

TEMPLE UNIVERSITY

POLICIES AND PROCEDURES MANUAL

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Student Code of Conduct

I. Introduction

Temple University is a community of scholars in which freedom of inquiry and freedom of expression are valued. Important aspects of attending the University as a student are having respect for the rights of others in the community, conducting one's self in a manner that is compatible with the University's mission and taking responsibility for one's actions. In addition to exhibiting appropriate maturity and self control, members of the University community are expected to conduct themselves in a manner in which they neither break laws nor cause mental, physical, or emotional harm to others.

To fulfill its functions of promoting and disseminating knowledge, the University has authority and responsibility for maintaining order and for taking appropriate action, including, without limitation, exclusion of those who disrupt the educational process. University authority should not be used merely to duplicate the function of general laws. Only when the University's interests as an academic community are substantially involved should the special authority of the University be asserted.

Responsibility for the enforcement of the rules of the University rests with all the members of the Temple community: students, faculty and staff. University rules should serve as a guide for high personal standards. It is the student's responsibility to:

1. Foster an environment conducive to continued intellectual and educational stimulation within the University free from harassment by other members of the community; and
2. Foster the maintenance of physical and mental health, the safety and welfare of each member of the community; and
3. Respect the rights of others.

These general behavioral expectations and the Student Code of Conduct ("Code of Conduct") represent a reasonable regulation of student conduct, but the student should be as free as possible from imposed limitations that have no direct relevance to his/her education and to his/her obligations and responsibilities as a member of the University community.

The provisions of the Code of Conduct should be interpreted consistent with this philosophy, and in accordance with all recognized student rights and privileges.

II. General Provisions

The University Disciplinary Committee (UDC) adjudicates only formal charges brought before it. It does not (a) investigate alleged violations of the Code of Conduct, (b) bring charges or hold proceedings on its own initiative, or (c) compel or require any matter to be brought before it. The UDC cannot reverse, set aside or interfere with the disposition of Code of Conduct matters by schools authorized to adopt their own disciplinary code of conduct procedures or by other responsible authorities of the University, nor can it adjudicate matters not covered by the Code of Conduct.

The University Code Administrator will determine independently, based on his/her discretion, whether to proceed with a hearing. Actions and decisions of a criminal or civil court on matters referred to the UDC under these provisions may not necessarily affect the UDC findings or its power to proceed.

A. Jurisdiction

The Code of Conduct governs individual and group student behavior. A student includes all persons taking courses at the University, full-time or part-time, as well as persons who are not officially enrolled for a particular semester or summer session, but who are pursuing a degree or otherwise have a continuing student relationship with the University.

1. Individuals: University jurisdiction for violations of the Code of Conduct encompasses:
 - a. Conduct that occurs on University premises/campus (the University premises/campus includes those grounds and buildings and any portion of those grounds or buildings that the University owns, leases or otherwise controls), at a University sponsored or related event, or within 500 yards of University premises/campus. University premises/campus specifically includes University Housing. The term University Housing means all residence facilities owned, leased, controlled, or sponsored by Temple University (current examples of University Housing include, but are not limited to, James S. White Hall, Ambler (East Hall), 1940, Beech Hall, Franklin House, Kardon, Presidential City, and Elmira Jeffries).
 - b. Conduct that occurs at off-campus premises, including, but not limited to, fraternity and sorority houses, which at the time are owned, used by or under the control of an organization registered with or recognized by the University;
 - c. Conduct that occurs on shuttle buses and other vehicles owned, used by or under the control of the University; or
 - d. Off-campus conduct that seriously threatens the safety and well being of other Temple University students, faculty, or staff or University property or that adversely affects the University community or the pursuit of its objectives.
2. Organizations: The UDC will hear cases of individual organization members, student organizations/clubs, fraternities and athletic teams charged with Code of

Conduct violations. Final decisions will be reported in writing to the administrative office responsible for advising the organization, club, team, or group.

3. Academic Violations: Violations of standards of academic conduct may result in either faculty-imposed academic sanctions or Code of Conduct sanctions. Faculty members who feel a grade reduction or a failing grade for an assignment, test/examination or course is a sufficient sanction need not refer cases to the UDC. Such actions by a faculty member may be subject to appeal pursuant to school, college, and/or University policies. Sanctions other than a reduced or failing grade may be imposed only following a hearing.
4. University Housing: Students residing in University Housing are required to abide by the Code of Conduct. The Associate Director of Residential Life or his/her designee reserves the right to remove or relocate a student charged with a Code of Conduct violation pending a hearing. If a UDC panel hearing is held, the Associate Director of Residential Life or his/her designee may make recommendations to the UDC concerning sanctions if a student is found in violation of the Code of Conduct.
5. Campuses: The Code of Conduct and its procedures will apply to students on all campuses of the University and hearings may be held on all campuses. On campuses other than Main Campus, UDC hearings may be convened by the campus Hearing Officer, who is designated by the University Code Administrator and the Campus Dean, or may be referred to the Main Campus UDC for action.
6. Schools of Medicine, Law, Pharmacy, Dentistry, Podiatric Medicine and the College of Health Professions: Subject to review and/or approval by the Board of Trustees or the President, the Schools of Medicine, Law, Pharmacy, Dentistry, Podiatric Medicine and the College of Health Professions may adopt their own codes of conduct and procedures in order to provide their students with guidelines concerning the additional standards required of students enrolled in those schools. These codes of conduct and procedures:
 - a. Must be consistent with this Code of Conduct;
 - b. Must be in writing and published or disseminated widely at the school; and
 - c. Must be filed with the University Code Administrator.

Alleged violations of this Code of Conduct by a student enrolled in a professional school or the College of Health Professions that do not constitute a violation of the school's or college's code of conduct will be adjudicated by the UDC.

7. All final decisions by hearing officers and hearing bodies as a result of a violation of (1) this Code of Conduct, (2) a professional school's Code of Conduct or (3) the Code of Conduct of the College of Health Professions must be reported by the appropriate authority in writing to the University Code Administrator.

B. Nature of Proceedings

The UDC is an administrative fact-finding panel, not a court of law. Its proceedings are administrative hearings, not civil or criminal trials. The hearings are not adversarial proceedings,

but rather inquiries conducted by the Chair and possibly members of the hearing panel. The procedures, rules of evidence, standards of proof, and other aspects of civil or criminal court proceedings do not apply to these hearings.

C. University Code Administrator

1. The President appoints the University Code Administrator and University Code Vice-Administrators. References within this document to the University Code Administrator apply to any of these appointees. The University Code Administrator has supervisory responsibility for all University-wide judicial affairs subject to such delegation as the President may make to specific campuses or colleges for adoption of their own codes of conduct or appointment of hearing officers.
2. The University Code Administrator, or his/her designee, is responsible for determining whether to charge a student with a violation(s) of the Code of Conduct based on information provided to the University Code Administrator or his/her designee. Individual students or University personnel who want to bring a charge should consult with the University Code Administrator to determine the appropriate steps.
3. The University Code Administrator, or his/her designee, will provide a student charged with a violation of the Code of Conduct with a written notice of the specific charges, the time, place and date of the hearing, the hearing procedures, and the name of the Chairperson for the hearing. The notifications will also include the identity of any witnesses, and a description of any physical or documentary evidence filed with the charges. Other evidence may be introduced at the hearing. There is no right to or requirement of pre-hearing discovery, as used in civil and criminal proceedings, and the UDC does not have the authority to compel production or disclosure of material or evidence at any time.
4. The University Code Administrator is responsible for ensuring that the University Disciplinary Committee Procedures are appropriately implemented during the hearing and any appeal process.

D. Related Grievance Procedures

Title IX of the Educational Amendments Act of 1972 and its implementing regulations require that institutions of higher education establish due process procedures for the resolution of academic, administrative and employment grievances initiated by students against the institution.

1. Academic Grievances: A student who believes that capricious or arbitrary judgment has been used in the evaluation of academic work should follow the Academic Grievance Procedure applicable in the School/ College in which the academic work was performed. Copies of the procedures as well as information on the Academic Ombudsperson are available in the office of the appropriate academic dean and on the respective webpage of each School/College.
2. Administrative Grievances: A student who is unable to resolve an administrative grievance, including incidents involving student employment through regular

administrative offices, should consult with the Ombudsperson in the Division of Student Affairs.

3. Sexual Harassment Grievances: In addition to reporting the incident to Campus Safety Services for possible UDC action, a student who experiences sexual harassment should contact the Office of Affirmative Action or a Sexual Harassment Ombudsperson and follow the procedures outlined in the Sexual Harassment Policy.
4. Sexual Assault Grievances: In addition to reporting the incident to Campus Safety Services for possible UDC action, a student who experiences a sexual assault should contact the Sexual Assault Counseling and Education (SACE) Coordinator and follow the procedures outlined in the Sexual Assault Policy.

E. Investigative Protocol

1. Searches

- a. Members of the University community, other than Campus Safety Services, may search premises occupied by students and their personal possessions with prior authorization from the Vice President for Student Affairs or his/her designee. The Vice President for Student Affairs, or his/her designee, will authorize a search only upon a showing of reasonable grounds to believe that the search will reveal evidence of a Code of Conduct violation. For purposes of this Section E.1.a., premises occupied by students includes University owned or controlled property and residences, or any other space occupied by a student on a University sponsored trip or activity.
- b. Campus Safety Services must follow all applicable legal requirements before conducting a search of the premises occupied by students and their personal possessions. For purposes of this Section E.1.b., premises occupied by students may include, but are not limited to, campus residences, off campus residences, fraternity and sorority houses, vehicles, personal property, backpacks, student workstations, and other items/areas within the primary jurisdiction of Campus Safety Services. Campus Safety Services must notify the Vice President for Student Affairs, or his/her designee, regarding the subject and purpose of the search and the relevant details of the search as soon as practicable after the search; provided that should circumstances permit, Campus Safety Services shall notify the Vice President for Student Affairs, or his/her designee, prior to conducting the search.

2. Acquisition of Information

Institutional representatives may not use any coercion, expressed or implied, to obtain information from any person about their own conduct or the conduct of other persons.

F. Status of Student Pending Hearing

1. Pending a hearing on Code of Conduct charges, the status, rights or privileges of a student may not be altered, unless the Vice President for Students Affairs, or

his/her designee, determines that there exists a danger to the safety or well being of the student or other students, faculty, staff, or University property. Notwithstanding the foregoing, any student found in possession of a firearm will be immediately suspended from Temple University pending a UDC hearing. Any member of the University community may request that the Vice President for Student Affairs review the status of a student pending a hearing. Whenever the status of a student is altered pending a hearing, the UDC hearing on the charges shall be held as soon as possible.

2. No student against whom charges have been filed will be permitted to graduate until the charges are resolved.

G. Notice/Knowledge of Code of Conduct

Copies of this Code of Conduct will be posted on the University's Policies and Procedures webpage at <http://policies.temple.edu>, will be provided to each incoming student and will be generally available throughout the University at all times. Students are responsible for knowing the contents of the Code of Conduct. Ignorance of Code of Conduct provisions will not constitute a defense in any proceeding against a student.

H. Freedom of Speech

The Code of Conduct will not be used to adversely abridge the rights of any member of the University community to free speech, peaceful assembly, and petition as established under applicable law and University regulations (Guidelines are available in the Student Activities Office in the Student Center).

III. Code of Conduct

It is a violation of the Code of Conduct for a student to commit, attempt to commit, aid, facilitate or solicit the commission of, or act in concert with others in bringing about the behavior or acts regulated or prohibited by any of the numbered paragraphs in this Section III:

REGULATION OF ACADEMIC INTEGRITY

1. Academic dishonesty and impropriety, including plagiarism and academic cheating.
2. Interfering or attempting to interfere with or disrupting the conduct of classes or any other normal or regular activities of the University;

BEHAVIOR GUIDELINES

3. Any act or threat of physical violence or intimidation toward another person including actual or threatened assault or battery;
4. Sexual assault, as defined in the University Policy on Sexual Assault, (which may be found in the Student Handbook and on the University's Policies and Procedures webpage at <http://policies.temple.edu>), including any of the following:

- a. Any intentional, unconsented touching, or threat or attempt thereof, of: (i) an intimate bodily part of another person, such as a sexual organ, buttocks, or breast; (ii) any bodily part of another person with a sexual organ; or (iii) any part of another person's body with the intent of accomplishing a sexual act; or
- b. Unwanted, inappropriate disrobing of another person, or purposeful exposure of one's genitals to another without the other's consent; or
- c. Forcing, or attempting to force, any other person to engage in sexual activity of any kind without his/her consent.

Assent (an affirmative statement or action) shall not constitute consent if it is given by a person who is unable to make a reasonable judgment concerning the nature or harmfulness of the activity because of his or her intoxication, unconsciousness, mental deficiency or incapacity, or if the assent is the product of threat or coercion;

- 5. Sexual Harassment as defined in the University Policy on Sexual Harassment (which may be found in the Student Handbook and on the University's Policies and Procedures webpage at <http://policies.temple.edu>);
- 6. Deliberate damage to, misuse, abuse or destruction of University property or the property of any persons;
- 7. Violation of campus safety regulations including, but not limited to (a) setting or causing unauthorized fires or explosions, (b) tampering with fire safety, fire fighting and/or emergency equipment or (c) setting off or turning in false fire alarms by any means of communication;
- 8. The use, possession, sale or storage of articles and substances that endanger a person's health and/or safety. This includes, but is not limited to, firearms (e.g. guns, pistols, rifles, stun guns, air rifles, pellet guns, etc.), fireworks, knives, weapons, ammunition, gunpowder, explosives, or other material containing flammable substances. The University will confiscate any such articles. Any student found in possession of a firearm will be immediately suspended from Temple University pending the outcome of the UDC process;
- 9. Unauthorized use or tampering with University owned, operated, or controlled elevator-related equipment or doors including, but not limited to, entering any elevator shaft and misusing the elevator car(s);
- 10. Stealing, borrowing, removing, taking, or vandalizing University property or services or any other person's property, without his or her consent, or possessing stolen property. Tampering with any vending, game, copying, laundry or ATM machine, Diamond Dollars, and/or tying into the main antenna systems;
- 11. Providing false or misleading information, verbally or in writing, to the University or University personnel. This includes, but is not limited to:

- a. Forgery, fraud (including payroll fraud), bribery, alteration, or misuse of University documents, records, Temple University identification cards, or other forms of identification.
 - b. Providing false or misleading information during a disciplinary proceeding or investigation related to potential policy violations;
- 12. Any lewd or indecent act, including exposing one's genitals, which the student knows is likely to be observed by others who would be affronted or alarmed;
 - 13. Illegal gambling or bookmaking;
 - 14. Disorderly conduct;
 - 15. Violations of the Code of Conduct while on probation or suspension;
 - 16. Hazing - any act that endangers the mental or physical health or safety of a person, embarrasses, frightens, or degrades a person or that destroys or removes public or private property, for the purpose of initiation, admission into, or affiliation with, or as a condition for continued membership, in a group, organization or team;

REGULATION OF ALCOHOL AND OTHER DRUGS

- 17. Drunkenness at any location within the jurisdiction of the Code of Conduct;
- 18. The use or possession of alcoholic beverages at any location within the jurisdiction of the Code of Conduct, except where expressly allowed;
- 19. Possessing common source containers (kegs or beer balls, whether empty, partially, or completely filled) on the University premises/campus. Violation of this policy is punishable by a fine of \$200 in addition to any mandatory and/or other appropriate sanctions;
- 20. Purchasing for or providing alcohol to anyone who is less than 21 years of age at any location within the jurisdiction of the Code of Conduct;
- 21. Students under the age of 21 being present where alcohol is being consumed in University Housing (other than as set forth in 27 below);
- 22. Students under the age of 21 transporting, possessing, selling or consuming alcohol at any location within the jurisdiction of the Code of Conduct;
- 23. Failing to register alcoholic beverages at the Security Desk in University Housing. University Housing identification and proof of age must be presented to the desk attendant, and an "Alcoholic Beverage Registration Form" must be completed before entry is permitted;
- 24. Possessing open containers or consuming alcohol in public or common areas of University Housing or within a student unit of University Housing other than

the unit into which the alcohol was registered. The only area where one may possess an open container or consume alcohol is within a room, suite, or apartment of the resident that registered the alcohol in University Housing, where the door is closed. Alcoholic beverages cannot be transported to another student unit or common area;

25. Students over the age of 21 transporting more than the acceptable amount of alcohol into University Housing during any seven-day period on a rolling calendar basis. For example, if a student over the age of 21 brings one 1.5 liter bottle of wine into University Housing on Tuesday, the student cannot bring any amount of alcohol into University Housing until Tuesday of the following week.

Acceptable amount of alcohol is defined as:

- *Twelve (12) 16 ounce containers of beer, wine coolers, malt or brewed beverages or its equivalent, or*
- *One (1) 750 ml. bottle of liquor, or*
- *One (1) 1.5 liter bottle of wine*

Note: students under the age of 21 are prohibited from transporting or consuming alcohol.

26. Possessing alcohol in quantities that exceed the acceptable amount in a room, suite, or apartment in University Housing at any time;
27. Consuming alcohol in University Housing in the presence of anyone less than 21 years of age other than those assigned to the specific unit within University Housing;
28. Being present where any alcohol policy violation is occurring in University Housing;
29. A guest to University Housing transporting alcohol into any residence or dining facility;
30. The illegal use, possession, cultivation, distribution, manufacture or sale of any drug(s) within the jurisdiction of the Code of Conduct;
31. Being under the influence of an illegal controlled substance at any location within the jurisdiction of the Code of Conduct;
32. Being present where a drug policy violation is occurring in University Housing;
33. Abusing prescribed medications or using them in a manner other than prescribed at any location within the jurisdiction of the Code of Conduct;
34. Becoming intoxicated through the abuse of solvents, aerosols or propellants at any location within the jurisdiction of the Code of Conduct;

35. Causing another person to become impaired without his/her knowledge by administering or employing drugs or other intoxicants at any location within the jurisdiction of the Code of Conduct;
36. Possession of illegal drug-related paraphernalia at any location within the jurisdiction of the Code of Conduct.

SAFETY AND SECURITY REGULATIONS

37. Failing to immediately vacate a University building when a fire alarm has sounded;
38. Possession of candles or incense, within University Housing or any building owned, leased or otherwise controlled by the University;
39. Smoking in unauthorized locations on campus, including, but not limited to, University Housing residence halls, breezeways, balconies, courtyards, and pool areas;
40. Being present on the roof, walls, or balcony ledges of any University owned, leased or otherwise controlled building or hanging out of any such building windows;
41. Willful obstruction of freedom of passage in corridors, exits, entrances, stairways, walkways, lobbies, lounges, and rooms of University buildings and grounds, or willful occupation of any portion of a University building or grounds that restricts or has the purpose of restricting the freedom to utilize the same in accordance with its intended and regular purpose. This includes, but is not limited to, propping open exit or fire doors and/or denying access or exit from any doorway;
42. Throwing, hanging, or disposing of items from any window or balcony of a University owned, leased, or otherwise controlled building;
43. Unauthorized entrance into, or use of University facilities, including computing and telecommunications facilities and systems;
44. Failure to properly identify oneself on campus when requested by a University official, Campus Safety Officer, security officer or faculty member acting in an official capacity;
45. Identification misuse - The use of another person's identity, password, identification number, University identification card or any other form of identification;
46. Parking in unauthorized locations on campus;
47. Unauthorized solicitation in University buildings or on University property;

DISCIPLINARY PROCEDURES & UNIVERSITY POLICY REGULATIONS

48. Unexcused failure of a student charged with a violation or called to a disciplinary proceeding as a witness to appear before a Hearing Officer, Panel or University Disciplinary official;
49. Interfering or attempting to interfere with the appearance or the full and/or truthful presentation of information by any individual called before a Hearing Officer, Panel or University Disciplinary official or attempting to influence the testimony of any person called to testify;
50. Failure to set up and/or attend an appointment in connection with a disciplinary hearing when directed to do so by a University Disciplinary official;
51. Furnishing untruthful or false information during testimony at a disciplinary hearing or submission of false written or oral statements to the University Conduct Review Board, or any other official body or University official involved in reviewing a disciplinary matter;
52. Disruption or interference with the orderly conduct of a disciplinary proceeding;
53. Initiation of a disciplinary proceeding when one knows or reasonably should have known that the proceeding was without cause;
54. Attempting to influence the impartiality of a member of a disciplinary body prior to, and/or during the course of, the disciplinary proceeding;
55. Harassment (verbal or physical) and/or intimidation of a member of a disciplinary body, complainant, or witness, prior to, during, and/or after a disciplinary proceeding;
56. Failure to comply with the sanction(s) imposed under the Code of Conduct. A student who fails to complete any sanctions imposed upon her/him within the time limits imposed by the disciplinary system is not eligible to register for classes, receive financial aid, receive a diploma, or obtain any transcripts (official or unofficial) until he/she complies with the terms of the original sanctions and any additional sanctions imposed due to the failure to complete the original sanctions in a timely manner;
57. Violation of federal, state or local law at any location within the jurisdiction of the Code of Conduct;
58. Violation of any duly promulgated University policy, rule or regulation;
59. Violation of any duly promulgated Greek Letter Policy;

UNIVERSITY HOUSING

60. More than ten individuals (24 individuals in Temple Towers, Kardon, 1300, Elmira Jeffries and Presidential City apartments), including the residents, gathering within student rooms, suites, apartments, or common areas in University Housing, unless pre-approved by the Resident Director;
61. Utilizing a University facility including a residence hall room, suite, or apartment in University Housing in a way that violates local, state, or federal law, or any University Policy, procedure or rule;
62. Entering restricted areas within University Housing; This includes, but is not limited to (a) bathrooms designated for use by members of the opposite sex (e.g., men in women's bathrooms), (b) maintenance, security, or staff areas and (c) another resident's room, suite, or apartment without permission;
63. Failing to comply with University Housing instructions and/or directions of duly authorized University personnel. This includes, but is not limited to, University Security Officers and Housing and Residential Life staff;
64. Intentional interference with the rights, safety, reasonable comfort and convenience of one's roommate(s) or other students, or creating a hostile or unwelcoming environment within University Housing.
65. Engaging in behavior that violates quiet hours, is disruptive and is likely to disturb other residents in University Housing and/or is likely to disturb the neighboring community. Such behavior, includes but is not limited to, making excessive noise by the use of radios, sound equipment, or musical instruments.

QUIET HOURS IN UNIVERSITY HOUSING ARE DEFINED AS . . .

Sunday through Thursday: 10:00 P.M. to 10:00 A.M.

Friday and Saturday: 12:00 Midnight to 12:00 Noon

66. Possessing pets of any kind within University Housing, except authorized guide dogs and other service animals;
67. Failing to obtain the agreement of your roommate(s), in advance, for a guest or visitor to visit and/or remain in the room in University Housing overnight;
68. Failing to follow appropriate University Housing guest sign-in/sign-out procedures;
69. Failing to accompany your guests in University Housing at all times;
70. Facilitating a guest remaining in University Housing for a period of time that exceeds the permissible length of visit set forth in the Guide to Residential Life. Please note that violations of this policy may subject the resident host(s) to a \$50 per day fine and further sanctions and will result in the guest's removal from the residence hall;

71. Signing any person into University Housing who has been banned from University Housing or the University;
72. Failing to insure that the conduct of a University Housing guest is lawful and in accordance with all local, state, and federal laws as well as all University and residence hall policies, procedures, and rules. It is the host's responsibility to familiarize the guest with pertinent University rules and regulations;
73. Using personal beds in University Housing or alternative University-supplied beds without the prior written permission of the University. This includes, but is not limited to, stacking furniture, building lofts, and using mattresses on the floor. Beds, bed frames, and mattresses are not to be disassembled or removed from their assigned bedroom areas;
74. Storing or locking bicycles in any public area within University Housing. Bicycles will be allowed only in areas designated for them or in student rooms but then only with the permission of the resident's roommate(s);
75. Relocating or making unauthorized use of University furnishings. This includes, but is not limited to, moving furniture from public areas to individual rooms, removing University furniture from a room or building, moving University property onto balconies, and using furniture and fixtures in a manner for which they are not intended. A maximum fine of \$50 per day, per piece of furniture, may be imposed for University furniture moved from its intended location, including onto balconies, plus replacement and/or repair costs;
76. Applying paint, fixtures, or adhesive-backed items to any surface in University Housing;
77. Using or possessing high wattage electrical appliances in University Housing such as, but not limited to, air conditioners, space heaters, musical instrument amplifiers exceeding 50 watts, sun lamps, track lighting, or any device utilizing halogen bulbs. Personal refrigerators larger than 3.6 cubic feet are not allowed. Exceptions to this policy must be obtained in writing from the Resident Director;
78. Using or possessing barbecues or gas grills in University Housing. With the exception of the kitchen area in apartment-style residence facilities, the preparation of meals is not allowed in a student's unit. For fire and health safety reasons, items that may be used to heat or cook food or beverages such as toasters, toaster ovens, hot plates, non-University supplied microwaves, and electrical skilletts, are prohibited outside of kitchen areas;
79. Opening or removing any security or regular screen, or using any window or balcony as a means of entrance to or exit from a University Housing building, except in an emergency;
80. Playing sports, including, but not limited to, ball playing, hockey, frisbee, bowling, skateboarding, skating, running, wrestling, and use of any type of water gun or water balloon anywhere within University Housing;

81. Subletting, selling or sharing University Housing space or selling or sharing University meal plan privileges;
82. Relocating to another assignment within University Housing without the written approval of authorized Housing staff. Violations of this policy may result in a \$50 per day fine, disciplinary action, and/or removal from University Housing at the University's discretion. Residents in APARTMENT AND SUITE style facilities are assigned to specific bed spaces within the bedrooms. As such, the following actions are not allowed:
 - converting living room space into a bedroom
 - consolidating bedroom furniture within a unit into one bedroom
 - changing bedroom assignments within the apartment/suite, without the approval of authorized Housing staff;
83. Using University Housing for commercial enterprise or personal gain except under those conditions outlined in the Guide to Residential Life;
84. Failing to vacate University Housing:
 - a. within 24 hours of the resident's last final examination of the academic semester, or by the beginning date and time of each scheduled vacation/academic recess period, whichever comes first.
 - b. within 24 hours (unless the University stipulates a different time period for the student's removal/dismissal from the University) of a student's withdrawal/dismissal from Temple University or Temple University Housing;
85. Contracting with any vendor to provide service to individual student units within University Housing;
86. Failing to follow basic Dining Center procedures as outlined by Temple University Dining Services such as:
 - a. Taking food or other items out of a Dining Center without the expressed permission of the Food Service provider.
 - b. Failing to return trays, dishes and/or utensils to the designated area in the dining center after completing one's meal.
 - c. Failing to leave the tables in a clean condition so that others may use them during the same meal period;

IV. Sanctions and Definitions

Upon the finding of a violation of the Code of Conduct, students are subject to any of the following sanctions, alone or in combination. The Vice President for Student Affairs, in his or her sole discretion, may defer imposition of any sanction for a specified period of time.

1. Expulsion from the University: When a sanction of expulsion is imposed, the student will receive a permanent dismissal from the University and a permanent disciplinary hold will be placed on the student's record. A student who is expelled from the University may not be present on premises/campus (See II.A, 1(a)), attend classes, or enter any University facility including residence, dining,

recreation, leisure or library facilities, with the exception of facilities when they are open to the public and University-sponsored programs, activities or related events when they are open to the public, or participate in any University registered or recognized club or organizational activity or any academic or non-academic University-sponsored program, activity or related event.

2. **Expulsion from University Housing:**
When a sanction of expulsion from University Housing is imposed, the student is permanently denied the opportunity to enter, even as a guest, or live in University Housing. Students removed from the University Housing and Dining Facilities shall remain liable for all housing and meal plan fees and are not eligible for any refunds for the full occupancy period of the Housing License or Dining Agreement.
3. **Suspension from the University:** When a sanction of suspension is imposed, the student may not:
 - (i) Be present on University premises/campus (See Sec. II. A, 1(a)), attend classes, receive academic credit for classes taken at Temple or at any other institution during the period of suspension, or enter any University facility including residence, dining, recreation, leisure or library facilities, with the exception of facilities when they are open to the public and University-sponsored programs, activities or related events when they are open to the public;
 - (ii) Participate in University registered or recognized clubs or organizational activity or any academic or non-academic co-curricular University sponsored program, activity or related event;
 - (iii) Be employed by the University in any capacity contingent upon or derived from their status as a student.

When the UDC imposes suspension, it will specify the length and starting date. The suspension may be immediate or may become effective at the beginning of the following semester or summer session. If the suspension is appealed or its implementation delayed by administrative review, the effective date of the suspension may be changed by the Vice President for Student Affairs.

Upon the imposition of a sanction of suspension, the University Code Administrator will place a disciplinary hold on the student's record, which will prevent reinstatement until the completion of the suspension. Upon completion of the suspension, the student must contact the University Code Administrator to have the hold removed.

The suspended student is responsible for payment of all tuition and fee charges for the semester of suspension in accordance with the payment information listed in the Student Schedule of Classes.

4. Suspension from University Housing:

When a sanction of suspension from University Housing is imposed, the student is denied the opportunity to enter, even as a guest, or live in University Housing for a specified or indefinite period of time. Students removed from University Housing and Dining Facilities shall remain liable for all housing and meal plan fees and are not eligible for any refunds for the full occupancy period of the Housing License or Dining Agreement.

5. Suspension of Group: Suspension shall consist of the withdrawal of an organization's recognition by the University, for a stated period of time, when an organization is found to have violated this Code of Conduct or other pertinent regulations. Suspension shall result in complete suspension of activities of the group and suspension of the group's use of University facilities or other University resources during the stated period of suspension. Suspension may also include conditions for removal of suspension.

6. Organizational Dissolution: Organizational dissolution is a sanction imposed only upon student organizations responsible for serious and/or repeated violations of the Code of Conduct. The sanctions involve permanent withdrawal of recognition by the University, denial of the use of University facilities, funds, or other University resources and official dissolution of the organization on the campus.

7. Probation: When a sanction of probation is imposed, the student will be placed on disciplinary probation for a specified period. Probation means the increased probability that more severe disciplinary sanctions may be imposed if the student is found to violate this Code of Conduct or any pertinent institutional regulations during the probationary period. In cases involving serious violations of the Code of Conduct or when the student has been involved in previous disciplinary action, the period of probation may extend to the conclusion of the student's enrollment at the University. Conditions of probation must be stated to the student in writing and may typically include, but are not limited to: a. exclusion from all or designated co-curricular activities; b. exclusion from the use of specified University facilities; c. the performance of community service projects, which may be through a University department, for a specific period of time; d. sponsorship of or participation in educational programs; e. the re-assignment of a student to another residence facility for the period of probation.

8. Alcohol & Drug Policy Violations: Mandatory Minimum Sanctions:

Any Finding of Responsibility:

- 1.) Notification of parent(s)/guardian(s) regarding violation(s).

First Finding of Responsibility:

- 1.) \$50.00 fine; and
- 2.) Disciplinary probation for one semester or its equivalent; and
- 3.) Mandatory participation in Temple University's Campus Alcohol and Substance Awareness Program (CASA). This sanction will involve

attendance in one to five sessions, depending upon the nature of the incident. A student who fails to attend the assigned educational session(s) within a defined time period will be fined automatically an additional \$25 and will be required to attend the next available session. Failure to attend this second session will result in further disciplinary action.

Second Finding of Responsibility while on probation for a previous alcohol or other drug violation:

- 1.) \$100.00 fine; and
- 2.) Extension of disciplinary probation beyond one semester; and
- 3.) Individual alcohol and drug assessment with CASA program staff and participation in a minimum of five educational sessions.

Second Finding of Responsibility when the student is not on probation for a previous alcohol or drug violation:

The minimum sanctions stated in the previous paragraph do not apply, but the prior finding of responsibility may be taken into consideration in determining appropriate sanctions.

Third Finding of Responsibility while on probation for two previous alcohol or other drug violations:

- 1.) Recommendation for removal from residence halls, and/or
- 2.) Suspension or removal from the University.

Third finding of responsibility when the student is not on probation for a previous alcohol or drug violation:

The minimum sanctions stated in the previous paragraph do not apply, but the prior finding(s) of responsibility may be taken into consideration in determining appropriate sanctions.

9. Academic Sanction: The UDC panel may recommend a grade reduction, failing grade and other appropriate sanctions to the Dean of the pertinent College or the Director of Continuing Education.
10. Fine: When a fine is imposed for violation of this Code of Conduct, the minimum fine for a single violation will be \$50 and the maximum fine, for a single violation will be \$1,000. However, the combined fines for multiple violations of this Code of Conduct found at a single hearing will not exceed \$1,500. For parking violations, fines may range from \$5.00 to \$35.00 per offense.
11. Alternative Sanctions: In addition to, or as an alternative to, the sanctions provided in sections 1 – 10 above, a student may be assessed alternative sanctions including, but not limited to, the following:
 - (i) a student may be required to seek specific counseling or psychiatric assessment. The University Code Administrator, or Hearing Officer, and the student will agree to abide by the decision of the health professional.

- (ii) A student may be required to perform, for a specific period of time, rehabilitative work, such as community or University service or to participate in any other activities the panel or Hearing Officer considers appropriate.
 - (iii) A student may be required to provide restitution, monetary or in other form, for losses, injury, or damages sustained by the University or any person as a result of the misconduct.
 - (iv) A student in University Housing may be reassigned to another room, floor, or residence hall.
 - (v) A student in University Housing may be required to forego guest privileges for a specified period of time.
12. Letter of Reprimand: A letter of reprimand may be issued instead of or in addition to other sanctions. Such a letter will be placed in the student's disciplinary file.
13. Withdrawal of Student Social Privileges: A withdrawal of student social privileges may be imposed instead of or in addition to other sanctions. When such a sanction is imposed, the student may not participate in any intercollegiate athletic team, University registered or recognized club or organizational activity, academic or co-curricular University sponsored program, activity or related event, or academic programs that are not specifically course related.

V. Effective Date and Amendment

This Code of Conduct will take effect thirty (30) days after written approval of the President. The Board of Trustees has delegated to the President the authority to approve any changes to the Code of Conduct.

University Disciplinary Committee Procedures

A. University Disciplinary Committee (UDC) Membership

A University Disciplinary Committee (UDC) shall be constituted as follows:

1. A faculty Chairperson and two faculty Vice Chairpersons shall be appointed by the Vice President for Student Affairs. Faculty Chair and Vice Chair appointments shall be for three-year terms, on a staggered basis. Appointees are eligible for reappointments. In the event neither the Chairperson nor either of the Vice Chairpersons are able to attend a hearing or in the event each is successfully challenged, the University Code Administrator will select an acting Chairperson from the other faculty members of the UDC. An acting Chairperson holds that position only for the specific proceeding for which he/she is appointed.
2. A minimum of twenty-two (22) full-time faculty members or administrators (an administrator is a person employed by the University in an administrative capacity) shall be appointed by the Vice President for Student Affairs. The Vice President for Student Affairs will solicit recommendations for UDC

appointments from the Provost, the Faculty Senate, the Council of Deans and Department Heads. Faculty and administrative appointments shall be for three-year terms, on a staggered basis. Appointees are eligible for reappointment.

3. A minimum of twenty-two (22) full-time undergraduate students, and seven (7) graduate students, in good academic and administrative standing (i.e. financial or disciplinary factors) shall be appointed by the Vice President for Student Affairs. The Vice President for Student Affairs will solicit recommendations for UDC appointments from Temple Student Government (TSG) and other appropriate administrative offices in order to provide representation from the various schools, colleges and campuses.

B. Disciplinary Hearings

Hearings on disciplinary charges will be conducted either by an Administrative Hearing Officer or one of the Hearing Panels described in Section D below in accordance with these University Disciplinary Committee Procedures.

1. **Initiation of Hearing Process**
 - a. The Code Administrator, or his/her designee, will review the information regarding an incident or alleged violation of the Student Code of Conduct (“Code of Conduct”) or other pertinent University regulations to determine if there is sufficient evidence to bring a charge of violating the Code.
 - b. If the Code Administrator, or his/her designee, determines that there is insufficient evidence to bring a charge of violating the Code of Conduct or other pertinent University regulations, the charges will not be processed.
 - c. If the Code Administrator, or his/her designee, determines that there is sufficient evidence to bring a charge of violating the Code of Conduct or other pertinent University regulations, the University Code Administrator’s Office will determine the appropriate hearing process.
 - d. Upon completion of an investigation, an investigative report is forwarded by the investigative body (e.g., Campus Safety Services, Housing, Greek Life, academic units) to the Code Administrator's Office. The Code Administrator’s Office will notify the student of the charges, through their Temple email account, not more than five (5) business days after receiving the completed investigative report.

C. Pre-Hearing Meeting

1. Notification of the Pre-Hearing Meeting will be sent through first-class mail, will be sent by e-mail to the student’s official Temple University e-mail address, or will be hand delivered to the student. The notification will include the date, time and location of the Pre-Hearing Meeting accompanied by written notification of the charges, a summary of the evidence which supports the charges, a copy of the disciplinary hearing procedures and a copy of the Code of Conduct. This letter will also inform the student that an advisor can be present at the Pre-Hearing

Meeting in a non-active role. The student is required to attend this meeting. Failure to attend the Pre-Hearing Meeting will result in the charge of failure to appear being filed against the student.

2. The University will set a time for Pre-Hearing Meeting, which shall be not more than five (5) business days after the student has been notified of the charges.
3. The Pre-Hearing Meeting is an informal, non-adversarial meeting between a student and a UDC disciplinary official or designee of the UDC Office. The purpose is to examine the complaint, listen to the student, and discuss circumstances regarding the incident.
4. The student and UDC disciplinary official will meet to review the charges, the allegations against the student, the possible sanctions for the charges and the hearing process options and procedures.
5. If the UDC disciplinary official concludes, based on the Pre-Hearing Meeting, that there is no basis for charges against the student, he/she shall report that to the Code Administrator or his/her designee. The Administrator or designee may, at this stage of the proceedings, withdraw the charges.
6. The student will be given the opportunity to accept or deny responsibility for the stated charges.
7. The Code Administrator or his/her designee will then determine the appropriate hearing process.

D. UDC Hearings

1. Every student charged with a violation of the Code of Conduct will have the opportunity to have his or her case heard by one of the following bodies in accordance with these University Disciplinary Committee Procedures:
 - a. Conference Board: composed of one (1) faculty chair and two (2) students;
 - b. Residence Board: student peer review panel composed of at least three students;
 - c. Greek Life Board: student peer review panel composed of at least three students;
 - d. UDC Hearing Panel: composed of five (5) persons, including the Chairperson/Vice Chairperson, two (2) faculty members or administrators and two (2) students. The UDC panel will have the authority to function in all respects provided that at least the Chairperson/Vice Chairperson, one (1) faculty member or administrator and one (1) student member are present;
 - e. UDC Review Board: The Review Board is a standing University Committee appointed by the Vice President for Student Affairs, consisting of two (2) students, two (2) faculty members, and one (1) administrator.
2. The Code Administrator, or his/her designee, will refer a matter to the appropriate hearing body. In determining which hearing body is appropriate, the Code Administrator will consider the severity of the potential sanction and the

complexity of the factual dispute. More complex cases or cases involving the most severe sanctions will be referred to the UDC hearing panel. Cases that involve a violation of regulations governing Housing matters that are less complex or involve less severe sanctions will be referred to the Residence Board. Cases that involve a violation of regulations governing Greek Life matters that are less complex or involve less severe sanctions will be referred to the Greek Life Board. All other cases that are less complex or involve less severe sanctions will be referred to the Conference Board. The final decision regarding which hearing body should hear a case rests with the University Code Administrator or his/her designee.

E. Hearings before the Conference Board, Residence Board and Greek Life Board

1. A student may waive his or her right to a panel hearing before the Conference Board, Residence Board or Greek Life Board and have the case heard by a hearing officer (i.e., an administrator in Housing and Greek Life cases and the UDC faculty chair in all other cases).
2. The University will set a time for the hearing before a hearing officer, not more than five (5) business days after the Pre-Hearing Meeting.
3. The University will set a time for hearings before the Conference Board, Residence Board or Greek Life Board, which shall be not more than ten (10) business days after the Pre-Hearing Meeting.
4. The student will receive written notification as to the date, time and location of the hearing. Notification will be sent through first-class mail, will be sent by e-mail to the student's official Temple University e-mail address, or will be hand delivered to the student.
5. At the commencement of the hearing, the student charged may challenge, for good cause, the membership on the panel of any student, faculty member or administrator. The Chairperson/Vice Chairperson will accept or reject the challenges as he or she deems appropriate.
6. The student charged with a violation of the Code of Conduct may challenge the Chairperson/Vice Chairperson for good cause. The University Code Administrator will accept or reject the challenge as he/she deems appropriate.
7. If the student accepts responsibility or is found responsible for a Code violation, the hearing officer or hearing board will review the student's disciplinary file for prior actions and consider all relevant facts and evidence in order to arrive at an appropriate sanction.
8. The Conference Board and faculty chair may recommend all sanctions except expulsion from the University. The Residence Board and hearing officer in cases involving residence hall violations may recommend all sanctions, except University suspension and expulsion from the University. The Greek Life Board and hearing officer in cases involving Greek Life violations may recommend only those sanctions authorized by the Temple University Greek Association Constitution and By-Laws.

F. UDC Panel Hearing

1. If the Code Administrator determines that a hearing before a Hearing Officer, the Conference Board, Residence Board or Greek Life Board is not appropriate, the UDC Panel will hear the matter.
2. The University will set a time for UDC Panel Hearings, which shall be not more than thirty (30) business days after the Pre-Hearing Meeting.
3. The student will receive written notification as to the date, time and location of the UDC Panel Hearing. Notification will be sent through first-class mail, will be sent by e-mail to the student's official Temple University e-mail address, or will be hand delivered to the student
4. If the student charged with a violation of the Code of Conduct is an undergraduate, the student members of the panel will be undergraduates.
5. If the student charged with a violation of the Code of Conduct is a graduate or professional school student, the student members of the panel shall be graduate or professional school students respectively and at least one faculty member of the panel will be a graduate or professional faculty member. The University Code Administrator will consult with the Dean of the professional school to obtain student and faculty representatives on the hearing panel.
6. At the commencement of the panel hearing, the student charged may challenge, for good cause, the membership on the panel of any student, faculty member or administrator. The Chairperson/Vice Chairperson will accept or reject the challenges as he or she deems appropriate.
7. The student charged with a violation of the Code of Conduct may challenge the Chairperson/Vice Chairperson for good cause. The challenge must be made in writing to the University Code Administrator within 72 hours of the receipt of the hearing notice. The University Code Administrator will accept or reject the challenge as he/she deems appropriate.
8. The UDC Hearing Panel may recommend all sanctions including expulsion from the University.

G. UDC Hearing Procedures

1. Time Limits: The Code Administrator, at his or her discretion, may extend the time limits for scheduling the Pre-Hearing Meeting and hearings (1) if the student is not enrolled in classes, (2) if the student is charged with a violation of the Code of Conduct during the last two weeks of the fall or spring semester, (3) if the student is charged with a violation of the Code of Conduct during the winter break or summer sessions or (4) for extraordinary reasons such as documented medical emergencies.
2. Appearance at all stages of the disciplinary process is mandatory. The student charged and the University will be expected to have all witnesses and evidence

present at the scheduled time of the hearing. Failure of the student or of University personnel to appear without justification may result in the hearing being held in their absence and a decision being reached on the charges. Failure of the student charged to appear without justification may result in additional charges against the student. When the University provides evidence that it has sent or delivered notice to the student's most recent address as shown on University records, failure to appear for a meeting or hearing cannot be justified by a claim of non-receipt of notice or disciplinary action. It is the responsibility of the student to notify the University immediately of any change of address or make the appropriate change through OwlNet.

3. Except as otherwise provided in the Code of Conduct, all hearings are closed, i.e., only persons notified by the University to appear as witnesses or requested by the student to appear as witnesses are permitted to attend the hearing. The presiding Chairperson/Vice Chairperson may sequester witnesses, as he/she deems appropriate.
4. The University has the burden to substantiate the charges brought against the student. To meet this burden the University must establish that it is more likely than not that the violation occurred.
5. The student will have a reasonable opportunity to prepare and conduct a defense. The student may offer testimony, witnesses and other evidence, and shall be given the opportunity to question, through the presiding Chairperson/Vice Chairperson, those witnesses who testify at the hearing.

A student who wishes to present witnesses who cannot appear at the scheduled hearing should arrange to have notarized written statements signed by the individual providing the testimony. Written, signed statements for the purpose of character testimony need not be notarized. A student who wishes to present witnesses who are Temple University students, faculty, administrators, or staff may, with reasonable notice, prior to the hearing, request that the University Code Administrator's Office issue notices requiring their appearance at the hearing.

At the discretion of the presiding Chairperson/Vice Chairperson any such request requiring the attendance of witnesses is limited by reasonableness of both time and number of witnesses.

6. If additional evidence is presented against the student that was not included in the original notifications, the student may request a reasonable recess for the purpose of examining or considering this evidence and presenting a response to it.
7. A student charged may represent himself/herself or may have an advisor or an attorney (of his/her choosing and at his/her expense) to assist in preparing for the hearing. The role of the advisor or attorney at the hearing is limited to non-active participation: the advisor or attorney may not directly question witnesses or address the UDC panel, or the Chairperson/Vice Chairperson in the case of an administrative hearing, but may advise the student during the hearing. The student must notify the University Code Administrator of the name of any advisor or attorney prior to the hearing. No person involved with the UDC in an

official capacity may serve as an advisor during the hearing. Postponements of hearings are rarely granted and are difficult to obtain. Therefore, if a student wishes to have an advisor at the hearing, he/she should retain only an advisor who can be present at the scheduled time or who can send a substitute.

8. The student charged will not be compelled to testify and no inference may be drawn from the student's failure to testify. No person will be compelled to give testimony that would tend to incriminate himself/herself.
9. The individual who files the initial report leading to the charges may have an advisor or attorney (of his/her choosing and at his/her expense) accompany him/her to the hearing. The advisor or attorney may not directly question witnesses or address the hearing body, but may advise the student during the hearing. The individual who files the initial report must notify the University Code Administrator of the name of any advisor or attorney prior to the hearing. Anyone involved with the UDC in an official capacity may not serve as an advisor during the hearing.
10. A student charged may have a parent or spouse present at all hearings. The parent or spouse may not directly question witnesses or address the hearing body, but may advise the student during the hearing. A student charged must notify the University Code Administrator of the name of any parent or spouse prior to the hearing.
11. The Dean of the school or college in which the student who has been charged with a violation is matriculated (or his/her representative) may attend hearings as an observer. The same privilege will be extended to the Associate Vice President for Student Affairs/Dean of Students or his/her designee.
12. A verbatim record of full UDC panel hearings will be made.
13. At the commencement of all hearings, the hearing panel or hearing officer will place witnesses under oath. The hearing body or officer will conduct the questioning, and evaluate the testimony and any other evidence. The hearing body or hearing officer will determine whether a student has violated the Code of Conduct. If the hearing body or hearing officer determines that a student has violated the Code of Conduct, the hearing body or hearing officer will recommend a sanction. The panel will reach its decision by a simple majority vote. In the event of a tie vote among members of the panel, a finding of no violation shall be made.
14. The hearing body or hearing officer will make the findings and recommendations upon the conclusion of the hearing.

Faculty or administration may make recommendations to the hearing body or hearing officer concerning sanctions if a student is found in violation of the Code of Conduct. In the case of a proceeding involving a charge of sexual assault or a violent crime, the University Code Administrator will also advise the victim of the outcome.

15. Written documentation of the sanction along with instructions regarding appeals will be given to the student at the conclusion of the hearing or as soon as possible thereafter.
16. The hearing is then concluded.

H. Review & Implementation of Decisions and Sanctions

1. In the event of a finding of an academic violation, the finding and recommended sanction shall be forwarded to the academic Dean of the school or college in which the student is matriculated for the necessary action. If the student is non-matriculated, the finding and recommendation will be forwarded to the Director of Continuing Education for the necessary action.
2. The recommendation for Ambler College students matriculated in Architecture, Landscape/Architecture and Horticulture Design or a non-matriculated student will be forwarded to the Ambler College Dean for the necessary action. On the Japan or Rome Campus, the recommendation for non-matriculated students will be forwarded to the Campus Dean for the necessary actions.
3. In the event of a finding of a non-academic violation of the Code of Conduct, the finding and recommended sanction shall be forwarded to the Associate Vice President for Student Affairs/Dean of Students or his or her designee.
4. Within five (5) business days, the pertinent academic Dean, Director of Continuing Education or Associate Vice President for Student Affairs/Dean of Students, or his/her designee, must either (1) implement the sanction and so inform the student and the University Code Administrator in writing or (2) if the pertinent academic Dean, Director of Continuing Education or Associate Vice President for Student Affairs/Dean of Students determines that further review is appropriate, he/she may seek review by the University Disciplinary Committee Review Board (the "Review Board") in accordance with the appeal procedures outlined in section I below. The Review Board is a standing University Committee appointed by the Vice President for Student Affairs, consisting of two (2) students, two (2) faculty members, one (1) administrator and appropriate alternates.
5. If the pertinent academic Dean, Director of Continuing Education or Associate Vice President for Student Affairs/Dean of Students, or his/her designee, implements the recommended sanction, the student may appeal that decision in accordance with the procedures outlined in section I below.

I. Appeals of UDC Administrative and Panel Decisions and Sanctions

1. A student found responsible for an academic or non-academic violation with a sanction of less than suspension may, within three (3) business days after the decision of the hearing panel, present to the pertinent academic Dean, Director of Continuing Education or Associate Vice President for Student Affairs/Dean of Students a written rebuttal to the finding and recommended sanction.

2. If the pertinent academic Dean, Director of Continuing Education or Associate Vice President for Student Affairs/Dean of Students, or his/her designee, in response to the student rebuttal, or on his/her own initiative, determines that further review is appropriate, he/she may submit an appeal to the Review Board.
3. A student found responsible for an academic or non-academic violation with a sanction of suspension or expulsion may appeal the decision and sanction directly to the Review Board within three (3) business days of implementation of the sanction.
4. An appeal must be based on one or more of the following:
 - a. Availability of new evidence sufficient to alter the decision;
 - b. Procedural defects that substantially prevented the student from obtaining a full and fair hearing on the merits;
 - c. Insufficiency of the evidence to reasonably support the decision;
 - d. Sanctions found to be grossly disproportionate to the offense.
5. The student must file the appeal in writing with the University Code Administrator. The student's appeal must state with particularity the reasons for appeal including what new evidence, if any, will be presented. All statements submitted by other parties in support of the appeal must be notarized.
6. The University Code Administrator will convene the Review Board to review the record of the original hearing and the representations made in the appeal.

Review Board decisions are valid only if all Board members, or alternates, are present for the review. The Board may require the appearance of any person under its jurisdiction who has submitted statements or offered evidence with respect to the appeal and may question these persons under oath subject to penalty for furnishing untruthful or false information.

7. The University will set a time for any Review Board hearing, not more than ten (10) business days after receipt of the hearing transcript or record.
8. The Review Board will review the findings and sanctions of the hearing panel or administrator. In the event that the Review Board does not recommend that the original decision and/or sanctions be affirmed, the Review Board may take the following actions:
 - a. If a majority of the Review Board decides that the sanctions are grossly disproportionate to the offense, the Board may recommend modified sanctions to the Vice President for Student Affairs;
 - b. If a majority of the Review Board decides that new evidence was not reasonably available at the time of the original hearing and might be sufficient to alter the panel's decision, the Board will recommend to the Vice President for Student Affairs that the case be returned for a new hearing before a new panel;

- c. If a majority of the Review Board decides that there were procedural defects that substantially prevented the student from obtaining a fair hearing, the Review Board will recommend to the Vice President for Student Affairs that the case be returned for a new hearing before a new panel;
 - d. If a majority of the Review Board decides that the decision could not have been reasonably reached from the evidence presented at the hearing, the Review Board will recommend to the Vice President for Student Affairs that the original decision and/or sanctions be modified.
9. The Review Board will convey its recommendation in writing to the Vice President for Student Affairs. The Vice President for Student Affairs, or his/her designee, will review the entire record and affirm or modify the original decision and/or sanction imposed. The Vice President for Student Affairs will make the final decision giving presumptive weight to the recommendations of the Review Board. There shall be no further review of the decision or sanction after the decision of the Vice President for Student Affairs or his/her designee.

J. Status of a Student Pending Appeal of Verdict or Sanction

The academic status of a student who has been expelled or suspended may not be altered pending completion of the appeal process, except as provided in Part II.F. of the Student Code of Conduct. Generally, it is presumed that a student may participate in any University registered or recognized club or organizational activity, or any University sponsored program, activity or related event pending completion of the appeal process. However, the Vice President for Student Affairs or his/her designee may, in his/her sole discretion, prohibit a student from (1) residing in or being present in University Housing or (2) participating in any University registered or recognized club or organizational activity, or any University-sponsored program, activity or related event pending completion of the appeal process.

K. Code of Conduct Files

Code of Conduct files shall be maintained separately from other files of the student concerned. Access to them will be governed by the current University policy on the disclosure of information of student, faculty, and employee records. Information from the Code of Conduct files will not be made available to unauthorized persons within the University community or to any non-University person without the express written consent of the student involved except under legal compulsion or in cases where safety of persons is involved. All Code of Conduct files will be retained for six (6) years.

L. Amendment

The Board of Trustees has delegated to the President the authority to approve any changes to the Code of Conduct.

Notes

1. Dates of official enactment and amendments:

Following consultation with the Student Affairs Committee of the Board of Trustees, approved by the President on November 18, 2003.