that the student/organization is in violation of a less serious offense than that

originally charged. A determination that a student has violated the Code requires a simple majority vote.

If the finding of a violation is determined, the hearing body shall be provided with the record of any previous disciplinary proceedings in which the student/organization was found in violation. On the basis of the hearing and the student's/organization's previous record, a decision will be made regarding sanctions by a simple majority vote. In case of a tie, the Chair shall cast the deciding vote.

Whether the Conduct Officer or University Conduct Council acts as the hearing official, a written decision will be issued in a reasonable time after the date of the hearing. This decision shall include:

1. A statement of charges;
2. A summary of facts in the case;
3. The decision;
4. A brief statement of the hearing body's reasoning and if a violation is found; and
5. Sanction(s). This decision is confidential and should only be provided to the Dean of Student Affairs.

All decisions of the University Conduct Council or Conduct Officer shall be reviewed for completeness by the Dean of Student Affairs. If the Dean of Student Affairs was the investigating Conduct Officer for a case, the Council's decision will be reviewed for completeness by the Provost and Vice President for Academic and Student Affairs. In addition, in cases involving prohibited Title IX conduct, the Title IX Coordinator will also review for compliance of Title IX rules and regulations. The respective Dean of the College or School in which the student was enrolled will be advised of any decision resulting in a sanction of suspension or expulsion.

The accused shall receive written notice of the outcome of the hearing as described above and will also receive information on the option of an appeal. (For additional information, please refer to paragraph 7.5.2.9 regarding appeals.) To the extent permitted by law, the complainant shall also receive written notice of the outcome of the hearing.

7.5.2.15 Sanctions – Conduct Officer and University Judicial Council

Sanctions that may be imposed for a violation of the Code or any other University policy, procedure, or regulation are described below. Each violation is handled on a case by case basis and the action taken depends entirely upon the severity of the violation, the extent of the student's involvement, his/her disciplinary record, attitude and any other factors relevant to the specific situation. More than one disciplinary measure may be imposed for a single infraction. At its discretion, the University may choose to impose different sanctions; however, the University is committed to imposing consistent sanctions for comparable violations.

The following sanctions, singularly or in combination, may be imposed upon any student or organization found to have violated the Code:

1. Warning: A notice in writing to the student that the student has violated institutional regulations and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the University.;
2. Probation: A written reprimand for violation of specified regulations. Probation may be either University probation and/or residence hall probation. For student organizations, probation

may include social probation. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be in violation of any institutional regulation(s) during the probationary period.

University probation signifies if there are additional violations, a student may place his/her status at the University in jeopardy. Residence hall probation signifies if there are additional violations, a student may place his/her housing status in jeopardy. Such decisions may have a severe financial impact;

3. **Loss of Privileges:** Denial of specified privileges for a designated period of time. This sanction may include, for example, denial of the right to represent the University in any way, use of campus facilities, denial of University recognition, or denial of parking privileges;
4. **Restitution:** Compensation for loss, damage, or injury. This may take the form of service, monetary compensation, or material replacement;
5. **Educational Sanctions:** Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
6. **Confiscation of Prohibited Property:** Items whose presence is in violation of University policy will be confiscated and will become the property of the University. Prohibited items may be returned to the owner at the discretion of the Dean of Student Affairs and/or Campus Safety Director.
7. **Behavioral Requirement:** This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
8. **Residence Hall Suspension:** Separation of the student from the residence halls for a definite period of time, after which the student or organization may be eligible to return. Conditions for readmission may be specified. Under this sanction, a student is required to vacate University housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of the Dean of Student Affairs. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for University housing, the student must gain permission from the Dean of Student Affairs (or designee). This sanction may include restrictions on visitation to specified buildings or all University housing during the suspension. This Code provides that temporary, permanent, or immediate suspension may be imposed by the Dean of Student Affairs at a time when there is reason to believe, based on available facts, that the student represents a threat to the safety, health, or welfare of him/herself, other persons or property;
9. **University Housing Expulsion:** The student's privilege to live in, or visit, any University housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
10. **Eligibility Restriction:** The student is deemed "not in good standing" with the University for a specified period of time. Specific limitations or exceptions may be granted by the Dean of Student Affairs and terms of this conduct sanction may include, but are not limited to, the following:
 - a. Ineligibility to hold any office in any student organization recognized by the University or hold an elected or appointed office at the University; or
 - b. Ineligibility to represent the University to anyone outside the University community in any way including: participating in the study abroad program, attending conferences, or

representing the University at an official function, event or intercollegiate competition as a player, manager or student coach, etc.

11. Suspension: Separation of the student or organization from the University for a definite period of time, after which the student may be eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Student Affairs. During the suspension period, the student is banned from university property, functions, events and activities without prior written approval from the Dean of Student Affairs. This sanction may be enforced with a trespass action as necessary;
12. Expulsion: Permanent separation of the student or organization from the University, This action may be enforced with a trespass action as necessary; and
13. Other: Other sanctions as deemed appropriate by a hearing body or Judicial Officer.

The following sanctions may be imposed upon groups or organizations found to have violated the *Code of Student Conduct* prohibited conduct:

- a. Specifically 7.5.2.8.2 through 7.5.2.8.6, 7.5.2.8.11 through 7.5.2.8.12 and/or 7.5.2.2.37;
- b. Deactivation, de-recognition, loss of all privileges (including status as a University registered group/organization), for a specified period of time.

Conduct sanctions

- a. Residence Hall Suspension;
- b. Residence Hall Expulsion;
- c. Suspension; and
- d. Expulsion shall be entered permanently on a student's record;
- e. University Probation shall be entered on a student's record for the term of the probation.

7.5.2.15.1 Notification of Outcomes

The outcome of a campus hearing is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA) except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or nonforcible sex offense, the University will inform the alleged victim/party bringing the complaint in writing of the final results of a hearing regardless of whether the University concludes that a violation was committed. Such release of information may only include the alleged student's/responding student's name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, only the rationale for the outcome will also be shared with all parties to the complaint in addition to the finding and sanction(s).

In cases where the University determines through the student conduct process that a student violated a policy that would constitute a "crime of violence" or nonforcible sex offense, the University may also release the above information publicly and/or to any third party. FERPA defines "crimes of violence" to include:

- a. Arson
- b. Assault offenses (includes stalking)

- c. Burglary
- d. Criminal Homicide—manslaughter by negligence
- e. Criminal Homicide—murder and nonnegligent manslaughter
- f. Destruction/damage/vandalism of property
- g. Kidnapping/abduction
- h. Robbery
- i. Forcible sex offences
- j. Non-forcible sex offences

7.5.2.15.2 Failure to Complete Conduct Sanctions

All students, as members of the University community, are expected to comply with conduct sanctions within the timeframe specified by the Dean of Student Affairs or Conduct Hearing Officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the University and may be noted on, or with, the student's official transcript at the end of the semester. In such situations, resident students will be required to vacate University housing within 24 hours of notification by the Dean of Student Affairs though this deadline may be extended upon application to, and at the discretion of, the Dean of Student Affairs. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Dean of Student Affairs.

7.5.2.16 Appeal Procedures

The accused student, group, or student organization may appeal decisions rendered by a Conduct Officer, Dean of Student Affairs, or the University Conduct Council to the University Appeal Board.

To initiate an appeal, the accused student or student organization must submit a signed, written notice of appeal to the Dean of Student Affairs within seven (7) days of receipt of the hearing decision. The Office of the Dean of Student Affairs will convene the Board for the appeal meeting. Failure to meet the seven day deadline may result in loss of the option of an appeal.

The Appeal Board will review the notice of appeal to determine whether one of the following grounds for an appeal exists:

1. There is new evidence that was unavailable during the original hearing or investigation that could have affected the outcome; or
2. the sanctions imposed are substantially outside the parameters or guidelines set by the University for this type of offense or the cumulative conduct record of the responding student
3. The investigation or decision exhibited prejudice or other unfair treatment; or
4. The stated procedures were not followed.

7.5.2.16.1 Other Guidelines for Appeal

- At the discretion of the Dean of Student Affairs, and in consultation with the Title IX Coordinator when necessary, implementation of sanctions may be stayed pending review only in extremely exigent circumstances. This does not include proximity to graduation, end of term, or exams. Instead, it refers to an overwhelming likelihood, as determined by the Dean of Student Affairs that the appeal would result in a reversal of the finding and/or substantial modification of the sanctions.
- All parties will be informed within 5 business days of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;

- Every opportunity to return the appeal to the original decision-maker for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal; Witnesses may be called if necessary.
- Appeals are not an opportunity for appeals panelists to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

The Dean of Student Affairs will share the appeal by one party with the other party (parties) when appropriate under procedure or law (e.g., if the responding student appeals, the appeal is shared with the complainant, who may also wish to file a response, request an appeal on the same grounds or request an appeal on different grounds).

After reviewing the documents pertaining to the case, the University Appeal Board will issue a written review of the hearing decision within 7 business days from receipt of the request for review, when possible. The University Appeal Board shall recommend one of the following courses of action:

1. Affirm the hearing decision; or
2. Affirm the findings of the hearing decision, but recommend a different sanction; or
3. Remand the case to the Dean of Student Affairs to assign a hearing body to conduct a new hearing.

The recommendation of the University Appeal Board shall be referred to the Provost and Vice President for Academic and Student Affairs and Title IX Coordinator, when appropriate. After considering the recommendation of the Appeal Board, the Provost and Vice President for Academic and Student Affairs shall make a decision on the appeal. This decision shall be final.

7.5.2.17 Notification

Formal notification of conduct action resulting in University probation, residence hall suspension or removal, suspension, and expulsion shall be forwarded to the Provost and Vice President for Academic and Student Affairs and respective School or College Dean by the Dean of Student Affairs. The respective School or College Dean shall determine how this documentation will be stored and referenced within the school.

7.5.2.18 Retention of Conduct Records

The Dean of Student Affairs shall maintain official files on all student conduct reports, records, and hearing outcomes for seven (7) years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, which are maintained indefinitely according to procedures established by the Office of the Dean of Student Affairs and records retention policies of Huston-Tillotson University.

7.5.2.3 Approval and Implementation

This *Code of Student Conduct* was approved on May 28, 2015 by the HT Administrative Council, and implemented on June 1, 2015.