

on any Charge, a finding of not responsible will be entered for that Charge.

- 3) The Dean of Students will receive the decision of the AIC, and if there is a determination of responsibility, the recommended sanctions of the AIC. The Dean of Students may modify or alter the recommended sanctions, at his or her discretion, but shall provide a written explanation of the modifications. The outcome letter shall include the determination of responsibility, the recommended sanctions, as well as any modifications or alteration of the recommended sanctions, which shall be sent to the Respondent Student and faculty of record within five (5) Days of the date of the Hearing.
 - 4) After the determination by the Dean of Students, as needed, the faculty of record will assign the Student a final grade (which may include a failing course grade). The faculty member will then, if necessary, process the appropriate grade change with the Office of Records and Registration.
 - 5) The Respondent Students has the right to appeal a decision of the AIC in accordance with the appeal procedure provided for in Article F.
 - 6) In the event that the AIC fails to have quorum, or if it is impractical to convene the AIC within a reasonable period of time due to circumstances outside the control of the Office of Student Conduct, the case may be heard and decided by the Dean of Students, or designee.
- e. **Academic Integrity Committee Composition:** The AIC is coordinated by the Office of Student Conduct to resolve cases of alleged Academic Integrity referred by the faculty. It is comprised of faculty and Students as follows:
- 1) The Assistant Dean of Students for Student Conduct, or designee, serves as Facilitator to the AIC to coordinate the Hearing process and to assist the committee in conducting the Hearing in accordance with this Code. The Facilitator will not ask questions during the process, will not participate in deliberations, and will not vote on the final outcome.
 - 2) When a Respondent Student or Organization is referred for a Hearing, the Office of Student Conduct or University Housing convenes a committee from the pool of faculty and Student members of the University Community to service on the AIC.
 - 3) The chair of each Hearing will be selected from the AIC members comprising the AIC for that case and shall serve as a voting member.
- f. If a Student is found responsible for a Violation of academic integrity, a Hold will be placed on the Student's account preventing the Student from withdrawing from the course and the Student will not be eligible to utilize the grade forgiveness process for the course. In the event the Student has withdrawn from the course prior to the

completion of Adjudication, the Student will be restored to the class roster. The faculty member is responsible for notifying the Student that he or she has been reenrolled in the course.

3. Provisions Related to Adjudications Involving Impacted Persons: At no time in any Disciplinary Proceeding will the prior conduct, including sexual conduct, of an Impacted Person be considered, evaluated, questioned, or reviewed except as it may relate directly to interactions between the Respondent Student or Organization and Impacted Person in the context of the alleged Violation. The Dean of Students or designee, may at his or her discretion, choose not to pursue Charges against Impacted Persons for Violations of Code, including, but not limited to, standards relating to alcohol or drug use.

- a. Charges

When the Office of Student Conduct receives information from any source which alleges that a Violation of one of the standards in this section has occurred, the Office of Student Conduct will receive this information, as well as any other information which may be available, and forward this information to the OIEC for review. The OIEC shall review the information, complete its investigative process, and shall notify the Office of Student Conduct of the following outcomes:

- 1) Insufficient Information for Charges: In cases where the OIEC has determined that there is not sufficient information that any Violation of standards of conduct addressed in Articles B.2.a., B.2.b.2., B.2.b.3., B.2.b.4., and B.2.b.5. of the Code has occurred, the case will be reviewed by the Office of Student Conduct and, if other potential Violations of the Code are present, the Office of Student Conduct may initiate the Adjudication process. If there is insufficient information to support allegations that other Violations occurred, the report will be closed without Charges.
- 2) Sufficient Information for Charges: In cases where the OIEC has determined that there is sufficient information that one or more Violation of standards of conduct addressed in Articles B.2.a., B.2.b.2., B.2.b.3., B.2.b.4., and B.2.b.5. of the Code has occurred, all information, including an investigative report, will be communicated to the Office of Student Conduct for Adjudication.
- 3) No Charges to Be Filed: If an Impacted Person has requested that the alleged Violations of the Code not be Adjudicated and, after an analysis of the totality of the circumstances, the OIEC agrees with the course of action, the Office of Student Conduct will close the case without Charges.

- b. Notice and Scheduling of Disciplinary Proceedings

- 1) The Respondent Student or Organization and Impacted Person will be given Notice of the alleged Violation(s) of the Code through e-mail to their University-

issued email address.

- 2) The Notice will include the name and UIN of the Respondent Student or Organization, the date and approximate location of the alleged Violation, if available, a listing of the alleged Violations of the Code, and contact information for the Hearing Officer reviewing the case. Additionally, the Notice will include specific reference to the applicable section of the Code, the procedures to be used in adjudicating the Violation, and the rights of the Respondent Student or Organization and Impacted Students.
- 3) The Notice will also inform the Respondent Student or Organization and Impacted Person of the date, time, and location for a Hearing to resolve the matter. This Hearing will be scheduled at least five (5) but no more than fifteen (15) Days from the date of the Notice and will be scheduled to avoid conflicting with any registered class, examination, or other academic commitment. Other conflicts may be accommodated at the discretion of the Hearing Officer.
- 4) The Respondent Student or Organization and Impacted Person may request to be notified of the selection of the Hearing Officer for the case and shall have the opportunity to challenge the impartiality of the individual. The Respondent Student or Organization and Impacted Person shall state via email the basis for such challenge at least two (2) Days prior to the Hearing date. The Dean of Students, or designee, shall determine whether the Hearing Officer is impartial and reassign the Hearing to another Hearing Officer, if appropriate.
- 5) The Respondent Student or Organization and Impacted Person will have the right to request a conduct review conference be scheduled prior to the scheduled date of the Hearing. The purpose of this conference will be to allow the Respondent Student or Organization and Impacted Person to discuss the Charges, their rights and options in the Hearing process, and to inspect any and all documents and information relating to the Charges. Separate meetings will be scheduled for each party.
- 6) The Respondent Student or Organization and Impacted Person will have the right to reschedule the Hearing to another, mutually agreeable date. The meeting must be rescheduled within thirty (30) calendar days of the date of the original Notice. The process will not be postponed exclusively to accommodate requests for records not held by the Office of Student Conduct.
- 7) At any point, up to the date and time of the Hearing scheduled in the original Notice, or the date and time of the rescheduled Hearing, if applicable, the Respondent Student or Organization or Impacted Person may file a request to have the Hearing heard by the SCC. If the Respondent Student or Organization or the Impacted Person, object to this request, the Hearing will continue with an Administrative Hearing. If an SCC Hearing is scheduled, all parties shall have the

opportunity to challenge the impartiality of the SCC members, subject to the procedures set forth in Article D.3.b.4).

- 8) At the request of the Respondent Student or Organization or Impacted Person, any party may participate in the Disciplinary Proceedings remotely, either through the use of written statements via email, or through other telephonic or technological means which are mutually agreeable to the requesting party and the Dean of Students, or designee.
- 9) If the Respondent Student or Organization or Impacted Person fails to appear at the Hearing at the date, time, and location listed in the Notice, does not avail themselves of their rights under Articles D.3.b.5 and D.3.b.6., or does not appear at any other scheduled or mutually agreed upon Hearing, the Hearing will be held in their absence.

c. Administrative Hearings

- 1) All Administrative Hearings will be digitally recorded by the Hearing Officer where the Respondent Student or Organization has the potential for receiving a sanction of suspension or expulsion from the University and will serve as the sole official verbatim record of the Disciplinary Proceeding. Any other recordings, including videotaping, of any Hearing is prohibited except to the extent necessary to facilitate Witness statements or the remote participation of one or more parties through technological means.
- 2) During the Hearing, the Respondent Student or Organization and Impacted Person may present any information which they believe to be relevant to the alleged Violations of the Code. The Respondent Student or Organization, the Impacted Person, and the University will also be permitted to present any Witnesses they believe to be relevant, subject to the limitations described in Article D.1.h. The Hearing Officer will also have the opportunity to ask any questions which he or she believes to be relevant.
- 3) All cross-questioning between the Respondent Student or Organization and Impacted Person will be through the submittal of questions in writing to the Hearing Officer who will have discretion as to which questions, if any, will be asked, and who will exercise discretion in selecting questions that are relevant, appropriate, not duplicative, and do not violate the rights afforded under the Code to the individual being questioned. All questions submitted will be included in the record for the Hearing.
- 4) At the request of the Respondent Student or Organization or Impacted Person, the Hearing Officer may consider structuring the Hearing in such a manner that neither party is physically present in the same location at the same time, using telephonic, technological, or other means.

- 5) Previously unknown or undisclosed information that concerns potential Violations of the Code obtained in a Hearing may result in additional Charges and potentially result in another Hearing. If it is mutually agreed to by the Respondent Student or Organization and the Hearing Officer, this new Hearing may be waived, in writing, by the Respondent Student or Organization and the additional Charges disclosed in the current Disciplinary Proceeding may be addressed in the current Disciplinary Proceeding.
 - 6) Previous Violations and Impacted Persons statements are to be considered only in the sanction phase of deliberations.
 - 7) In cases where multiple Students and/or Organizations are Charged, information provided at one Hearing may be used as evidence in the related cases(s). When the Hearing Officer determines the facts and circumstances of an incident involving more than one individual are interrelated, a Hearing Officer may join the individual cases into one case in order to expedite it and to share evidence. However, the written agreement of all Respondent Students or Organizations and Impacted Persons in the case must be obtained to join the cases and in no instances will cases of sexual misconduct be joined with a case not involving sexual misconduct.
 - 8) After the conclusion of the Hearing, the Hearing Officer will communicate the outcome of the Adjudication in writing to the Respondent Student or Organization and Impacted Person within five (5) Days of the date of the Adjudication. The notification of outcome will inform the parties of both the findings of the Adjudication and any sanctions which have been imposed, as well as the completion or due date of each sanction. In situations of multiple Respondent Students or Organizations related to a single or series of incidents, the outcome of the Hearings may be communicated within five (5) Days of the last Respondent Student or Organization's Hearing.
- d. Hearings by the Student Conduct Committee
- 1) SCC Composition
 - a) The Dean of Students, or designee, shall appoint a Facilitator to the SCC to coordinate the Hearing process and to assist the SCC in complying with the Hearing procedures under the Code. The Facilitator will not ask questions during the Disciplinary Proceeding, will not participate in deliberations, and will not vote on the final outcome.
 - b) When a Student or Organization is referred for a Hearing, the Office of Student Conduct convenes a SCC from the pool of members of the University Community who have received specialized training in this type of Hearing to

serve on the SCC.

- c) The chair of each Hearing will be selected from the committee members comprising the SCC and shall serve as a voting member. At no time shall less than fifty percent (50%) of the voting members be students.
- d) All SCC Hearings will be digitally recorded by the Facilitator. This recording will serve as the sole official verbatim record of the Disciplinary Proceeding. Any other recordings, including videotaping, of any Hearing is prohibited except by an authorized University Official, to the extent necessary to facilitate Witness statements or the remote participation of one or more parties through technological means.
- e) During the Hearing, the Respondent Student or Organization will be given an opportunity to accept or deny responsibility for each Charge and the Respondent Student or Organization and Impacted Person will be given an opportunity to present any information that they believe to be relevant to the alleged Violations of the Code. Both the Respondent Student or Organization, Impacted Person, and the University will also be permitted to present any Witnesses they believe to be relevant, subject to the limitations described in Article D.1.h. The SCC members will also have the opportunity to ask questions, subject to the discretion of the chair.
- f) All cross-questioning between the Respondent Student or Organization and Impacted Person be through the submittal of written questions submitted to the chair who will have sole discretion as to which questions, if any, will be asked. All questions submitted will be included in the record for the Hearing.
- g) At the request of the Respondent Student or Organization and Impacted Person, the chair may structure the Hearing in such a manner that neither party is physically present in the same location at the same time, using telephonic, technological, or other means, as determined appropriate by the chair.
- h) The chair may limit the length of testimony of any Witness or participant in the Hearing if the information is redundant or irrelevant to the case.

2) Deliberations

- a) All persons are excused from the Hearing room for deliberations, except the SCC and the Facilitator. The Facilitator does not participate in the deliberations but may advise the Hearing Body as appropriate. Deliberations are not recorded.
- b) The SCC considers only information introduced in the Hearing. The decision of responsibility is based on whether the preponderance of information

presented supports a decision that the alleged Violation more likely than not occurred, and is decided by a simple majority vote. In cases of a tie, the decision will be made in favor of the Respondent Student or Organization that the Respondent Student or Organization is not responsible.

- c) Previous Violations and Impacted Person statements are to be considered only in the sanctioning phase of deliberations.
- d) The decision of the SCC as to responsibility of the Respondent Student or Organization for the alleged Violations and recommended sanctions is given, in writing, to the Facilitator and then to the Dean of Students, or designee.
- e) The Dean of Students, or designee, may modify or alter the recommended sanctions, at his or her discretion, but shall provide a detailed explanation of the modifications, to include the assigned sanctions and the rationale for any and all alterations, in the outcome letter.
- f) Following the Hearing, the Dean of Students, or designee, will communicate the outcome of the Adjudication in writing to the Respondent Student or Organization and Impacted Person, if one is present in the case, within five (5) Days of the date of the Adjudication. The notification of outcome will inform the Respondent Student or Organization of both the findings of the Adjudication and each sanction which has been imposed as well as the completion or due date of each sanction, if applicable. In situations in which multiple Respondent Students or Organization have been found responsible for Violations of the Code related to a single or series of related incidents, the outcome of the Hearings may be communicated within five (5) Days of the last Respondent Student or Organization's Hearing.
- g) The Respondent Student or Organization has the right to appeal a decision of the chair of the SCC in accordance with the appeal procedure described in Article F.
- h) Any participant, including a Respondent Student or Organization and Impacted Person, or an Advisor, determined by the SCC to be unruly or disruptive to the Disciplinary Hearing, will be removed from the Hearing. The Hearing will continue in their absence and their removal from the Hearing will not be considered grounds for appeal.
- i) If it is impractical to convene a quorum of the SCC within a reasonable period of time due to circumstances outside the control of the University, the case may be heard and decided by a Hearing Officer, unless objected to by the Respondent Student or Organization or Impacted Person.

4. Procedures for Adjudication of all Other Alleged Misconduct

a. Charges

When the Office of Student Conduct receives information from any source which indicates that a Violation of the Code may have occurred, the Office will review this information, as well as any other information which may be available. Upon review, if it is determined that there is sufficient information to indicate that a Code Violation may have occurred and to indicate that one or more Students or Organizations may have been involved, in any manner, Charges may be filed by the University and Notice will be provided to the Respondent Student or Organization consistent with this Code.

b. Notice and Scheduling of Disciplinary Proceedings

- 1) The Respondent Student or Organization will be given Notice of the alleged Violation(s) of the Code through e-mail to their University-issued email address.
- 2) The Notice will include the name and UIN of the Respondent Student or Organization, the date and approximate location of the alleged Violation, if available, a listing of the alleged Violations of the Code, and contact information for the Hearing Officer reviewing the case. Additionally, the Notice will include specific reference to the applicable section of the Code, the procedures to be used in adjudicating the Violation, and the rights of the Respondent Student or Organization and Impacted Students.
- 3) The Notice will also inform the Respondent Student or Organization of the date, time, and location for a Hearing to resolve the matter. This Hearing will be scheduled at least five (5) but no more than fifteen (15) Days from the date of the Notice and will be scheduled to avoid conflicting with any registered class, examination, or other academic commitment. Other conflicts may be accommodated at the discretion of the Hearing Officer.
- 4) At the discretion of the Dean of Students, or designee, a case may be directly assigned to the SCC or RCC for Adjudication.
- 5) The Respondent Student or Organization may request to be notified of the selection of the Hearing Officer or SCC or RCC members for the case and shall have the opportunity to challenge the impartiality of the individual(s). The Respondent Student or Organization shall state via email the basis for such challenge at least two (2) Days prior to the Hearing date. The Dean of Students, or designee, shall determine whether the challenge is valid. If the challenge is found valid and is accepted, the Hearing will be reassigned to another Hearing Officer or the committee member removed, as appropriate.

- 6) The Respondent Student or Organization will have the right to request a conduct review conference be scheduled prior to the scheduled date of the Hearing. The purpose of this conference will be to allow the Respondent Student or Organization to discuss the Charges, their rights and options in the Hearing process, and to inspect any and all documents and information relating to the Charges.
- 7) The Respondent Student or Organization will have the right to reschedule this Hearing to another, mutually agreeable date. The meeting must be rescheduled within thirty (30) calendar days of the date of the original Notice. The process will not be postponed exclusively to accommodate requests for records or documents not held by the Office of Student Conduct.
- 8) At any point, up to the date and time of the Hearing scheduled in the original Notice, or the date and time of the rescheduled Hearing, if applicable, the Respondent Student or Organization may notify the Hearing Officer that they wish to exercise their right to have the Hearing held before the SCC or RCC.
- 9) At the request of the Respondent Student or Organization, any Disciplinary Proceeding may be held remotely, either through the use of written statements via email, or through other telephonic or technological means which are mutually agreeable to the Dean of Students, or designee, and the Respondent Student or Organization.
- 10) If the Respondent Student or Organization fails to appear at the Hearing at the date, time, and location listed in the Notice, does not avail themselves of their rights under Articles D.4.b.6) and D.4.b.7), or does not appear at any other scheduled or mutually agreed upon Hearing, the Hearing will be held in their absence.

c. Administrative Hearings

- 1) All Administrative Hearings will be digitally recorded by the Hearing Officer where the Respondent Student or Organization has the potential for receiving a sanction of suspension or expulsion from the University and will serve as the sole official verbatim record of the Disciplinary Proceeding. Any other recordings, including videotaping, of any Hearing is prohibited except to the extent necessary to facilitate Witness statements or the remote participation of one or more parties through technological means.
- 2) During the Hearing, the Respondent Student or Organization may present any information which they believe to be relevant to the alleged Violations of the Code. The Respondent Student or Organization and the University will also be permitted to present any Witnesses they believe to be relevant, subject to the limitations described in Article D.1.h. The Hearing Officer will also have the

opportunity to ask any questions which he or she believes to be relevant.

- 3) Previously unknown or undisclosed information that concerns potential Violations of the Code obtained in a Hearing may result in additional Charges and potentially result in another Hearing. If it is mutually agreed to by the Respondent Student or Organization and the Hearing Officer, this new Hearing may be waived, in writing, by the Respondent Student or Organization and the additional Charges disclosed in the current Disciplinary Proceeding may be addressed in the current Disciplinary Proceeding.
 - 4) Previous Violations and Impacted Persons statements, are to be considered only in the sanction phase of deliberations.
 - 5) In cases where multiple Students and/or Organizations are Charged, information provided at one Hearing may be used as evidence in the related cases(s). When the Hearing Officer determines the facts and circumstances of an incident involving more than one individual are interrelated, a Hearing Officer may join the individual cases into one case in order to expedite it and to share evidence. However, the written agreement of all Respondent Students or Organizations and Impacted Persons in the case must be obtained to join the cases and in no instances will cases of sexual misconduct be joined with a case not involving sexual misconduct.
 - 6) After the conclusion of the Hearing, the Hearing Officer will communicate the outcome of the Adjudication in writing to the Respondent Student or Organization within five (5) Days of the date of the Adjudication. The notification of outcome will inform the parties of both the findings of the Adjudication and any sanctions which have been imposed as well as the completion or due date of each sanction. In situations of multiple Respondent Students or Organizations related to a single or series of incidents, the outcome of the Hearings may be communicated within five (5) Days of the last Respondent Student or Organization's Hearing.
- d. Hearings by the Student Conduct Committee or Residential Conduct Committee
- 1) Committee Composition
 - a) The Dean of Students, or designee, shall appoint a Facilitator to the SCC or RCC to coordinate the Hearing process and to assist the committee in conducting a Hearing consistent with the procedures contained in the Code. The Facilitator will not ask questions during the Hearing, will not participate in deliberations, and will not vote on the final outcome.
 - b) When a Student or Organization is referred for a Hearing, the Office of Student Conduct or University Housing convenes a committee from the pool of members of the University Community to serve on the SCC or RCC.

- c) The chair of each Hearing will be selected from the committee members comprising the SCC or RCC and may serve as a voting member. At no time shall less than fifty percent (50%) of the voting members be students.
- 2) All SCC Hearings will be digitally recorded by the Facilitator and official notes of RCC Hearings will be taken by the Chair. This will serve as the sole official verbatim record of the Disciplinary Proceeding. All other recordings, including videotaping or audio recordings, of any Hearing is prohibited except to the extent necessary to facilitate Witness statements or the remote participation of one or more parties through technological means.
- 3) During the Hearing, the Respondent Student or Organization will be given an opportunity to:
 - a) accept or deny responsibility for all Charges;
 - b) present an opening statement;
 - c) present Witnesses and question any Witnesses presented by either side subject to the limitations described in Article D.1.h.;
 - d) respond to questions presented by committee members; and
 - e) present a closing statement.
- 4) The chair may limit the length of testimony of any Witness or participant in the Hearing if the information is redundant or irrelevant to the case.
- 5) Deliberations
 - a) All persons except the SCC/RCC members and the Facilitator are excused from the deliberations. Deliberations are not recorded.
 - b) The SCC/RCC considers only information introduced in the Hearing. The standard of proof necessary for a determination that a Violation of any provision of this Code has occurred is a preponderance of the evidence. This means that the information presented supports the finding that is more likely than not that the Violation occurred and is decided by a simple majority vote. In cases of a tie, the decision will be made in favor of the Respondent Student or Organization.
 - c) Prior records of disciplinary action, Impacted Person statements, and past criminal convictions are considered by the SCC/RCC only in the sanctioning phase of deliberations, if the Student is found responsible.

- d) The decision of the SCC/RCC as to responsibility of the Respondent Student or Organization for the alleged Violations and recommended sanctions is given, in writing, to the Facilitator and then forwarded to the Dean of Students or designee.
 - 6) The Dean of Students, or designee, will receive the determination of responsibility of the SCC or RCC as well as the recommended sanctions. The Dean of Students, or designee, may modify or alter the recommended sanctions, at their discretion, and shall provide an explanation of the modifications, in the outcome letter.
 - 7) The Dean of Students, or designee, will communicate the outcome of the Adjudication in writing to the Respondent Student or Organization within five (5) Days of the date of the Adjudication. The notification of outcome will notify the Respondent Student or Organization of both the findings of the Adjudication and any sanctions which have been imposed as well as the completion or due date of each sanction. In situations in which multiple Respondent Students or Organization related to a single or otherwise related incident, the outcome of the Hearings may be communicated within five (5) Days of the last Respondent Student or Organization's Hearing.
 - 8) Respondent Students or Organizations have the right to appeal a decision of the SCC or RCC in accordance with the appeal procedure described in Article F.
 - 9) Any participant, including Respondent Student or Organization or an Advisor, if determined by the chair of the SCC or RCC to be unruly or disruptive to the Hearing, will be removed from the Hearing. The Hearing will continue in their absence and the removal will not be considered grounds for appeal.
 - 10) In the event that the SCC or RCC fails to reach quorum, or if it is impractical to convene the SCC or RCC within a reasonable period of time due to circumstances outside the control of the University, the case may be heard and decided by an appropriate Hearing Officer, including the Facilitator.
5. Waiver of Certain Rights: A Student may voluntarily waive one or more rights, including, but not limited to, the right to a Hearing, the right to call Witnesses, or the right to an Advisor, in order to take part in an expedited Hearing process. The choice to waive or exercise any right granted under this Code shall not affect the outcome of the Hearing or any sanctions, if applicable, and is not grounds for appeal.

E. Sanctioning

The Dean of Students, or designee, may impose one or more of the following sanctions upon any Respondent Student or Organization being found to be responsible for a Violation of the

Code.

1. Academic Sanctions

- a. Academic Reprimand: A written warning that behaviors exhibited are inconsistent with the values and standards set forth by the University and are not acceptable behavior for Students of the University and that any penalties assessed by the faculty member are sufficient to address the Violation.
- b. Recommended Adjustment of Course Grade: A recommendation to the faculty member of record that the AIC finds reduction in letter grade for the course in which a Violation occurred is appropriate.
- c. Recommended Failure of a Course: A recommendation to the faculty member of record that the AIC finds a grade of F assigned for the course in which the Violation occurred is appropriate.
- d. Educational Sanction: Following an Academic Integrity Hearing, the Dean of Students, or designee, may impose any educationally based sanction, including but not limited to, those detailed in Article E.2.b.
- e. Suspension: A period of time, not to exceed three (3) years, when a Student may not attend classes or participate in University related activities, whether the class or activity occurs on or off University Premises. The University Registrar, or designee, is instructed to place a Transcript Overlay on the Student's transcript during the period of suspension indicating the period of suspension. Further, while on academic suspension, a Hold will be placed on a Student's record to prevent registration. All other assigned educational sanctions must be completed prior to the restoration of Student privileges; otherwise, the academic suspension will remain in effect. A suspended Student is not permitted on University Premises during the length of his or her suspension. If a suspended Student is found on University Premises, the University Police will be notified. This sanction may only be imposed by the Dean of Students, or designee.
- f. Expulsion: Removes the Student from his or her academic program and permanently separates the Student from the University without opportunity to graduate or re-enroll. The University Registrar, or designee, is instructed to permanently place a Transcript Overlay on the Student's transcript indicating the expulsion. Further, a Hold will be permanently placed on the Student's record to prevent future registration. An expelled Student is not permitted on University Premises. If an expelled Student is found on University Premises, the University Police will be notified. This sanction may only be imposed by the Dean of Students, or designee.
- g. Revocation of Degree: Revocation of a previously awarded academic degree. This sanction may only be imposed in situations where it has been determined a degree

was obtained as a result of fraud or a significant portion of the work submitted in fulfillment of, and indispensable to the attainment of, said degree was obtained via one or more academic integrity Violations. This sanction may only be imposed by the Dean of Students, or designee.

2. Administrative Sanctions

- a. Alteration of Student Status: These sanctions alter a Student's fundamental relationship with the University.
 - 1) Reprimand: An official written disciplinary warning that the Student's behavior is in Violation of the Code, and that if the Student is subsequently found in Violation of a similar policy, additional sanctions may be imposed.
 - 2) Probation: A period of time during which the Student is considered not in Good Disciplinary Standing. Restrictive conditions may be imposed as an element of probation and vary according to the severity of the offense. Restrictive conditions include, but may not be limited to, denial of the privilege to occupy a position of leadership or responsibility in any University RSO, publication, or activity or ability to represent the University in an official capacity or position. If the Student is found responsible for another Violation of the Code during the period of Disciplinary Probation, a sanction of suspension or expulsion from the University may be imposed.
 - 3) Suspension: A period of time, not to exceed three (3) years, when a Student may not attend classes or participate in University related activities, whether the class or activity occurs on or off University Premises. The University Registrar, or designee, is instructed to place a Transcript Overlay on the Student's transcript during the period of suspension indicating the period of suspension. Further, while on disciplinary suspension, a Hold will be placed on the Student's record to prevent registration. All assigned educational sanctions must be completed prior to the restoration of the Student's privileges; otherwise, the disciplinary suspension will remain in effect. A suspended Student is not permitted on University Premises during the length of their suspension. If a suspended Student is found on University Premises, the University Police will be notified.
 - 4) Expulsion: Removes the Student from his or her academic program and permanently separates the Student from the University without opportunity to graduate or re-enroll. The University Registrar, or designee, is instructed to permanently place a Transcript Overlay on the Student's transcript indicating the expulsion. Further, a Hold will be permanently placed on the Student's record to prevent future registration. An expelled Student is not permitted on University Premises. If an expelled Student is found on University Premises, the University Police will be notified.

- b. Educational Sanctions: Educational sanctions are intended to provide Students with an opportunity to reflect and learn from the Adjudication of a Violation or attempt to restore or promote the academic environment of the University Community. Common educational sanctions include, but are not limited to:
- 1) Class or Workshop: Required attendance at a class or workshop designed to educate Students as to the risks and consequences of exhibited behaviors. Any assigned classes shall be non-credit and will not be reflected on a Student's transcript. The Student is responsible for any costs associated with participation in a class or workshop.
 - 2) Counseling Assessment and Compliance: Referral for assessment (at the Student's expense) to a licensed mental health professional or counseling center for general mental health or other counseling services. The Student found responsible for an alcohol, drug, or behavioral Violation may be referred to the University Counseling and Psychological Services Office or to an outside agency or counselor based on the seriousness of the Violation. The Student must comply with all recommendations established as a result of any assessment resulting from the imposition of this sanction.
 - 3) Exclusion from University Housing: The Student is prohibited from visiting University Housing unless prior approval has been given by the Dean of Students, or designee. The Student may be allowed to be present in University Housing conference rooms or academic advising offices with the prior approval of the Dean of Students, or designee.
 - 4) Modification of University Housing Assignment: Reassignment of the Student to another location in University Housing.
 - 5) Removal from a Course or Section: Reassignment of the Student to another section of a course or dismissal from a course.
 - 6) Restitution: Payment to compensate for actual damages or loss of services to the University.
 - 7) Restorative Service Hours: Assignment to perform tasks or services under the supervision of a University department or community service agency. These hours may not be used to fulfill service learning graduation requirements or the community service requirements of any RSO.
 - 8) Restrictions: Restrictions may be imposed on a Student which include, but are not limited to, participation in Organizations, or Student groups, activities, or events; entrance to University Housing areas or any other areas on campus or University Premises; prohibition on contact with a specified person(s) within the University Community;

- 9) Written Assignment: A designated written activity related to the specific Violation(s).

3. Organizational Sanctions

- a. Organizational Probation: A period of time, not to exceed one (1) calendar year, during which an Organization is considered not in Good Disciplinary Standing with the University.

The Hearing Officer shall determine specific restrictions appropriate to the Violation which may include, but are not limited to:

- 1) A restriction from engaging in, participating in, hosting, or sponsoring social events or mixers;
- 2) A restriction from hosting events off University Premises;
- 3) A restriction from hosting events that involve alcohol;
- 4) A restriction from traveling using University funds or representing the University in any way;
- 5) A restriction on the number or type of events that an Organization may host or sponsor;
- 6) A requirement that any event or activity, including official business meetings or philanthropic activities, must be approved in advance by the Office of Student Involvement or the Sport Club Coordinator, in consultation with the Dean of Students' Office; or
- 7) A fraternity and sorority on probation may not participate in any Greek Week events or participate in intramural sports or other social competitions. All recruitment activities of a fraternity or sorority on probation must be approved by the Office of Student Involvement in consultation with the Dean of Students' Office at least thirty (30) calendar Days prior to the beginning of recruitment activities.

- b. Organizational Suspension: A period of time, not to exceed three (3) years, when an Organization may not operate on University Premises or affiliate itself with the University in any way. An Organization which is determined to have continued operation despite suspension may have the term of suspension extended.

- c. Organizational Expulsion: A period of time, not less than seven (7) years, when an Organization may not operate on University Premises or affiliate itself with the

- University in any way. An Organization which is determined to have continued operation despite suspension may have the term of expulsion extended. Following Organizational expulsion, the Dean of Students, or designee, must approve of the return of that Organization. This decision may be revisited once per academic year and is not subject to appeal.
- d. Educational Sanctions: All members of an Organization or a subset of members of the Organization deemed appropriate may be required to complete an educational sanction. Educational sanctions are intended to provide the Students with an opportunity to reflect and learn from the determination of responsibility for a Violation or attempt to restore or promote the academic environment of the University Community. Common educational sanctions are listed under Article E.2.b.
 - e. Organization Specific Sanctions: Additional sanctions specific to Organizations, which may be found in the Organization's Constitution, the Office of Student Involvement policies, policies maintained by other University entities with appropriate jurisdiction, or the by-laws or regulations of the affiliate's national organization.
4. Any sanction may be issued in a conditional status, contingent upon compliance with a designated set of conditions, including appropriate future conduct for an established period of time. In these situations, failure to comply with the designated conditions will result in the enactment of the conditional sanction immediately. Conditional sanctions may only be appealed at the time of issuance. Appeals at the time of implementation will not be considered timely and will not be heard.
 5. When a Respondent Student or Organization is found responsible for B.2.a., B.2.b.2., B.2.b.3., B.2.b.4., and B.2.b.5., the sanctions shall place an emphasis on correcting and preventing a recurrence of the incident and promoting the safety of the Impacted Person(s) and the University Community.
 6. Decisions regarding falsification of admission or re-admission information may result in sanctions up to and including the revocation of admission (with or without the loss of earned credit) or the revocation of a degree which was previously conferred.
 7. A Student who fails to complete sanctions will have a disciplinary Hold placed on his or her record. This Hold will affect the Student's ability to register, add, drop, or withdraw from classes, receive transcripts, or access various University services. In severe situations, the Student may also be Charged with additional Violations of the Code.

F. Procedures for Appeal

1. An appeal is not a new Hearing; it is a procedural safeguard to ensure Respondent Students or Organizations receive a Hearing consistent with the procedures of this Code. An appeal may be filed by the Respondent Student or Organization or by an Impacted

Person in any case adjudicated under the procedures listed in Article D.3. In such cases, both parties will have the opportunity to submit an appeal and/or opposition to appeal prior to review by the Appeal Officer and, if an appeal Hearing is scheduled, both parties will have an opportunity to present information to the Appeal Officer, in separate meetings, prior to a final decision.

2. Basis for Appeal

- a. Due Process Error: An allegation of significant procedural error which both a) denied the Appellant a right set forth in the Code and b) likely altered the outcome of the Hearing.
- b. New Evidence Unavailable at Hearing: An allegation that there is evidence which a) is likely to have altered the outcome of the Hearing and b) was not available to the Hearing Officer and the Appellant at the time of the Hearing. Failure to present evidence or information available at the time of the Hearing is not grounds for appeal.
- c. Sanctions Imposed Are Extraordinarily Severe: The Appellant alleges the sanctions are disproportionate, given the nature of the Violation(s) and in light of the Appellant previous conduct history.

3. Timeline for Appeal

- a. The outcome of a conduct Hearing may be appealed within three (3) Days of the date of the decision letter by filing a written appeal which may be submitted by email using the Student Conduct Appeal form. Extensions shall be granted at the sole discretion of the Dean of Students, or designee, and shall only be granted in exceptional circumstances where the failure to file an appeal within the designated period was demonstrably outside the control of the requesting party. The decision of the Dean of Students, or designee, to grant or deny an extension shall be communicated in writing to the Student and shall be final.
- b. Appeals will be reviewed and, if appropriate, an appeal Hearing will be scheduled within five (5) Days of the date of receipt of an appeal unless there is good cause to extend this timeline, which will be communicated to all parties involved in the appeal.
- c. The outcome of an appeal will be communicated in writing to all parties involved in the appeal within five (5) Days of the date of the last appeal Hearing
- d. An Appellant's academic status will remain unchanged during the appeal or review process though other sanctions may be in effect during the period of appeal.

4. Jurisdiction

- a. The appeal of the outcome of an Administrative Hearing shall be considered by the immediate supervisor of the Hearing Officer so long as the supervisor is also a Hearing Officer. In all other cases, the appeal will be considered by the Dean of Students, or designee.
- b. The appeal of the outcome of a Hearing by the RCC shall be considered by the Associate Director for Residence Education, or designee.
- c. The appeal of the outcome of a Hearing heard by the AIC or SCC shall be considered by the Vice President for Student Success and Enrollment Management, or designee.

5. Appeal Hearings

- a. An appeal Hearing may be granted by the Appeal Officer. This decision is based on the Appellant's written information provided in the appeal.
- b. If an Appeal Officer finds insufficient information to support any potential basis for appeal he or she may find the appeal without merit and deny it without a Hearing.
- c. If an appeal is permitted, it will be scheduled within five (5) Days of receiving the written request for appeal unless an Appeal Officer determines that good cause exists for deferring the appeal for a longer period of time.
- d. The Appellant is permitted to bring an Advisor to an appeal Hearing, subject to the same restrictions as applied to Advisors during the initial Hearing.
- e. Witnesses are not permitted in appeal proceedings, though written statements may be provided to prove the existence of information which was not available at the time of the Hearing.

6. Appeal Decisions

- a. **Decision Upheld:** A finding that the Hearing was appropriately conducted, the sanctions are appropriate to the situation under appeal, and any procedural errors are unlikely to have altered the decision.
- b. **Decision Modified:** A modification of sanctions may only remove a sanction or reduce the severity of a sanction unless the sanctions are modified to reflect the written request of the Appellant, which may include replacing one sanction with another or adding an additional sanction in exchange for a reduction in an original sanction.
- c. **Decision Reversed:** A directed finding of not responsible for all Charges.

- d. New Hearing: A new Hearing may be ordered. In these circumstances, a Hearing will be scheduled within five (5) Days of written notification of the outcome of the appeal. This new Hearing may not be held by the same Hearing Officer or, if the case was heard through an AIC, SCC, or RCC Hearing, no members from the first Hearing may sit on the second AIC, SCC, or RCC.

G. Special Provisions and Procedures for Review

1. When a Respondent Student or Organization is Charged with Violations occurring during the last two (2) weeks of the semester or during summer sessions, the Dean of Students, or designee, will determine the type of Hearing provided for the Student to ensure that the Student is given adequate Notice and that due process is observed.
2. The Vice President for Student Success and Enrollment Management, or designee, shall establish a committee which shall include Student representation, for the periodic evaluation of its Student disciplinary system. The committee shall review the Code and Student Conduct Review Process at least once every two (2) years. The committee membership shall be made up of no less than fifty percent (50%) Student members and shall include representation by at least one (1) member of the faculty and one (1) member of the administrative staff.

Authority

*Sections 1006.60, 1006.61, 1006.62, 1006.63, Florida Statutes
BOG Regulation 1.001, University Board of Trustees Powers and Duties
BOG Regulation 6.0105, Student Conduct and Discipline*

History of Regulation

*New 01/15/08; Amended 01/18/11; Amended 09/20/11; Amended 04/17/12; Amended
06/19/12; Amended 06/17/14; Amended 09/08/15; Amended 04/11/17; Amended 06/11/19*

Approved by Florida Gulf Coast University Board of Trustees

June 11, 2019