

**SOUTHERN ILLINOIS UNIVERSITY  
EDWARDSVILLE**

**2023 -2024**

**Student Code of Conduct**

# SECTION ONE: STUDENT RIGHTS AND RESPONSIBILITIES

## I. Philosophy (Statement of Values)

SIUE is a student-centered educational community dedicated to communicating, expanding and integrating knowledge. In a spirit of collaboration enriched by diverse ideas, our comprehensive and unique array of undergraduate and graduate programs develop professionals, scholars and leaders who shape a changing world.

SIUE is committed to providing an environment that is conducive to the pursuit and acquisition of knowledge. Within this community of scholars, students who join the University assume the obligation of abiding by our community standards by exemplifying SIUE's values:

- a. *Citizenship*: Students are expected to demonstrate social, civic, and political responsibility
- b. *Excellence*: Students are expected to demonstrate a commitment to learning within and beyond the classroom
- c. *Inclusion*: Students are expected to show positive regard for individuals, differences, and cultures
- d. *Integrity*: Students are expected to exemplify honesty and accountability in their words and actions
- e. *Wisdom*: Students are expected to share knowledge with the community in a manner that promotes the common good

## II. Nature of the Code

- a. The purpose of the Student Conduct Code is to uphold community standards, maintain personal accountability, and encourage student learning. By codifying the above set of values, the Code establishes the core set of expectations for students and provides the mechanisms to encourage students to uphold SIUE's values, and to communicate a set of student rights and responsibilities. The Code is intended to be educational and non-adversarial in nature to promote student development of responsible citizenship. As the Code is less formal than a court of law, many cases will be handled through informal proceedings that fulfill SIUE's educational mission and values.
- b. The standards and procedures in the Student Conduct Code differ substantially from the criminal justice system in scope and purpose, and do not replace state or federal criminal laws or procedures. For actions which violate both the Code and state or federal law, students may be held accountable through both University and law enforcement channels. The procedures and sanctions of the Code may proceed during pending criminal proceedings and are not limited by any criminal charges that have been filed, reduced, or dismissed.

## III. Scope of the Code

**a. Authority**

Southern Illinois University Edwardsville (SIUE) is dedicated to the academic pursuits of instruction, scholarship, and public service. The University assigns priority to excellence in education and values a humane, safe, and supportive environment to aid students in their pursuit of knowledge.

Therefore, under the authority of the Board of Trustees, the President has approved a Student Conduct Code to govern student conduct while enrolled at SIUE. Responsibility for the enforcement of regulations associated with the Student Conduct Code rests with the Chancellor or the Chancellor's designees.

The Chancellor has designated the Vice Chancellor for Student Affairs and the Dean of Students with the immediate responsibility to develop policies and procedures for the administration of the university student conduct process that is consistent with the provision of the Student Conduct Code. The Vice Chancellor for Student Affairs and/or the Dean of Students have the authority to designate individuals as advisors or hearing or appellate officers, when appropriate.

The Student Conduct Code applies to all students of Southern Illinois University Edwardsville. In addition, the professional schools at SIUE, as well as various professional programs, including the School of Dental Medicine, School of Nursing, School of Pharmacy, Department of Social Work, Art Therapy Counseling Program, and teacher education programs have additional conduct policies, including standards of professional conduct, that apply to their students.

**b. Jurisdiction**

The Student Conduct Code's jurisdiction generally shall be limited to student conduct that occurs on Southern Illinois University Edwardsville premises, at University-sponsored functions, and in online and hybrid courses connected to SIUE. However, SIUE may also initiate disciplinary action against students and student organizations for conduct occurring in other settings, including off-campus and the internet, to protect the safety of students, faculty, staff, and visitors or if there are effects of the conduct that interfere with or limit students' ability to participate in or benefit from the University's educational programs or activities.

This Policy applies to:

- i. Conduct occurring on any property controlled, operated, or owned by the University.
- ii. Conduct occurring while using University-owned, leased or rented vehicles, or vehicles leased with student-appropriated funds.
- iii. Certain conduct occurring off-campus with a connection to the University, including:
  1. events and meetings sponsored by the University or University-recognized student organizations;
  2. meetings or events where students represent the University or University-recognized student organizations;
  3. practicum, internship, student field trip, student teaching, clinical settings, extension centers, independent study settings, and study abroad and travel abroad settings;
  4. other off campus conduct such that the student's conduct substantially interferes with the mission of the University including but not limited to, interference with the safety and well-being of self or others and/or interference with the educational or work environment of its students, faculty, or staff.

**c. Student**

Individuals subject to the parameters of the Student Conduct Code include all persons:

1. enrolled in one or more courses in any school or division at SIUE;
2. admitted to the university, regardless of academic career, and actively participating in any university program, course, or activity leading to enrollment, including but not limited to orientation, advising, and workshops;
3. not enrolled for a particular term but maintaining a continuing relationship with the university through their eligibility to register for courses without the need to reapply for admission. Generally, an individual no longer retains a continuing relationship with the university after 12 consecutive months after the last semester attended at the university; or
4. Who withdrew, cancelled enrollment, or graduated after committing behavior that may violate the code.

**IV. Standards of Due Process**

**a. Notice**

If the Office of Student Conduct determines that a student will be charged with violations of the Code, a notice of charges will be emailed to the student. This notice of charges shall include the specific code sections that are alleged to have been violated, and a description of the facts sufficient to allow the student to understand the conduct at issue.

**b. Presumption of Not in Violation**

It is presumed that a student charged with a violation of the Code is not responsible for such violations unless the student admits responsibility, or is determined otherwise, at the conclusion of the hearing process.

c. Choosing Not to Participate

The conduct process works best when students and staff collaboratively come to an informal resolution of cases. However, students may choose not to participate in the resolution of their charges. In this situation, the Office of Student Conduct will proceed to resolve the charge without the participation of the student. When a hearing is held without the student's participation, the decisions of the Hearing Officer, the Hearing Panel, and the Dean of Students or their designee will have the same force and effect as if the student had participated. Students may choose to remain silent during any portion of the conduct process. No inference will be drawn from the decision of the student to remain silent.

d. Standard of Proof

For a student to be found responsible for the violation(s) of the Code for which the student is charged, the information must establish that the student is responsible for the violation(s) by a preponderance of the evidence—that it is more likely than not that the student violated the Code as charged. This determination must be based solely on the information presented during the Hearing/Administrative Resolution.

e. Right to an Advisor

A student may be accompanied by one advisor at any stage of the conduct process, at the student's own expense. An advisor's role in the student conduct process is to provide the student with assistance in preparing for and conducting meetings and hearings.

An advisor may provide support to the student, and may quietly confer with them, provided that it is not disruptive to the process. An advisor may not question witnesses, nor answer questions on behalf of the student.

If any Advisor wishes to be a witness as well, they may be limited in the level in which they may serve as an Advisor, in order to maintain the integrity of the hearing process.

V. Student Rights and Responsibilities

a. Student Responsibilities

Students at Southern Illinois University are responsible for upholding the following actions:

1. Students are responsible for recognizing and respecting the human rights, dignity, and worth of their faculty, staff members, and peers.
2. Students are responsible for maintaining a standard of conduct that supports the University's learning environment and recognizes the institution's obligation to provide

a conducive learning space.

3. Students are responsible for adhering to all applicable laws, policies, and procedures set forth by the University.
4. Students are responsible for following the guidelines established in the course syllabus and by the instructor.
5. Students are responsible for creating an academic plan that aligns with their educational goals. This involves selecting a major, choosing a degree program within the discipline, organizing class schedules, and fulfilling degree requirements.
6. Students are responsible for regularly checking their university accounts, including email, for official university and course communication, important announcements, and updates.
7. Students are responsible for communicating and seeking help and support whenever necessary.

**b. Student Rights**

Southern Illinois University Edwardsville students enjoy the following rights:

1. The right to expect that the University will comply with applicable laws.
2. The right to peaceful pursuit of knowledge in an environment fully dedicated to that purpose.
3. The right to an environment free from discrimination or harassment on the basis of race, religion, color, sex, age, sexual orientation, gender identity or expression, national origin, ancestry, disability, marital status, civil union status, domestic partnership status, atypical heredity or cellular blood trait, military service or veteran status.
4. The right to have their academic and professional performance evaluated solely on academic and professional grounds.
5. The right to utilize the Student Grievance Process [\[add link\]](#), to resolve complaints pertaining to University functions or operations.
6. The right to notification of charges being brought against them, and an opportunity to be heard on such charges, prior to University action on such charges, except as otherwise provided by this Policy.
7. The right to have their disciplinary records, to the extent provided by law, kept confidential and separate from their academic records.
8. The right to be reinstated when the conditions of disciplinary separation from the University for a definite period of time are fulfilled, provided the student meets all other admission criteria.
9. The right to expect reasonable accommodations from instructors and university staff

to engage in bona fide religious practices, as required by State and Federal laws.

10. The right to expect reasonable accommodations of disabilities from instructors and university staff to engage in their educational pursuits, including reasonable accommodations in the conduct process, as required by State and Federal laws.

11. The right to expect that Instructors will uphold the "Ethics of Instruction," as they are published in University policies and applicable faculty collective bargaining agreements.

c. Free Expression Statement/Commitment to Academic Discourse

Southern Illinois University Edwardsville is committed to freedom of expression, ensuring that all members of the University community enjoy broad latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the University, SIUE fully respects and supports the freedom of all members of the University community "to discuss any problem that presents itself."

Of course, the ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community. The freedom to debate, dialogue and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University.

In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University's commitment to the free and open discussion of ideas. In a word, the University's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University's educational mission. As a corollary to the University's commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression. Although members of the

University community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the University has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

*Much of this statement was originally drafted and adopted by the University of Chicago.*

**VI. Student Organization Rights and Responsibilities**

- a. [Groups of students and student organizations are expected to comply with all University policies](#), including the Student Code of Conduct and all additional policies pertaining to student groups and organizations. A student group or organization may be held responsible for the actions and behaviors of its members and guests. The decision to hold the group or organization responsible as a whole is ultimately determined by examining all the circumstances of a situation and by considering the factors introduced. Student groups' and student organizations' rights and responsibilities are outlined in the [Student Organizations Handbook and other policies](#).



## SECTION TWO: PROHIBITED CONDUCT

At the core of SIUE's educational mission is a commitment to providing everyone in our University Community with an environment that facilitates meaningful learning, growth, and opportunity. Inherently connected to this commitment is our obligation as a public institution to uphold the Constitutional Rights of our students. Nothing in this policy may be construed to apply to conduct or words protected by the constitutions of the United States and the State of Illinois.

### A. Academic Integrity

1. Student academic dishonesty in all forms, including but not limited to cheating, fabrication, facilitating academic dishonesty, and plagiarism.
2. Theft of or unauthorized access to exams, answer keys, or other graded work from current or previous course offerings, and/or unauthorized sharing of academic materials (tests, quizzes, homework, etc.) with other individuals or companies, including "homework help" sites, etc."]

### B. Acts of Harm

1. Inflicting, attempting to inflict, or assisting in inflicting physical injury upon an individual.
2. Placing an individual in fear of imminent physical injury or danger or at risk of imminent physical injury or danger. Physical injury is any damage or harm to any body part or tissue, however slight, and/or impairment of any bodily function.
3. Engaging in unwelcome behavior directed toward a particular individual or identifiable group of individuals through any action, method, device, or means which is so severe or pervasive and objectively offensive that it interferes with the targeted individual's(s') learning, employment, academic performance, participation in institutional programs or activities, or the wellbeing of any person, effectively denying equal access to institutional resources and opportunities (i.e., creates a hostile environment).
4. Engaging in unwanted physical touching of or bodily contact with another individual. This excludes conduct which is prohibited under [Policies & Procedures - Miscellaneous - Sexual Assault, Sexual Misconduct and Relationship Violence Policy & Procedures - 2C13 & 3C14 \(siue.edu\)](#) or [Board Legislation - Policies \(siusystem.edu\)](#)
5. Engaging in a course of conduct (two or more acts) directed at 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. Endangering the health, safety, and well-being of an animal. This includes, but is not limited to, torturing or killing in a cruel manner or causing serious bodily injury to an animal, failing to provide necessary food, water, or care for an animal. This provision is aligned with University Animal Care and Use policies which oversees and approves academic or research within the University. Links to guides for animal use <https://www.siue.edu/compliance/animal-care-use/related-resources.shtml>

### **C. Alcohol**

Committing or attempting to commit any act that violates the Policy Governing Alcoholic Beverages at Southern Illinois University Edwardsville. [See Policy 6C1](#)

### **D. Disruptive Conduct**

1. Conduct that substantially disrupts or interferes with the orderly functioning of the University, the performance of the duties of University personnel, or other University business or activities, including without limitation classroom instruction, studying, learning, teaching, research, administration, and law enforcement acting in the performance of their duties.
2. The use of force or violence, actual or threatened, to willfully deny, impede, obstruct, impair, or interfere with the freedom of movement of any person.
3. The use of force or violence, actual or threatened, to occupy or remain in or at any property or facility owned by the university after receiving due notice to depart.

### **E. Drugs and Controlled Substances**

1. Possessing, consuming, or using any controlled substance in federal and state law or regulations.
2. Possessing or using drug paraphernalia, including, but not limited to, bongs, bowls, pipes, roach holders, or scales.
3. Manufacturing (including growing marijuana), distributing, delivering, of any controlled substance, or attempting to manufacture, distribute, deliver, of any controlled substance.
4. Possessing with intent to manufacture (including growing marijuana), distribute, or deliver any controlled substance.
5. Misusing over-the-counter drugs, medically prescribed drugs, or huffing/sniffing any substance not intended for such use.
6. Operating a motor vehicle under the influence of drugs or while impaired by the consumption or use of drugs.

### **F. Failure to Comply**

The failure to comply with the reasonable directions of University officials or its agents, administrators, faculty, staff, or law enforcement acting in good faith in the performance of their duties. This does not intend to prohibit or limit the lawful assertion/demonstration of one's constitutional rights.

### **G. Falsification and Misrepresentation**

1. The possession, sale or manufacture of any false or altered form of identification, the improper use of any identification card, including knowingly altering a University student identification card, or using the identification card of another, or allowing one's own card to be used by another.

2. Any forgery or fraud, including without limitation, attempts to obtain any item of value under false pretenses, or falsification, forgery, alteration, destruction or misuse of official University documents or seal.
3. Falsifying, or being party to the falsification of, any official record (including oral or written), or document.
4. Impersonating or misrepresenting the authority to act on behalf of another individual, organization, group, or the University.
5. The unauthorized or improper use or misuse of University property, including but not limited to facilities, resources, data, records, software, internet or communication services, or the University name or seal.

**H. Fire Safety**

1. The unauthorized burning of any material in or on any University building or property, including arson.
2. Misusing, tampering with, or damaging fire safety equipment, including but not limited to fire extinguishers, smoke detectors, emergency exit signs, emergency exits, or sprinkler systems.
3. Failure to evacuate a university building or facility within a reasonable amount of time after a fire alarm has sounded.

**I. Gambling**

1. The participation in any form of gambling in violation of applicable state law or federal law or regulation.

**J. Hazing**

Any action taken or situation created (1) for the purpose of induction or admission into or affiliation with or continued membership in any group, organization, or society and (2) that is conducted for the purpose of subjecting another individual to mental or physical discomfort, physical injury, embarrassment, harassment, ridicule, or that poses a risk to the health and safety of a person. A student may be responsible for hazing regardless of the person's willingness or consent to participate in the situation or action.

**K. Indecent Exposure**

Indecent exposure of the body, including, but not limited to, urination or defecation in public.

**L. Obstruction/Abuse of the Disciplinary Process**

1. Engaging in conduct that hinders, obstructs, or interferes with investigations, hearings, sanctions/corrective actions, appeals, and other implementation or administrative processes of this Code or any other University, divisional or unit policy or procedure.
2. The failure to comply with the terms of any University directives, interim measures, or disciplinary sanctions/corrective actions.

3. Attempting to influence the impartiality of any investigator or decision-maker prior to, or during the course of, the disciplinary proceeding.
4. Knowingly reporting a student for disciplinary action without cause.

**M. Privacy**

Making, attempting to make, or distributing an audio, photographic, or video record of any individual without their knowledge or effective permission in a place where they have a reasonable expectation of privacy. This excludes Sexual Exploitation, which is prohibited under the University's [Title IX Policy 2C9 & 3C8](#).

**N. Retaliation**

Retaliating against an individual who has engaged in protected activity, including, but not limited to, reporting an alleged violation of the Student Code of Conduct or other University Policy, providing a statement or testimony as a witness in the Disciplinary Process, or participating in an investigation regarding alleged violation(s) of the Student Code of Conduct. Retaliatory acts may include threats, intimidation, coercion, or harassment and will be addressed separately from the underlying alleged violation(s) of the Code.

**O. Technology**

The misuse or abuse of any University computer, computer system, or computer, internet or communications service, program, data, network, or resource, or conduct that violates the [Responsible Use Policy](#).

**P. Theft and Unauthorized Access**

1. Theft, unauthorized use, or unauthorized possession of property or services of another; or possession of property or services that are known or reasonably should have been known to have been stolen or obtained through unlawful means.
2. Improper use, possession, and/or duplication of University-issued keys, passwords, or entry codes.
3. Possessing property or accessing an account that is not one's own without the owner's authorization.
4. Entering or using the property or facilities of another person or entity without consent or authorization.
5. Refusing to leave the property or facilities of another person or entity after given due notice to leave.

**Q. Title IX**

Conduct that violates the University's [Title IX Policy 2C9 & 3C8](#) including, but not limited to, sexual assault, sexual contact, sexual exploitation, stalking, dating violence, intimate partner violence, sexual harassment, and retaliation.

**R. University Policy**

1. Violating or aiding in the violation of published University policies and regulations. Such policies and regulations include, but are not limited to, the following:
  - i. [University Housing Living Guide](#)
  - ii. Non-Discrimination and Non-Harassment Policy – [Policy 2C7& 3C6](#)
  - iii. Smoke Free Campus Policy – [Policy 6A2](#)
  - iv. [Student Organization Handbook](#)
  - v. Written and published requirements of university departments and organizations
2. Hosting or conducting of an event in violation of University, divisional or unit policies or procedures.

#### **S. Vandalism and Destruction of Property**

1. Intentional or reckless destruction or damage of university, public, or personal property of another.

#### **T. Weapons**

1. The possession or use of any weapon on campus property or while engaged in an institutional program or activity, including but not limited to a firearm, pellet gun, shotguns, rifles, air rifles, and paintball, BB guns, Tasers, Stun Guns, switchblade, butterfly knife, knives with a blade of more than four inches, swords, daggers, axes, hatchets, chemicals, explosives (including without limitation fireworks), archery, metallic knuckles or any dangerous or biological agent. Also included are items that may be considered decorative in manner, such as swords.
  - i. An exception to the rule prohibiting possession of any weapons may be granted by the SIUE Police Chief for any student under the supervision of the ROTC in a manner proscribed by the military regulations of the United States Government or for a bona fide educational purpose by the student seeking pre-approval. Having a state issued concealed weapon or firearm license is not a valid exception to this rule.

#### **U. Other Violations**

1. Aiding, abetting, furthering, conspiring, soliciting, inciting, or attempting to commit any other violation of University policy, federal law, state law, local ordinance, or laws of other national jurisdictions.
2. Commission of an offense prohibited by international, U.S. federal, state or local law, statute, regulation, code, or ordinance to which the person falls within the jurisdiction of that governmental body whether or not criminally charged.
3. Violation of the Student Academic Code when the student is not currently enrolled in the related course or when the incident cannot otherwise be processed under the Student Academic Code.
4. Unauthorized canvassing or solicitation
5. The use of skateboards, skates, bicycles, or motorized vehicles in unauthorized areas.  
[Policy 6F5](#)

# SECTION THREE: CHARGES AND PROCEDURES FOR MISCONDUCT

## I. Submitting a Complaint

- A. Any member of the University community may make a complaint against a student with alleged acts of misconduct using the procedures of this policy. University community is defined as any faculty or staff member currently employed by the University and any student, as defined previously.

Persons who are not affiliated with the University can make a report to the Dean of Students, who will then determine whether, if substantiated, the complaint would constitute a violation of the Student Code of Conduct.

Complaints regarding allegations of academic misconduct shall be referred to the Office of the Provost, pursuant to the [3C2. Student Academic Code](#). Acts of behavioral misconduct should be reported to the Office of Student Conduct. When necessary, the Dean of Students will determine whether a charge is one of academic or behavioral misconduct and will make a referral if appropriate.

Students seeking to file a complaint against a faculty or staff member can follow the procedure described in [Policy 3C3 Student Grievance Code](#).

- B. Complaints relating to misconduct shall be submitted in writing by the complaining party to the Office of Student Conduct. Complaints may be filed on an Incident Report, or other written documentation, which should contain the following information:
- i. The name of the person or organization against whom the complaint is made;
  - ii. The specific allegations of misconduct;
  - iii. A detailed statement of the circumstances and evidence;
  - iv. Documentary evidence in support of the complaint, if applicable; and
  - v. A list of witnesses, if applicable.
- C. When multiple complaints are received about the same student, the Dean of Students or designee shall determine whether to consolidate the complaints. Consolidated complaints shall be processed as a single complaint.
- D. Complaints of intimidation or harassment based on a protected class: race, color, national origin, ancestry, religion, sex, sexual orientation including gender identity, marital status, civil union status, age, physical or mental disability, military status, or unfavorable discharge from military service shall be reported to the Office of Equal Opportunity, Access, and Title IX Coordination for investigation pursuant to the [2C7. Non-Discrimination and Non-Harassment Policy](#).
- E. Based on the reported information, the Dean of Students or designee will determine whether an Alternative Resolution Option or Formal Charge(s) will be pursued.

## II. Preliminary Investigation

- A. Upon receiving a report, the Dean of Students or designee will evaluate the report to determine whether the allegations, if substantiated, would constitute a violation of the Student Code of

Conduct. If not, the Dean of Students or designee will close the case. If it does appear as though a policy violation may have occurred, the Dean of Students will assign the case to a Student Conduct Administrator who will create a case and begin an investigation.

- B. One of the following actions will be taken within seven (7) days after the date the Student Conduct Administrator receives a complaint unless the length of the investigation period is extended to a later specific date by the Student Conduct Administrator (notice does not need to be provided to the student of the application for or issuance of such an extension):

i. Case Not Pursued

1. Insufficient Information or Evidence

If the Student Conduct Administrator determines that there is insufficient information or insufficient evidence to support an allegation of violation of the Student Code of Conduct, charges against the responding student will not be pursued.

2. Notification

As an alternative to pursuing charges against a student who has allegedly violated the Student Code of Conduct, the Student Conduct Administrator may issue a written notification to a student that the student's alleged behavior, if it had actually occurred, would have violated University policy, campus regulations, or the Student Code of Conduct and would be subjected to the conduct process. The Notification is not a determination that the allegations against the student are true, does not result in a conduct record, and therefore is not appealable. However, the prior alleged behavior as detailed in the Notification may be introduced in subsequent conduct processes for the purpose of establishing that the student was warned that such behavior violates University policy, campus regulations, or the Student Code of Conduct.

ii. Case Charged

1. Notice of Charges

If the Student Conduct Administrator determines that there is sufficient information to support the allegation(s), the student will be notified of the charge(s) under the Student Code of Conduct. The written notices of the charges, also referred to as the *Notice of Charges*, includes:

- a. notice to the student of the University policy or campus regulation(s) the student is alleged to have violated;
- b. a brief summary of the incident, including, wherever possible, the date, time, and location of the alleged offense;
- c. notice of the student's right to be accompanied by an advisor at any stage of the conduct proceedings at the student's own expense;
- d. notice of the opportunity to meet with the Student Conduct Administrator to discuss resolution of the charges pursuant to the Student Code of Conduct;
- e. notice of the student's right to request a copy of the student's own conduct file;
- f. notice regarding the prohibition of retaliation;

- g. and notice of the University's intent to continue the conduct process in the student's elects not to participate.

## 2. Failure to Respond

The Charge Notice will provide a deadline for the student to respond to the Student Conduct Administrator. If a student fails to respond by the deadline listed or refuses to meet with the Student Conduct Administrator, the Student Conduct Administrator may apply a registration hold on the student's account. The case will then proceed through an *In Absentia* Resolution.

## III. Resolutions

### A. *In Absentia* Resolution

If the Respondent fails to respond by the deadline listed in their Charge Notice from the Student Conduct Administrator for a meeting, the case may be resolved in the Respondent's absence through an *In Absentia* Resolution. The Student Conduct Administrator will, in their professional capacity, make a determination on responsibility for any Formal Charge(s) and may specify any appropriate outcome(s). If the case is resolved through an *In Absentia* Resolution, the Respondent has the right to petition for their case to be reopened. Petitions must be received no later than five (5) business days after written notice of the outcome(s). If no appeal is submitted to reopen the case, then the sanctions listed in the Outcome Letter is final and binding.

*In Absentia* Resolutions are not available if the Formal Charge(s) may result in suspension or expulsion from the University. In such cases, if a Respondent fails to respond to the initial meeting request, the case may be referred to a University Hearing Panel.

### B. Administrative Resolution

- a. With the exception of cases in which the allegations, if true, would likely result in a suspension or dismissal from the University (as determined by the Dean of Students or designee after reasonable application of the sanctioning guidance offered by the Office of Student Conduct), the Student Conduct Administrator has the authority to find facts and determine whether it is more likely than not that the Respondent has violated the Student Code of Conduct.

- b. If the Respondent does not admit to the allegations and charges, the Student Conduct Administrator will proceed with a prompt, fair, and impartial investigation.

- i. If the Respondent does not admit to the allegations and charges, the Respondent may provide a written response to the allegations within three (3) business days of their first meeting with the Student Conduct Administrator, unless the Student Conduct Administrator agrees to grant them additional time. The Respondent's response should include any information, including supporting documentation, they



want the Student Conduct Administrator to consider and the names and contact information for any witness they want the Student Conduct Administrator to interview.

- ii. After reviewing this response, the Student Conduct Administrator will attempt to interview relevant witnesses and may seek additional information, documentation, and witnesses from other sources (including any Complainants).
- iii. As appropriate, the Student Conduct Administrator will provide both the Respondent and any Complainants with periodic status updates during the investigation and any subsequent proceedings.
- iv. If, during the investigation, the Student Conduct Administrator decides to investigate allegations not included in the original charge notice, they will provide written notification to the Respondent (and any Complainants) of the new allegations and any new sections of the Student Code of Conduct that the Respondent is accused of violating.
- v. The Student Conduct Administrator may request additional meetings with the Respondent (and any Complainants) to discuss any information gathered during the investigation.
- vi. Any additional investigation will be completed promptly. The anticipated duration of an investigation conducted by the University is approximately 20 business days following the charge notice. However, the actual duration of the investigation may vary depending on the complexity of the investigation, the severity and extent of the allegations, the number of witnesses, the need for language assistance or accommodations of disabilities, and the possibility of interruption by break periods. If the duration of an investigation will substantially exceed these estimates, the Student Conduct Administrator will notify, in writing, both the Respondent and any Complainants of the delay and the reason for the delay.
- vii. If the incident under investigation has also been reported to the police, the Student Conduct Administrator will contact the police for any information they are able to share and may interview officers, detectives, etc., as part of the University investigation. At the request of law enforcement and so as not to interfere with active police investigations, the Student Conduct Administrator may delay interviewing specific individuals for short periods of time at the discretion of the Dean of Students. However, University and police investigations are separate processes. As such, they follow different procedures, rules, and regulations, and the outcome of one does not determine the outcome in the other.
- viii. If the Respondent fails to respond to communication from the University or to participate in the investigation, the Student Conduct Administrator is empowered to decide the case on the basis of the information collected. In such a situation, the Student Conduct Administrator is not required to provide the Respondent with access to the investigative materials before deciding the case, unless the Respondent has requested such access in writing.

- ix. Prior to deciding the case, the Student Conduct Administrator will provide the Respondent and any Complainants with timely and equal access to the investigative materials and give all parties an opportunity to submit a written response. The Student Conduct Administrator will set a reasonable amount of time for evidence review and response, typically between two (2) and five (5) business days. However, the Student Conduct Administrator may allow the parties additional time to review and respond based on the amount of information included in the investigative materials.
- x. At the conclusion of the investigation or upon admission of responsibility by the Respondent, the Investigation will apply the preponderance of evidence standard to find facts and to determine responsibility for any charges. If the Respondent has violated the Student Code of Conduct, the Student Conduct Administrator will also issue formal sanctions (other than suspension or dismissal) and educational sanctions as appropriate. The Student Conduct Administrator will communicate this decision, along with information about the appeal process, to the Respondent and simultaneously to any Complainants in writing (to their University email address, if possible).

#### C. University Hearing Panel

- i. If the case is not resolved through an *In Absentia* Resolution or an Administrative Resolution, the Student Conduct Administrator may refer the case to a University Hearing Panel. The review by a University Hearing Panel shall occur in situations where, based upon the allegations if true, the case would likely result in suspension or dismissal from the university.

The Dean of Students reserves the discretion to send a case to a University Hearing Panel even if the likely result does not include suspension or dismissal. The University Hearing Panel will follow the procedures set forth in **Section**. At the completion of the case investigation, the Student Conduct Administrator shall:

1. Notify the Respondent (at their University email address) that their case is being resolved through the University Hearing Panel.
2. Inform the University Hearing Panel of the charges.
3. Inform the parties involved of the identity of the Panel Members and that each party has the right to challenge Panel Members who they believe are biased or prejudiced as provided for in Section viii.
4. Forward the record of the case to the Chair of the University Hearing Panel.
5. Arrange for and give notice of the review time and place to the parties involved as defined in Section viii.
6. The University Hearing Panel shall conduct a review in accordance with this policy and the Chair of the Panel shall forward the Panel's recommendation, including any minority recommendation, to the Dean of Students or designee.

- ii. Hearing Panel Procedures

1. The University Hearing Panel has the authority to decide cases in which the allegations, if true, would likely result in the Respondent's suspension or dismissal from the university (as determined by the Dean of Students or designee after a reasonable application of the sanctioning guidance issued by the University). The Dean of Students reserves the discretion to send a case to a University Hearing Panel even if the likely result does not include suspension or dismissal.
2. If the Respondent does not admit to the allegations and charges, the Investigator will proceed with a prompt, fair, and impartial investigation, as outlined in [Section h](#).
3. At the conclusion of the investigation, if it is determined that a violation of the Student Code has likely occurred, the University Hearing Panel may be scheduled. Hearings may be scheduled during class periods. Every effort will be made to avoid a class conflict; however, due to the availability of the persons involved in the hearing and meeting room, it may not be possible.
4. The Dean of Students or designee will appoint a Panel composed of up to three members with at least one student and at least one faculty (either tenure-track or non-tenure track) or staff member and will designate one faculty or staff member to serve as the Chair.
5. The Student Conduct Administrator will notify the Respondent (and any Complainants) by University email of the date and time of the hearing, the names of those serving on the Panel, and any instructions at least five (5) business days in advance. At the Dean of Students or designee's discretion, the University may arrange for an online hearing to take place.
6. The Respondent (and any Complainants) will be given an opportunity to challenge the objectivity of any Panel member. Such a challenge must be based on an identified bias (e.g., a prior relationship between the party and the member) or an identified conflict of interest. Challenges must be made to the Student Conduct Administrator at least three (3) business days prior to the scheduled hearing. The challenge must show actual bias.
7. If a hearing body member is unable to serve, the Dean of Students or designee will appoint a near hearing body member prior to the scheduled hearing and notify the Respondent as soon as possible. The Respondent may challenge the inclusion of this member at the time of the hearing, which may include asking for background information (e.g., position at the University, experience serving on hearing panels, familiarity with the case). If the Respondent's challenge identifies a bias or conflict of interest, the hearing continues without the near hearing body member.

iii. Hearing Rules

1. The hearing will be closed to the public.
2. The Chair may exclude from the hearing any person who disrupts the orderly process of the hearing but will only do so after first issuing a warning. The Chair

need not consider this cause to reschedule the hearing or continue the hearing on a later date.

3. The hearing may proceed (at the Chair's discretion) even if the Respondent, any Complainant, any Advisor, or any witness fails to appear, provided the parties have been notified in accordance to the aforementioned procedures.
4. Parties must submit all written, tangible, or documentary evidence and identify all witnesses during the investigation and no later than the conclusion of the Evidence Review outlined in the aforementioned Investigative Procedures, provided such information was available to the party. If written, tangible, or documentary evidence or a witness's identity that was not available to a party prior to the conclusion of the Evidence Review becomes available prior to, or on the day of, the hearing, the party should immediately submit this information to the Office of Student Conduct staff. The Chair will then determine whether to proceed with the hearing (giving any other party sufficient time to review the information) or send the case back to the Investigator for further investigation. The Panel will assign appropriate weight to testimonial evidence that is provided at the hearing but was not previously provided to the Investigator.
5. Persons who have no relevant evidence regarding the facts of the case may not participate as witnesses. This includes character references or witnesses to irrelevant incidents.
6. Any witness who is not also serving as an Advisor may only participate in the hearing while providing evidence or answering questions.
7. The hearing will be audio recorded by Office of Student Conduct staff. In order to protect the confidentiality of the process and the privacy of individuals involved, no other participants are permitted to make any recording or copy of the hearing. The Panel's deliberation is not recorded.
8. The Dean of Students or designee will advise the Panel and may participate in questioning and deliberation, but they may not vote.
9. No Respondent or Complainant will be allowed to question, or otherwise address, any other Respondent, Complainant, or witness directly. Instead, when provided for by the hearing by the hearing procedures, they may suggest questions to be posed by the Chair. The Chair may choose not to ask a question if it has already been answered, is irrelevant, or is inappropriate. The Chair may also reword a relevant question that is asked in a manner that, in the Chair's opinion, is confusing or is intended to disparage, intimidate, or otherwise harass the individual being questioned.
10. The Chair will identify at least one break of no fewer than ten (10) minutes for every two (2) hours of the hearing. The Respondent and any participating Complainant may also request additional breaks as needed, provided the number of requests is not disruptive to the orderly conduct of the hearing. The Chair will decide whether to grant any such request.
11. The Chair may set a reasonable timeframe for the hearing and reasonable limits for each step of the hearing but may allow deviations, provided such allowances are fair and equitable. After consultation with the other Panel members, the

Chair may also decide to continue the hearing to another day for good cause. Acceptable reasons include, but are not limited to, the need for additional investigation, the need to seek out additional witness testimony, or the inability to complete all required steps of the hearing process within a reasonable timeframe. All parties must be notified of the date, time, and location at least five (5) business days in advance, but prior notification of possible continuance dates will satisfy this requirement.

12. The Student Conduct Administrator may schedule a single hearing for multiple Respondents when the allegations against those Respondents arise out of the same facts or circumstances.
13. The Chair may set additional rules for the hearing as needed, provided that none conflicts with any provision of this Article.

iv. Hearing Procedures

1. Under the direction of the Chair, all Panel members and participants will introduce themselves by name and role.
2. The Chair will briefly describe the order of the hearing.
3. The Chair will invite the Investigator to make a statement (if they choose) regarding the investigation, and Panel members may question the Investigator. The Respondent and any participating Complainants will then have an opportunity to suggest questions for the Investigator.
4. The Chair will invite each participating Complainant (if applicable) to make an opening statement regarding the allegations. These statements should last no longer than ten (10) minutes, unless the Chair approves a greater duration. The Panel members will then question the Complainant, after which the Respondent will have an opportunity to suggest questions to be posed to the Complainant.
5. The Chair will invite the Respondent to make an opening statement regarding the allegations. This statement should last no longer than ten (10) minutes, unless the Chair approves a greater duration. The Panel members will then question the Respondent, after which the Complainant will have an opportunity to suggest questions to be posed by the Chair.
6. Panel members will have a final opportunity to question any participating Complainants, the Respondent, and the Investigator regarding the allegations.
7. If applicable, participating Complainants will be given a final opportunity to suggest questions to be posed to the Respondent, and the Respondent will be given a final opportunity to suggest questions to be posed to participating Complainants.
8. The Chair will invite any participating Complainant to make a closing statement regarding the allegations. This statement should last no longer than ten (10) minutes.
9. The Chair will invite the Respondent to make a closing statement regarding the allegations. This statement should last no longer than ten (10) minutes.

10. The Chair will excuse the Respondent and any participating Complainants from the hearing, and the Panel will enter closed deliberation to find facts and determine responsibility. The Panel will make its decisions by simple majority vote and will apply the preponderance of evidence standard.
11. When the Panel has finished deliberating, the Respondent and any participating Complainants will be invited back into the hearing, and the Chair will read the Panel's decision. If the Panel has not found the Respondent in violation of any sections of the Student Code of Conduct, the Chair will adjourn the hearing. If the Panel has found the Respondent in violation of at least one section of the Student Code of Conduct, the decision will be given to the Student Conduct Administrator to set an appropriate formal sanction. The Student Conduct Administrator may also issue educational sanctions and apply additional conditions or restrictions as set forth in (Section #).
12. The Student Conduct Administrator shall notify the parties involved of the decision in writing within ten (10) business days upon the receipt of the recommendation of the University Hearing Panel. The decision letter should include a statement of fact of the findings and findings of responsibility.

#### D. No Contest Resolution

- i. If the Respondent admits to the allegations and charges, the Student Conduct Administrator may offer the respondent a No Contest Resolution in lieu of an Administrative Resolution or University Hearing Panel. The respondent and any relevant complainants must consent in writing to participate in a No Contest Resolution. The University will not pressure or compel any party to participate in a No Contest Resolution. All parties in a No Contest Resolution waive all rights to a hearing and appeal.
- ii. A No Contest Resolution, which will include a description of the behavior, a waiver of the right to a formal hearing or Administrative Resolution, a waiver of the right to appeal, specific responsibility determinations, and a set of sanctions and behavioral restrictions. If the respondent accepts and signs the offer, the Student Conduct Administrator will also share the offer with any complainants. Any party may refuse to sign the No Contest Resolution, at which point, the case will resume through the relevant disciplinary process.
- iii. The respondent and any relevant complainants will be provided written notification of an accepted No Contest Resolution. Sanctions and behavioral restrictions in a No Contest Resolution are final and not subject to appeal.

#### E. Restorative Resolution

- i. The Restorative Resolution process is used for incidents in which the alleged behavior violates a specific university policy unrelated to academic misconduct. Participation is voluntary, and both the Responsible Party and the Impacted Party must consent in writing to participate in a Restorative Resolution. The University will not pressure or

compel any party to participate in a Restorative Resolution. The Restorative Resolution process is not a disciplinary proceeding, and therefore, a Supporting Party may not speak on behalf of the Responsible Party, Impacted Party, or Affected Party. Any party may withdraw from the Restorative Resolution process prior to the signing of the Restorative Resolution agreement.

- ii. Once a report of alleged misconduct is received by the Office of Student Conduct, the Dean of Students or designee will evaluate whether the resulting case should be handled through the Informal Resolution Process. The Dean of Students or designee will apply the following principles when conducting this evaluation:
  1. If the report includes allegations of violence and/or sexual misconduct, the case is not appropriate for a Restorative Resolution.
  2. If the report includes allegations of misconduct directed at another student, the case is not appropriate for a Restorative Resolution.
  3. If the report includes allegations of noncompliance with emergency directives (including those associated with public health emergencies), directives from the Behavioral Intervention Team or any other University entity tasked with threat assessment and management, or any other directives intended to protect the University community or individual member thereof, the case is not appropriate for a Restorative Resolution.
  4. If the report includes allegations that, either on their own or in combination with the student's disciplinary history, would rendered the student subject to suspension or dismissal, the case is not appropriate for a Restorative Resolution.
  5. If the student subject has no disciplinary history (and has not participated in a Restorative Resolution before) and none of the rules above exclude the case from consideration for Restorative Resolution, then the case should strongly be considered for Restorative Resolution.
  6. If the student subject of the report has some disciplinary history (or has participated in a Restorative Resolution before) and none of the rules above exclude the case from consideration, then the Dean of Students or designee may still determine that the case is appropriate for a Restorative resolution, but only after carefully assessing the nature of both the past incidents and the new report.
  7. The Responsible Party must acknowledge responsibility for having violated the alleged policy to participate in a Restorative Resolution.
  8. A Restorative Resolution concludes with the drafting of a Restorative Resolution Agreement detailing the agreed upon outcomes for the Responsible Party. Restorative Resolution Agreements must be signed by both the Responsible Party and the Impacted Party as well as the Dean of Students or designee. Restorative Resolution Agreements signed by all necessary parties are considered final and are not subject to any further review or appeal. Upon signing, the outcomes agreed upon in the Agreement constitute a University Directive.
  9. The Office for Student Conduct will retain a record of the meeting and any referrals, but the record will not be considered part of the student's official disciplinary record.

## IV. Appeals

### A. Right to Appeal

The respondent and any complainants have the right to appeal disciplinary action to the Vice Chancellor for Student Affairs within 7 days of the date of the written decision and outcomes. Complainants who are not students may not submit an appeal. Respondents who selected a No Contest Resolution may not submit an appeal. A complainant (when applicable) and a respondent will be notified of an appeal submission by the other individual, given the opportunity to review the submitted appeal request, and given the opportunity to submit a response.

### B. Grounds for Appeal

The appellant must base the appeal exclusively on one or more of the following grounds:

- i. Procedural irregularity that affected the outcome of the matter.
- ii. New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could affect the outcome of the matter.
- iii. The University Conduct Officer or panel members had a conflict of interest or bias that affected the outcome of the matter.
- iv. Any sanctions imposed were not appropriate for the violation(s) for which the respondent was found responsible.

### C. Notice of Appeal

The appellant must submit a Notice of Appeal and all supporting documentation to the Vice Chancellor for Student Affairs within five business days of the date of notice of the Panel's decision.

The Notice of Appeal must contain at least the following:

- i. specific grounds for appeal
- ii. specific outcome requested
- iii. the appellant's reasons in support of the grounds identified and outcome requested.

The appellant must submit the Notice of Appeal in writing, and the appellant must either sign the Notice of Appeal or submit it by email to Vice Chancellor for Student Affairs from their university email address. Oral appeals are not accepted.

### D. Scope of Appeals

Deference is given to the original hearing body's findings of fact and decision on responsibility and/or any outcomes; therefore, the burden is on the individual filing an appeal request to sufficiently demonstrate cause to alter the decision of the hearing body or any outcomes. An appeal review will generally be limited to a review of the record of the hearing and supporting documents for one or more of the bases of appeal listed above, provided however, that under extraordinary circumstances the Vice Chancellor for Student Affairs may request additional



information or clarification from the University Conduct Officer, hearing panel, complainant, respondent, or witnesses for purposes of this review.

#### E. Sanctions Held in Abeyance Pending Appeal.

Any formal or educational sanctions imposed will be held in abeyance automatically during the period in which the appeal may be filed and, once an appeal is filed, until the SCSD reaches a decision on the appeal. Behavioral restrictions such as no contact directives, however, remain in place pending the appeal.

#### F. Appeal Decisions

The Vice Chancellor for Student Affairs will decide appeals based upon the information provided in the appeal form and the Record of Appeal. The decision may:

1. Affirm the determinations on responsibility and the outcome(s) (if applicable);
2. Affirm the determination on responsibility and reduce but not eliminate the outcome(s); or
3. Remand the case to the same or a new Hearing.

The Respondent (and complainant if applicable) will be notified within a reasonable time in writing of the decision on appeal. The decision of the Appellate Officer affirming the determination on responsibility will be final and conclusive, and the outcome(s) will be imposed as directed. If the case is remanded to a Hearing, the appropriate Resolution Procedures described in the Code will apply.

#### G. Final and Binding

- i. The Vice Chancellor for Student Affairs decision is considered the final decision for the university. All findings of responsibility and applicable outcomes are final and binding.
- ii. Failure to submit an appeal within the set timeframe or failure to meet the grounds will render the decision of the Hearing final and binding.

### **V. Student Petitions for Readmission**

- A. Persons who have been suspended from the University for disciplinary reasons may petition to re-enter the University.
- B. A petitioner is not a member of the University community until they have been approved to be readmitted and are accepted for readmission to the University.
- C. Petitioners must demonstrate that they are fit to return to the academic community, not simply that they have completed all listed sanctions in the dismissal letter.
- D. For a petition to be considered:
  - i. The petition must be filed before November 1 for requests for the following fall semester and before March 15 for requests for the following spring semester;
  - ii. The petitioner must provide documentation that all educational requirements and conditions have been fully and completely satisfied.
- E. This petition should also include:
  - i. A brief description of the incident(s) for which the sanction was assigned and the responsibility the student had in the violation;
  - ii. A description of the behavioral changes the petitioner has made since the incident(s) and completion of the sanction(s);

iii. The petitioner's anticipated graduation date and the career and/or additional educational plans they have following graduation.

- F. The petitioner will be invited to address the Dean of Students in a hearing in which they will discuss the petition in a statement of 10 (ten) or fewer minutes in duration. The petitioner may invite an advisor to the hearing, but this advisor may not actively participate in the petition hearing.
- G. If the final decision in the case for which the petitioner was suspended included a finding that the petitioner caused bodily harm to a student victim or otherwise engaged in sexual misconduct directed at a student victim, and the victim indicated to the Office of Student Conduct staff at the time of the original decision or later that they would like to participate in any future petition hearing, then the victim will be notified in writing that they are invited to participate in the petition hearing. If the victim chooses to participate, they may submit a written statement or present an oral statement of 10 (ten) or fewer minutes in duration to the Dean of Students prior to the petitioner's statement. Neither the victim nor the petitioner will be present while the other addresses the Dean of Students.
- H. Petitions to the Dean of Students may not be appealed by the petitioner and are therefore not audio recorded.
- I. The Dean of Students may:
  - a. Deny the petition and assign a new date and new requirements for the next consideration of the petition;
  - b. Grant the petition and allow the petitioner to pursue the readmission process for a specified Fall or Spring semester. Petitioners will not be allowed to register for Summer or Winter courses that are offered prior to the specified Fall or Spring semester.
- J. Student petitioners granted permission to pursue readmission are assigned the formal sanction of Conduct Probation until Graduation. The Dean of Students may assign a lesser formal sanction if strong mitigating factors warrant such action.
- K. The Dean of Students decision to grant the petitioner the right to pursue the readmission process does not abrogate the right of the University to deny readmission on the basis of scholarship.

## SECTION FOUR: OUTCOMES POSSIBLE IN DISCIPLINARY CASES

Outcomes designated by the University are independent of other processes that may be a result of civil or criminal litigation. These outcomes only refer to when a student is found to be in violation of the Student Code of Conduct. Any of the following outcomes and/or additional outcomes may be imposed when considering the nature of the violation and prior determinations under this policy. The student will receive written notification of the issuance of any outcome.

**A. Disciplinary Reprimand**

A warning noting the seriousness of the violation of the conduct standards and that additional future violations of policy, including repetition of the behavior resulting in the initial reprimand, will subject the student to further sanctions. A disciplinary reprimand is not a reportable conduct record to entities outside the Office of Student Conduct.

**B. Disciplinary Warning**

A written warning noting the seriousness of the violation of the conduct standards and that additional future violations of policy, including the repetition of the behavior resulting in the initial reprimand will subject the student to further sanctions. The official warning will be a reportable conduct record to entities outside the Office of Student Conduct for a period of one year.

**C. Disciplinary Probation**

Probation is issued when a student may be at risk for separation or dismissal from the university should further violations of policy occur. Probation may include restrictions, including but not limited to participation in university programs, student employment, or the ability to participate in student organizations as a member or officer. When issued by itself, probation will not impact a student's enrollment or housing at the university.

The probationary period will be determined based upon the violation and may be a minimum of six (6) months up to and through the student's tenure with the university.

**D. Deferred Suspension**

Period of time in which suspension is temporarily withheld or withheld pending completion of other sanctions by a specified deadline. A Respondent whose sanction is deferred suspension is considered not in good standing with the University, resulting in applicable restrictions on privileges and/or activities, which may include, but are not limited to, being prohibited from participating in study abroad, or serving as a resident assistant, supplemental instructor, or elected/appointed student leader in student government or other student organizations. Additional restrictions on University privileges and/or activities may be imposed on the Respondent based on their current or potential future activities. If the Respondent fails to fulfill the sanctions described in the decision letter (including failure to timely fulfill the sanction), the Respondent will automatically be suspended with no further appeal. While on deferred suspension, any additional violations of the Code or other University policies may result in suspension or expulsion.

**E. Suspension**

A separation from the University that may be for a specific period of time or an indefinite period of time. Readmission is contingent upon satisfactory fulfillment of any conditions imposed by the Dean of Students or their designee and a written petition for readmission to the Vice

Chancellor for Student Affairs.

**F. Expulsion**

A permanent separation from the University. A decision to permanently separate a student from the University is the responsibility of the Vice Chancellor for Student Affairs or their designee as provided in the Policies of the Board of Trustees.

**Additional Outcomes**

Outcomes, including but not limited to the following, may be imposed in addition to those listed above. Fees may be associated with certain outcomes (e.g., restitution, evaluation or assessment) and are the Respondent's responsibility.

**A. Restitution**

Restitution is intended to compensate for the loss, damage, or injury caused as a result of the student violating policy. This action may take the form of appropriate service, monetary compensation, or material replacement.

**B. Educational Sanctions**

A requirement to conduct research, complete a reading and response paper, prepare and present a program, attend an educational program, or engage in other educational activities related to the violation. The student will be required to submit proof of completion of the educational assignment from a source deemed appropriate by the University.

**C. Loss of Privileges**

Limitation on University-related activities or services for a specific period of time, consistent with the offense committed, including but not limited to:

- a. Eligibility to serve as an officer or member of any University organization, to participate in an intercollegiate competition, or to receive any award from the University
- b. Restriction from participating in university activities and events
- c. Loss of ability to live on campus
- d. Restriction from using specific facilities and services
- e. Denial of on-campus use of an automobile
- f. Hold on enrollment
- g. Hold on forwarding personal records to external institutions or individuals until satisfactory completion of disciplinary sanctions

**D. Community Service**

A number of hours to be served or project to be completed by the student relating to unpaid work in service to a particular group, community, or individual.

**E. No Contact Order/Extension of Existing No Contact Order**

A formal directive issued by the Office for Student Conduct requiring the parties involved to have no contact, direct or indirect, including but not limited to written or electronic communication (i.e., letters, social media, text messages, etc.), telephone, recordings, or third-party contact (i.e., friends, family members, acquaintances, etc.). A No Contact Order remains in effect until it is officially removed in writing by the Office of Student Conduct.

**F. Administrative Referral**

A mandatory referral to another campus office/department, such as ACCESS or Counseling Services, to address concerns regarding a particular behavior or need.

**G. Evaluation or Assessment**

Diagnostic evaluation by a mental health professional or other appropriate medical provider.

**H. Restricted Course Enrollment**

A student's enrollment may be restricted by limiting them to certain courses or to a limited number of hours of enrollment.

**I. Class Removal or Reassignment**

The removal of a student from a class or the requirement for a student to move into a different class or section.

**J. Interim Class Removal**

A student who persists in disrupting a particular class in violation of the Code may, at the discretion of the Dean of Students or designee, be removed from that class only, on an interim basis, pending the outcome of the student conduct process. A student who has been removed from a class may withdraw from enrollment in the class or from the University during such interim removal; however, the student conduct process will proceed regardless of the student's enrollment. Class tuition and fees will not be removed for the class sessions missed or if a student chooses to withdraw from the class or University.

**K. University Residence Probation**

A status imposed for a specific period of time, which places the student on notice that any violations of this policy while on University Residence Probation may result in separation from the University residence or other sanctions. A student must demonstrate conduct in conformance with the University residential housing standards or other University standards of conduct.

**L. University Residence Transfer**

The transfer of a student from one University residence (apartment, floor, or building) to another.

**M. University Residence Separation**

Termination of a student's housing contract and the removal of the student from their University residence, without the option of moving to another University residence. Students are responsible any costs associated with termination, per the housing contract terms and conditions.

**N. Withholding Degree**

SIUE may withhold awarding a degree otherwise earned until the completion of the student conduct process, including completion of all restorative actions imposed, if any.

**Administrative Actions**

Administrative Actions are actions undertaken by the Office for Student Conduct as part of the disciplinary process. Administrative Actions may be taken upon the report of a conduct case. Once a case is adjudicated through the conduct process, Administrative Actions may be continued as an assigned sanction.

**A. Placement of Holds**

A disciplinary hold on a student's record may be applied when a student:

- a. Is not presently enrolled at SIUE and a conduct meeting or hearing is pending;
- b. Has a pending conduct case that must be resolved prior to graduation;
- c. Has failed to complete restorative actions by the assigned deadlines;
- d. Is suspended or expelled from SIUE; or

- e. Presents behavior that puts self or the SIUE community at risk.

**B. Parental/Legal Guarding/Emergency Contact Notification**

The student is under the age of twenty-one (21) and has violated any law or SIUE policy related to alcohol or controlled substances; or the student is considered a threat to themselves or to others, or there is a need to protect the health and safety of the student.

**C. No Contact Order/Extension of Existing No Contact Order**

- a. **Authority.** University case coordinators are among those responsible for the enforcement of student behavioral standards and, when possible, the prevention of violations of the Student Code. In addition, students are expected to comply with the reasonable directions of university officials acting in the performance of their duties.
- b. **Expectations of Recipients.** A university No Contact Directive prohibits all contact between the identified parties ("Contact" includes physical contact with the other party as well as written, verbal, electronic, and third-party communications to them. Contact does not include an exercise of the right to free speech, freedom of the press, or right to assembly that is otherwise lawful. Contact does not include inadvertent contact or merely being in the physical presence of the other party in a public location but does include intentional conduct directed at the other party that a reasonable person under the circumstances would conclude is intended to intimidate or harass, whether such conduct occurs in public or in private.). The case coordinator may modify these expectations on a case-by-case basis.
- c. **Violations.** If a No Contact Directive recipient fails to comply with the directive, they will face disciplinary action. The Office for Student Conduct recommends dismissal from the university in such cases. Students who request No Contact Directives against other students thereby agree to be held to the same stipulations and will also face disciplinary action for initiating contact with the other party.
- d. **Procedures.**
  - i. **Notice.** If, based upon a report received or a direct request from a member of the university community, a case coordinator believes that a No Contact Directive is warranted, the case coordinator will notify all recipients in writing, typically by email. The directive will be effective when the notification is sent and will last until further notice if no end date is specified. The Southern Illinois University Edwardsville Police Department is also notified of all No Contact Directives for informational purposes only.
  - ii. **Meeting.** The issuing case coordinator will attempt to meet with all recipients. At this meeting, the case coordinator will explain their expectations in detail as well as the consequences for noncompliance. The recipient will also be given an opportunity to explain to the issuing case coordinator why the No Contact Directive should not be continued.
  - iii. **Modifications.** If the issuing case coordinator decides that modifications or exceptions to the No Contact Directive are necessary, they will communicate these changes to all parties in writing, typically by email.
  - iv. **Rescission.** A No Contact Directive may only be rescinded by the issuing case coordinator, the Dean of Students, or, if the directive has been issued as part of an investigation, by the hearing body responsible for deciding the case.
  - v. **Status of Record.** Unless issued as a sanction in a disciplinary case, a No Contact Directive does not, on its own, constitute a disciplinary finding against the student and is not part of the student's official disciplinary record. As such, it

would not be reported as part of a routine disciplinary background check. A No Contact Directive issued as a sanction in a disciplinary case is subject to release according to the retention policies dictated by the controlling formal sanction.

#### **D. Interim Suspension**

Where the Vice Chancellor for Student Affairs or their designee determines that the health, safety, or welfare of University community are in jeopardy or in danger, an interim (temporary) suspension will be imposed. This includes, but is not limited to, physical assault, hazing, possession of a firearm or explosives, illegal drug possession and other acts of a similar nature. A Respondent under Interim Suspension is considered not in good standing with the University, resulting in applicable restrictions on privileges and/or activities. The Respondent may neither attend nor participate in any classes, including online components, during this time. The Respondent is also banned from being on or in any University Premises and/or On-Campus Housing, and from participation in any University-sponsored/related event or activity.

The Respondent may petition the Dean of Students Office, in writing, for a review of the decision; the University will submit to the Dean of Students Office, in writing, relevant information related to the decision to impose an interim suspension. The Dean of Students Office will consider the petition as soon as possible, but typically no later than five (5) business days after it receives the petition. If the Dean of Students Office determines that the suspension was improper or no longer necessary, it shall lift the suspension immediately and the underlying matter shall proceed. The Dean of Students Office may implement any alternative interim measures if it lifts the interim suspension.

If a Respondent's privileges are temporarily revoked through an Interim Suspension and the Respondent is subsequently found not responsible for the violation, the University must, to the extent possible:

- a. Correct any record of the change in enrollment status in the Respondent's permanent records and reports in a manner compliant with state and federal laws; and
- b. Refund to the Respondent a pro rata portion of any charges for tuition and out-of-state fees, as appropriate, relating to the temporary revocation of suspension which affected the Respondent's ability to attend classes for more than ten (10) school days.

No student is permitted to withdraw from enrollment at the University after being placed on interim suspension until (a) determinations on responsibility and outcome (if applicable) are made as part of the student conduct process or (b) the interim suspension is terminated.

#### **Classroom Disruption and Removal**

Should any student officially enrolled for credit or audit in a class disrupt the instructor's ability to ensure a safe environment, control the class agenda, and/or deliver the approved curriculum, the instructor has the right to ask that the disruptive action cease immediately. The instructor may find it useful to include general guidelines about disruptive behavior in the course syllabus; and in the event of a classroom disruption, the instructor may, if they find it necessary, explain to the student and the class why the particular action is deemed disruptive. The instructor should also take into consideration complaints of disruptive behavior brought to their attention by students. The responsible student should cease the disruption and utilize non-disruptive means for expressing disagreement or concern. If the



disruption continues, the instructor can pursue various forms of intervention, including suspension from class, use of student disciplinary regulations, or police intervention, as written below.

Although most situations are best resolved without resorting to requests for police intervention, the University Police Department should be called when the disruptive behavior prohibits the continuation of the class. The University Police Department may also be called if any person enters or remains in the classroom after being asked by the instructor to leave.

- A. **Procedure to Suspend a Student from Class Attendance.** If, in the instructor's opinion, the student should be suspended from attending the class, the instructor must request the Dean of students to suspend the student from class until a decision is reached by the Dean as to whether the student will be allowed to return to class.

If the instructor's request to suspend the student is accepted by the Dean of Students, the suspension shall take effect immediately, and the student and the instructor will be notified in writing. Immediately after the suspension, the Dean of Students or designee must determine whether the suspended student should face disciplinary charges for the conduct. If disciplinary charges are filed, the student's suspension may continue pending the outcome of the disciplinary process.

If the instructor's request to suspend the student is not accepted by the Dean of Students, the Dean of Students must explain the reasons to the instructor in writing for not accepting the instructor's request. The instructor should work with their chair to then ensure that the resources in classroom management are made available to the instructor so that the instructor can manage the student upon the student's return to class. The instructor may, however, appeal the Dean of Student's decision to the Vice Chancellor for Student Affairs.

- B. **Procedure for Students Returning to Class.** If the student is allowed to return to the class, the Dean of Students must notify both the student and instructor in writing. The instructor must inform the student of any conditions of the return and of make-up opportunities for missed work. In some cases, it may be productive to have a conference of the Dean of Students, the instructor, and the student before the student is allowed to return to class. Upon return to class, further incidents of disruption by the student could be the basis for terminating the student's enrollment in the course and/or for disciplinary action.
- C. **Procedure to Terminate a Student's Enrollment in a Class.** If the Dean of Students decides that the student should not be allowed to return to class, the Dean of Students will notify the student in writing of 1) removal from the class, 2) the reasons for removal, and 3) the right to appeal the decision using the Student Conduct Appeal Process. The Dean of Students will also send written notification to the Dean of the student's college, the Dean of the instructor's college, and the Registrar. The Dean of the student's college must request that the Registrar terminate the student's enrollment in the course administratively.
- D. **Attendance by Persons Not Enrolled in a Course.** The University has the right to determine who is enrolled in a class and to control the presence of a person who is not enrolled in the class. A non-enrolled person is allowed in the classroom only at the discretion of the instructor. The instructor should ask the non-enrolled person who attends a class against the express wishes of the instructor to leave. The instructor should ask such a person to identify themselves. If the

person refuses to leave, the University Police may be called. If the person is a student enrolled in the university but not enrolled in the class, disciplinary charges may be filed.

### **Record Keeping and Confidentiality**

Conduct case records and all supporting documentation will be maintained according to the University policies and applicable State and Federal laws concerning maintenance and disclosure of student records, protection of a student's right of privacy, and the disclosure of personal student information.

- 1. Policy Regarding Retention**

The file of a student found in violation of campus regulations (including the transcripts or recordings of the hearing) will be maintained by the Office for Student Conduct. Records relating to student discipline shall be maintained according to the University Records Management Plan.

- 2. Posting on Transcripts**

When, as a result of a violation of the Student Code of Conduct, a student is suspended, the fact that suspension was imposed must be posted on the academic transcript for the duration of the suspension. When a student is expelled, the fact that expulsion was imposed must be posted on the academic transcript permanently.