

Grand Valley State University
Student Code: The Statement of Student Rights and Responsibilities



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Grand Valley State University

Student Code: The Statement of Student Rights and Responsibilities

Section 1.0 Statement of Purpose

Grand Valley State University (the University) is committed to the creation of an inclusive community where all students are able to learn and grow in the process of shaping their lives, their professions, and their societies. A community is created through identifying and acting upon shared values, and the University has identified seven core values that define our community: Excellence, Integrity, Inquiry, Inclusiveness, Community, Sustainability, and Innovation. We nurture this environment by balancing respect for the rights and responsibilities of the individual, and the rights, responsibilities, and interests of the community as a whole. We expect that all members of the University community will act in a manner that demonstrates respect and consideration for those around them.

The student conduct process within the Office of Student Conduct and Conflict Resolution (OSCCR) is one component of the work of creating our shared community. This Student Code: The Statement of Student Rights and Responsibilities (the Statement) describes behaviors which are inconsistent with the values of and detrimental to the University community. The Statement exists to protect the interests of the community and to challenge and support community members when their behavior fails to meet these standards. Because the University establishes high standards for membership, its standards of conduct, while falling within the limits of the law, may exceed federal, state, or local requirements.

Section 2.0 Authority

The Board of Trustees has delegated authority to establish a “Student Code which contains the rules, regulations, and conduct process of the institution” which “is approved by the President upon recommendation of the appropriate student affairs administrator.” This Statement is published under that authority. The University reserves the right to change policies and procedures at any time during a student’s enrollment and has the sole discretion to extend time frames as identified in this Statement as appropriate with notice to all parties.

Section 3.0 Jurisdiction

This Statement applies to all individual students, both undergraduate and graduate, and all University-Affiliated Student Organizations (UAO).

3.1 Conduct Addressed in The Statement – The Statement and the Harassment and Discrimination policies apply to conduct that occurs on property owned or controlled by the University; at University sponsored activities; at functions, activities, or events

hosted by University-Affiliated Organizations, on or off campus. The Statement also apply to off-campus conduct that adversely affects the University community or an individual or keeps an individual from participating in a University program or activity, and/or the pursuit of the University mission.

The Statement is applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats, and social networking sites are in the public sphere and are not private. Information posted on them may be used as evidence of policy violations.

The Statement incorporates other specific University policies by reference. These policies include, but are not limited to:

- [Policies listed on the University Policies website](#)
- [Alcohol and Other Drug Policy](#)
- [Housing and Residence Life Community Living Standards](#)
- [Information Technology Policies and Procedures](#)
- [Title IX Sexual Misconduct Policies](#)
- [Traffic and Parking Ordinance](#)
- [Undergraduate and Graduate Catalogs](#)

3.2 Definitions

3.2.1 Appeal Board – An Appeal Board is composed of two (2) Appeal Officers and one (1) student from the University Conduct Pool assigned by the Director of OSCCR to review an appeal. Two members of an Appeal Board must be present for the appeal review.

3.2.2 Appeal Officer – A member of the University Conduct Pool who is eligible to serve on an Appeal Board.

3.2.3 Business Day – A business day is defined as 8:00 a. m. – 5:00 p.m. Monday through Friday when the University is open for business.

3.2.4 Conflict Resolution Facilitator (CRF) – A CRF is a staff member from or appointed by OSCCR assigned to handle a student conduct report and/or conflict resolution process.

3.2.5 Evidence – Evidence is anything outside of first-person, personal testimony that will be used, referenced, or shared with the Hearing Board/Hearing Officer by either party at the hearing (examples may include photographs, emails, screenshots, documents, reports, or audio/visual recordings.)

3.2.6 Hearing Boards – Hearing Boards are comprised of faculty, staff, and students, selected from the University Conduct Pool

3.2.7 Hearing Officer – A member of the University Conduct Pool who is eligible to serve on Hearing Boards.

3.2.8 Restorative Measures – Any restorative, educational, or disciplinary measure issued as a result a student’s policy violation. Restorative measures are directly connected to the violation, tailored to the needs of those impacted and intended to repair any harm done.

3.2.9 Standard of Proof – The standard of proof rests by the University is preponderance of evidence, whether it is more likely than not, that a violation occurred.

3.2.10 Student – For the purposes of these policies, the University considers an individual to be a student when an offer of admission has been extended to any program, whether degree or non-degree seeking, for credit or non-credit. The University retains jurisdiction over students who take a leave of absence, withdraw, or graduate for any action that occurred prior to the leave, withdrawal, or graduation. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the University may invoke these procedures and, should the former student be found responsible for a violation of these rules, the University may revoke that student’s degree.

3.2.11 Student Conduct Report – Any document(s) that describes an alleged violation of the Statement. Student conduct reports may include University incident reports, investigative reports, police reports, or verbal, written, or electronic communication

3.2.12 Support Person – Students/UAO representatives may be accompanied by a support person of their choice. A support person’s role is limited to providing advice to the student. The support person is not permitted to ask questions or make oral arguments on behalf of the student/UAO Representative. If the support person is an attorney, the student/UAO representative must notify OSCCR of this in writing at least one (1) business day before the hearing.

3.2.13 University-Affiliated Organization (UAO) – For the purposes of this Statement, the term University-Affiliated Organization (UAO) shall mean any group whose membership consists of students currently enrolled at the University that is, 1) registered with the Office of Student Life or 2) affiliated with the university through an academic department or administrative entity which supports, endorses, supervises, or recognizes the organization, unless the Vice

Provost for Student Affairs otherwise determines the organization is a university function. Members of a UAO acting as part of or on behalf of the organization may be held collectively and individually responsible for violations of the Statement. UAOs may be held responsible for such violations whether or not members are individually held responsible for violations arising from the same misconduct. UAOs are also held to the additional standards of conduct based on the policies and procedures of the Office of Student Life or the associated academic department or administrative unit.

3.2.14 University-Affiliated Organization (UAO) Representative – a member of the UAO, typically the President of the UAO.

3.2.15 University Conduct Pool – Faculty members, Administrative/Professional staff and students who have been selected following the processes delineated in Section 7.0 of the Statement, have participated in the required training and who accept the responsibility of administering the rules and regulations of the University in a fair and impartial manner as a matter of public trust for the University community.

Section 4.0 Student/University-Affiliated Organizations Rights and Responsibilities

4.1 Student/University-Affiliated Organization Rights – Students at the University have the same rights and protections under the Constitution of the United States and the State of Michigan as other citizens. These rights include freedom of expression, press, religion, and assembly. The University values freedom of expression, which includes voicing unpopular views and dissent. As members of the University community, students have the right to express their own views, but must also take responsibility for according the same rights to others.

Students and UAOs have the right to:

- Be treated fairly and to be free from acts of harassment and discrimination, including sexual misconduct, and from harassment and discrimination based on age, color, disability, familial status, height, marital status, national origin, political affiliation, race, religion, sex/gender (including gender identity and expression), sexual orientation, veteran or active duty military, or weight.
- A fair system of dispute resolution that provides them with the due process protections to which they are entitled including both student conduct and conflict resolution and processes.
- To be educated about the contents of the Statement.

4.2 Student/University-Affiliated Organization Responsibilities – Students and UAOs are expected to respect the rights of individual students, faculty, and staff; to act

consistently with the values of the University community and its policies; to comply with published University policies; and to obey local, state, and federal law.

It is the responsibility of all students to refrain from engaging in acts of academic misconduct, meaning that all academic work should be done by the student to whom it is assigned without unauthorized aid. Acts of academic misconduct violate the University values of excellence, integrity, and community that are fundamental to a community of scholars.

Each student is responsible for maintaining a current understanding of the contents of the Statement.

Students and UAOs have the responsibility to:

- Act in a manner that does not infringe upon the rights or property of others.
- Maintain an atmosphere that promotes respect for learning and human dignity.
- Know and comply with the Statement, other University policies, and applicable laws.
- Students are expected to participate fully and honestly in the University conduct process.
- Facilitate the learning environment and the process of learning, including attending class regularly, completing class assignments, and coming to class prepared.
- Recognize that student actions reflect upon the individuals involved as well as upon the entire University community.
- Recognize the University's obligation to provide an environment conducive for learning and academic inquiry.
- Uphold and maintain academic and professional honesty and integrity and to adhere to the academic requirements determined by individual instructors.
- Serve as a responsive bystander, reporting safety concerns and violations of the Statement.

Section 5.0 Student/UAO Expectations

The following behaviors contradict the values of the University community and are subject to action under the Statement.

UAOs may be held responsible for an alleged violation when one or more of the criteria below are met:

- one or more of its officers or authorized representatives acting in the scope of their organizational capacities commit a violation,
- one or more of its members commit a violation and the action that constitutes the violation was approved by majority vote of those members of the UAO present and voting,
- one or more members of a committee of the UAO commit a violation while acting in the scope of the committee's assignment,
- a member of the UAO commits a violation while acting with apparent authority of the registered student or sponsored UAO,
- one or more members of the UAO or its officers permit, encourage, aid, or assist any of its members in committing a violation,
- one or more members of the UAO or its officers, under circumstances where such persons knew or should have known that an action constituting a violation was occurring or about to occur, fails to prevent that action, or
- one or more members of the UAO fail to report to appropriate University or civil authorities promptly their knowledge or any reasonable information about a violation.

5.1 Academic Misconduct is defined as any action or behavior that misrepresents one's contributions to or the results of any scholarly product submitted for credit, evaluation, or dissemination. The following behaviors contradict the values of the University community and are subject to action under the Statement. This includes but is not limited to:

5.1.1 Cheating – Attempting to use materials, information, or aids that have not been authorized by the instructor for academic work.

5.1.2 Collusion – Unauthorized collaboration with another person in preparing academic assignments offered for credit, and collaboration with another person to commit a violation of any section of the rules on academic misconduct.

5.1.3 Dual Submission – Submitting work that has been previously graded, or is being submitted concurrently to more than one course, without authorization from the instructor(s) of the class(es) to which the student wishes to submit.

5.1.4 Falsification – Knowingly furnishing or possessing false, falsified, fabricated, or forged materials, documents, accounts, records, or identification.

5.1.5 Plagiarism – appropriation of, buying, receiving as a gift, or obtaining by any means material that is attributable in whole or in part to another source without any indication or citation of the original source, including words, sentences, ideas, illustrations, structure, computer code, and other expression or media, and presenting that material as one's own academic work being offered for credit or in conjunction with a program, course, or degree requirements.

5.2 General Misconduct is defined as any action or behavior that may cause harm to self or others. The following behaviors contradict the values of the University community and are subject to action under the Statement. This includes but is not limited to:

5.2.1 Abuse of the Conduct Process – Interference in, or failure to comply with University processes, including conduct and academic integrity hearings. Such actions include, but are not limited to:

5.2.1.1 Attempting to discourage an individual's participation in, or use of, the University's conduct process.

5.2.1.2 Engaging in any prohibited conduct while suspended for disciplinary reasons.

5.2.1.3 Failing to comply with the restorative measure(s) imposed by the conduct process.

5.2.1.4 Intimidation of a member of a University conduct process body prior to, during and/or following a University conduct meeting.

5.2.1.5 Influencing, or attempting to influence, another person to commit an abuse of the conduct process.

5.2.1.6 Retaliating or taking adverse action against any student who files a student conduct report or grievance, requests a meeting with a University official, or participates in an investigation or hearing.

5.2.2 Alcohol – Unauthorized or unlawful manufacture, use, possession or distribution of alcohol. [See SLT 5.1](#)

5.2.3 Animals of Property – Bringing any animal on University owned or controlled property without proper authorization. [See SLT 6.1](#)

5.2.4 Bullying – Engaging in repeated and/or severe behaviors that intimidate or intentionally harm or control another person physically, psychologically, or emotionally. [See SLT 3.3](#)

5.2.5 Damage to Property – Damaging, defacing, destroying, tampering with, or taking without authorization property, including goods, services, or other valuables of the University, a student, employee, or visitor to the University.

5.2.6 Disruptive Conduct – Disrupting or impeding University operations or activities including teaching, research, administration, other authorized

University and non-University activities which occur at the University; obstructing access to University facilities, property, or programs; or causing, inciting, or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damages or destroys property.

5.2.7 Drugs – Unauthorized or unlawful manufacture, use, possession or distribution of illegal or prescription drugs. See SLT 5.1

5.2.8 Endangerment – Engaging in, aiding, abetting, inciting, organizing, approving, hosting or otherwise participating in an activity or event that would constitute physical abuse or would endanger the safety, health or well-being of another, multiple individuals, or groups or would cause reasonable apprehension of such harm.

5.2.8.1 Willfully, failing, or refusing to adhere to the requirements of the University's Response to the COVID-19 pandemic, Lakers Together <https://www.gvsu.edu/lakerstogether/>, or of state or local public health laws, regulations or governor's executive orders, including but not limited to the requirements of maintaining appropriate social distancing (6 feet based on current public health guidance) and wearing an appropriate face mask. This applies to activities and events that are organized and/or held on or off campus.

5.2.9 Failure to Comply – Refusing to identify oneself to or comply with a reasonable directive of a University representative during the performance of their duties when on University property or at a University-affiliated event. Students are expected to carry their University issued identification (ID) while on University property or at a University-affiliated event.

5.2.10 Failure to Meet Financial Responsibilities – Failing to meet financial responsibilities to the University, including, but not limited to, knowingly passing worthless legal tender to the University or to an official of the University acting in an official capacity.

5.2.11 Falsification – Furnishing, possessing, or attempting to furnish or possess false, falsified, forged, or misleading materials, documents, accounts, records, identification, or financial documents to University records or on official University records.

5.2.12 Gambling – Playing games of chance in ways prohibited by the laws of the State of Michigan (Gambling may include raffles, lotteries, sports pools, and online betting activities.)

5.2.13 Grounds and Facility Use – Unauthorized or improper use of buildings, grounds, and other spaces owned or controlled by the University. [See SLT 10.4](#)

5.2.14 Harassment – Conduct that is sufficiently severe, pervasive, or objectively offensive so as to create an objectively hostile environment that interferes with or diminishes the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the University. [See SLT 9.1](#)

5.2.15 Hazing – An act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to prevent, failing to discourage, and/or failing to report these acts may also be a violation of this policy.

5.2.16 Harmful Behavior – Behaving in a manner verbally or in writing that threatens, intimidates or causes harm or endangers the health and safety of any person.

5.2.17 Information Technology – Violation of any published University policy, rule, or regulation related to information technology and use thereof.

5.2.19 Possession of Stolen Property – Maintaining possession of and/or using stolen property, or the property of another, without authorization.

5.2.20 Public Exposure – Publicly exposing one’s intimate body parts, public urination or defecation, and public sex acts.

5.2.21 Privacy Violation – Engaging in surveillance or recording of any type without the subject’s knowledge or consent in areas where there is a reasonable expectation of privacy and/or the broadcasting or distribution of such material.

5.2.22 Sexual Misconduct – Engaging in any conduct that is considered sexual assault, dating violence, domestic violence, stalking and sexual exploitation as those terms are defined by Sexual Misconduct Policy. [See SLT 9.1](#)

5.2.23 Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress. [See SLT 9.1](#)

5.2.24 Tampering with Equipment – Tampering with fire or other safety equipment, including improperly engaging a fire alarm or fire detection/control equipment at the University.

5.2.25 Unauthorized Entry – Entry to University premises without authorization or misuse of access privileges, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a University building.

5.2.26 Unauthorized Keys/Access Cards – Possessing, making, or causing to be made any key or access card without authorization or providing a University key or access card to an authorized person.

5.2.27 Violations of Local, State or Federal Law – Engaging in conduct that is chargeable under any provision of local, state, or federal law.

5.2.28 Weapons and Dangerous Materials – Possessing any firearm or weapon anywhere upon property governed by the University. A weapon shall include, but is not limited to: any firearm; any device from which an electrical current, impulse, wave, or beam may be directed that is designed to incapacitate temporarily, injure, or kill; any instrument or other device of any kind that operates based on spring, gas, or air; contains explosive materials; or any instrument or device, such as a knife, that has a sharp blade greater than three (3) inches. See SLT 6.27

5.2.29 Wheeled Devices – Using Skateboards, roller blades, roller skates, bicycles and similar wheeled devices in University buildings or Living Centers/Apartments on railings, curbs, benches or any such fixtures that may be damaged by such activities.

5.2.30 Uncrewed Aircraft System/Drone Policy – Operating an Uncrewed Aircraft System (UAS), without prior approval by the Vice President for Finance and Administration, or model aircraft over University property. See SLT 6.20

Restorative measures may be enhanced for any misconduct listed in Section 4 of the Statement that is determined to be motivated by bias or prejudice as defined by the University Anti-Harassment Policy, SLT 9.1. This violation will be evaluated under current legal standards.

Section 6.0 Conduct Process and Resolution Procedures

The University will use the following procedures to respond to behavior which violates the values of the University and the responsibilities enumerated in the Statement. Resolution and appeal processes are administrative functions and are not subject to the same rules of civil or

criminal proceedings. Because some violations of these standards are also violations of law, students may be accountable to both the legal system and the University's policies. All meetings, conferences, hearing and appeal processes, and other interactions under this policy, may be conducted in person or remotely as appropriate.

6.1 Academic Misconduct Procedures

OSCCR works collaboratively with all GVSU faculty members to address academic misconduct concerns. Academic misconduct procedures apply to any allegation of academic misconduct that happens in a course, program of study, or research. Violations of the standards of academic integrity that fall outside this definition will follow the General Conduct Procedures defined in Section 6.2.

6.1.1 Instructor Responsibility – If an instructor suspects any instance of academic misconduct, the instructor must notify and meet with the student to discuss the incident. Based on the outcome of that meeting, the instructor may find there was no act of academic misconduct and take no further action. If the instructor finds there was an act of academic misconduct and the instructor would like for corrective action to be taken, the instructor must report the matter to OSCCR with sufficient evidence to substantiate their finding, and with a recommendation for an academic restorative measure as listed below:

- Impose additional course requirements.
- Require the student to redo the work in question.
- Reduce the student's grade on the work in question.
- Impose a failing grade for the assignment, examination, or the entire course.

6.1.2 Report of Academic Misconduct to the Office of Student Conduct and Conflict Resolution – Upon receipt of a student conduct report regarding academic misconduct, the Conflict Resolution Facilitator (CRF) will review the documentation, meet with the student, and with the instructor if necessary, to make one of the following determinations.

6.1.2.1 If the CRF finds that the claim of academic misconduct cannot be substantiated, no action will be taken.

6.1.2.2 If the CRF finds that the claim of academic misconduct is substantiated and the student accepts responsibility for a violation of the Statement, the student may waive their right to a hearing and accept restorative measures appropriate to the circumstances. The CRF may decide to take one of the following actions:

6.1.2.2.1 Accept the recommendation from the instructor.

6.1.2.2.2 Adjust the recommendation from the instructor.

6.1.2.2.3 Assess additional restorative measures appropriate to the current act of academic misconduct.

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6.1.2.2.4 After a review of the student's conduct record, assess additional restorative measures.

6.1.2.3 If the CRF finds there is reasonable cause to believe that the student has engaged in an act of academic misconduct and the student does not accept responsibility for the violation, the CRF will work with the student and the instructor to refer the matter to a hearing.

6.1.3 Hearing Procedures – The Hearing Board/Hearing Officer will follow the procedures defined in Section 6.2.5 and will be assigned per the procedures in Section 7.1.

6.1.4 Appeal Procedures – The Appeal Board/Appeal Officer will follow the procedures defined in Section 6.2.5 and will be assigned per the procedures in Section 7.2

6.1.5 Final Resolution – No corrective action or restorative measure(s) will be imposed by the instructor or the University until the matter reaches final resolution, via the University conduct process.

6.2 General Misconduct Procedures – These procedures apply to all actions and behaviors by individual students and/or UAOs which violate the values of the University and fall within the definitions of Student Responsibilities.

6.2.1 Initiation of Process and Notice – When a student conduct report of a possible violation of the Statement is made to OSCCR, a Conflict Resolution Facilitator (CRF) will review the report and make one of the following preliminary decisions:

- There is insufficient information to pursue the student conduct report further or the reported activity is not a violation of the Statement and the matter is closed and/or referred to alternative dispute resolution.
- There is sufficient information to determine that the reported activity falls within the purview of the Statement and there may be a violation of the Student Responsibilities. If this determination is made, the CRF will send notice of the student conduct report to the student or UAO representative through University email which will be deemed received immediately upon sending.

6.2.1.1 This notification will include the date of the incident, a link to the Statement, a list of the sections of the Statement that are the subject of review and the date, time and location of the Administrative Conference.

6.2.1.2 When involving a UAO registered with the Office of Student Life, all notices referred to in these procedures shall be sent to the President of the UAO on record in the Office of Student Life. If the UAO is not a Registered Student Organization, but instead affiliated with the University through an academic department or administrative unit, notice shall be provided to the head of that department or unit who must designate a student to serve as the UAO representative of the UAO through this process.

6.2.2 Administrative Conference – The CRF will meet with the student/UAO representative to discuss the student conduct report and to explain the resolution process. The student/UAO representative will have the right to ask questions and make a statement. The student/UAO representative may be accompanied throughout the process by a support person. At the end of this conference a determination will be reached about the type of process that will be used to reach resolution.

Based on the information provided by the student/UAO representative, and after further investigation, if necessary, the CRF may find that the incident was not a violation of the Statement and requires no further action. If the CRF decides there is sufficient information to believe the student or UAO has violated the Statement, the matter will be resolved through either a formal or informal process.

6.2.3 Informal Process – If the student/UAO representative accepts responsibility for the violation of the Statement, they are waiving their right to a hearing and accept restorative measure(s) appropriate to the circumstances. The student/UAO representative will be provided with the details of the restorative measures in writing. In addition to the restorative measures listed under Section 8.0, the student/UAO representative may agree to participate in one of the following conflict resolution processes:

- Circles (conferences) – discussions guided by a CRF where participants are invited to sit in-circle to discuss a specific topic with guidelines and a talking piece.
- Conflict coaching – a one-on-one conversation between a CRF and a student in conflict with another student who is unwilling or unable to engage in a facilitated dialogue.
- Facilitated dialogue – a conversation between two (2) or more individuals guided by a CRF for the purpose of resolving a mutual concern.
- Social justice mediation – a process guided by a CRF where students clearly identify their interests, needs, and resolution options.
- Shuttle negotiation – the CRF serves as a liaison between parties in conflict.

Once the student enters into an informal agreement, the agreement may not be appealed. Failure to complete the terms of the informal agreement in its entirety may result in additional allegations being brought against the student.

6.2.4 Formal Process– If the student does not accept responsibility for a violation of the Statement, a hearing will be held to resolve the matter. A hearing is an administrative process by which a Hearing Board/Hearing Officer evaluates the information presented during the hearing, determines whether the student or UAO violated the Statement, and, if appropriate, recommends restorative measure(s) to the CRF. Students/UAO representatives may choose either a Hearing Board or a Hearing Officer to conduct the hearing.

As stated under Student Rights, the University is committed to providing students and UAOs with a fair process of dispute resolution that provides due process protections to which they are entitled; however, a hearing is an administrative process of the University rather than a criminal or civil court proceeding. The University is the convener of every action under the Statement.

The following procedures provide the details of the rights and responsibilities of all parties.

6.2.4.1 Rights of Students and University-Affiliated Organizations in the Conduct Process – These rights apply to the student or UAO alleged to have violated the Statement, the person or group who brought the allegation, and the staff or faculty member representing the University at the Hearing:

- To a fair and prompt hearing before an impartial decision-maker or hearing board.
- To appear in person and speak at a hearing
- To not attend the hearing. If a student or UAO representative chooses not to attend, the hearing will be held in their absence. The failure of a student to appear will not be taken as an admission of guilt.
- To refuse to answer questions.
- To be accompanied by a support person of the student's or UAO representative's choice.
- To call on witnesses whose testimony is directly related to the alleged incident, but not to general character. The names of any witnesses to be called on at the hearing must be submitted to the CRF at least one (1) business day prior to the hearing
- To provide any information/evidence that may support their testimony. Any evidence to be used at the hearing must be

submitted in advance to the CRF at least one (1) business day prior to the hearing.

- Additionally, both parties have the right to request to review any evidence submitted by the other party prior to the hearing.
- To ask questions of the other party and of any witnesses called on at the hearing. The Hearing Board/Hearing Officer has the right to determine the method of questioning (direct questioning, submitting of written questions, or any other method that Hearing Board members agree will elicit the necessary information.)
- To have a copy of the hearing decision, rationale, and, if any, the assigned restorative measure(s).
- To request an appeal to appeal the decision.

6.2.4.2 Hearing Procedures

6.2.4.2.1 At least three (3) business days before the hearing, the student or UAO representative will be sent a notification that includes the name(s) of the Hearing Board/Hearing Officer, in addition to the date, time, and location of the hearing. This notification will be sent through university email and will be deemed received immediately upon sending.

6.2.4.2.2 In all conduct proceedings, the burden of proof rests with the University, represented by a staff or faculty member assigned by OSCCR, which must demonstrate by a preponderance of the evidence that a violation has occurred.

6.2.4.2.3 The decision of the Hearing Board/Hearing Officer regarding responsibility will be made solely on the evidence provided during the hearing. If the student/UAO is found to have violated the Statement, the decision about the appropriate restorative measures may include the administrative contact history made in connection with the incident, and the cumulative conduct history of the student or UAO found responsible.

6.2.4.2.4 A single verbatim audio recording will be made of the hearing. This record will remain the property of the University and will be kept by OSCCR. No other recording device is allowed. The recording is considered part of the student's or UAO's disciplinary record and will be maintained by OSCCR.

6.2.4.2.5 The Hearing Board/Hearing Officer and the University's representative may ask questions of any witnesses called on at the hearing.

6.2.4.2.6 The Hearing Board/Hearing Officer may remove any individual from the hearing who is disruptive. The hearing may proceed without the presence of the removed individual. If the disruption is caused by a student, the Hearing Board, in consultation with the Director of OSCCR, may determine that a report of a possible violation of the Statement be submitted.

6.2.4.3 Decision – The Hearing Board/Hearing Officer will issue a written decision to OSCCR within three (3) business days, including a decision regarding the allegation, the rationale for the decision and, if applicable, the recommendation for restorative measures. Within three (3) business days from the date the decision is received by OSCCR, notification of the decision, rationale, and any assigned restorative measures will be sent to the student or UAO representative alleged to have committed a violation and the person or group who first brought the allegation.

6.3. Appeal Procedures

6.3.1 Right to request an appeal – The student or UAO with the alleged violation, the person or group who first brought the allegation or the University, has the right to request an appeal a decision of the Hearing Board/Hearing Officer. In cases related to academic misconduct, both the student and the instructor have the right to appeal a decision of the Hearing Board/Hearing Officer. Students/UAO representatives may request the appeal heard by either an Appeal Board or an Appeal Officer.

6.3.2 Grounds to appeal – The party appealing the decision of a Hearing Board/Hearing Officer must submit a written appeal, received in OSCCR within three (3) business days of the date the party was sent the written decision. An appeal received after that time limit has expired will not be heard unless there is a compelling reason, as determined by the Vice Provost for Student Affairs (or designee). The appeal must include at least one of the following three (3) grounds for appeal, and the remedy requested from the appeal body.

6.3.2.1 New evidence – A claim that new evidence, unavailable during the original investigation or hearing, could substantially affect the original finding or restorative measure(s). A summary of the new evidence and its impact must be included in the appeal request.

6.3.2.2 Procedural error – A claim that procedural error had a significant effect on the outcome of the hearing.

6.3.2.3 Conflict of interest – The CRF or decision-maker(s) had a conflict of interest or bias for or against accuser or accused that affected the outcome of the hearing.

6.3.3 Review Process – The Appeal Board/Appeal Officer will review the appeal request to determine whether there are grounds for an appeal. If there are grounds for an appeal, the Appeal Board/Appeal Officer will review the materials used in the hearing, including the recording made of the hearing. If a finding of responsibility is upheld, the administrative contact history related to the matter, and the cumulative conduct history of the student or UAO alleged to have committed a violation, will also be reviewed. The Appeal Board/Appeal Officer does not meet with the person making the appeal.

6.4 Scope of Appeal – The consideration of an appeal is limited to determining whether the findings of the Hearing Board/Hearing Officer, were so incorrect, or that a procedural error was so significant, that it affected the outcome of the hearing or the imposition of restorative measures and requires that the decision should be changed. An appeal is a limited review of the findings and/or restorative measure of the Hearing Board/Hearing Officer as requested by the person(s) making the appeal. An appeal is not used for the purpose of:

- Substituting the judgment of the Appeal Board/Appeal Officer for that of the original Hearing Board/Hearing Officer,
- Deciding whether or not it would have reached the same decision, or
- Reexamining the charges against the student or UAO.

6.5 Appeal Board/Appeal Officer Decision Options – After review of the materials, the Appeal Board/Appeal Officer may:

- Dismiss the appeal and uphold the original decision.
- Grant the appeal and remand the case back to the original Hearing Board/Hearing Officer for reconsideration citing the findings of the Appeal Board/Appeal Officer.
- Grant the appeal and require a new hearing with a different Hearing Board/Hearing Officer.
- Grant the appeal and modify the restorative measures required.

6.6 Appeal Decision – The Appeal Board/Appeal Officer will issue a written decision to OSCCR within three (3) business days, including a decision based on the grounds for the appeal, the rationale for the decision, and, if applicable, the new recommendation for restorative measures. Within three (3) business days from the date the Appeal Board/Appeal Officer decision is received by OSCCR, notification of the decision,

rationale, and any changes to the restorative measures will be sent to the student or UAO representative found responsible and the person or group who first brought the allegation. The notification will be sent through University email and will be deemed received immediately upon sending.

The decision of the Appeal Board/Appeal Officer is final and binding.

Section 7.0 General Provisions

7.1 Hearing Boards/Hearing Officers – Hearing Boards are comprised of faculty, staff, and students, selected from the University Conduct Pool, who have participated in annual OSCCR training sessions regarding the Statement, and who accept the responsibility of administering the rules and regulations of the University in a fair and impartial manner as a matter of public trust for the University community. Hearing Boards will consist of three representatives and will always include one student representative, except when the alleged violation relates to academic misconduct. In cases of academic misconduct, the Hearing Board will be composed solely of faculty representatives. When a single Hearing Officer is requested or appointed by the Director of OSCCR, the Hearing Officer will be selected a faculty or staff representative.

7.1.1 Selection Process for Administrative/Professional Staff – All Administrative/Professional staff are eligible for appointment to the University Conduct Pool. The Provost (or designee) will make at least twelve (12) appointments to the University Conduct Pool no later than the first day of classes of each fall semester and may make additional appointments to fill vacancies as needed to assure the availability of twelve (12) members in the University Conduct Pool at all times.

7.1.2 Selection Process for Faculty Members – Faculty Members are elected by rules developed within each academic college: four (4) representatives from the College of Liberal Arts and Sciences, one (1) from each of the remaining colleges, and one (1) from University Libraries. In addition to the representatives from academic colleges and University Libraries, the Provost (or designee) will appoint not fewer than four (4) members to the University Conduct Pool from the faculty at large. If appointments are not made by the first day of the fall semester, the Provost (or designee) is authorized to fill appointments from the faculty at large to assure all faculty positions are filled at all times.

7.1.3 Selection Process for Student Members – All students are eligible for appointment to the University Conduct Pool. Student representatives of the University Conduct Pool will be approved by the Director of OSCCR in consultation with Student Senate President via selection methods left to that consultation.

7.1.4 Hearing Board/Hearing Officer Eligibility – To be eligible to serve on a Hearing Board or serve as a Hearing Officer, faculty, Administrative/Professional staff, and student representatives of the University Conduct Pool must: complete an annual training organized by OSCCR regarding the Statement; commit to administer the policies and procedures of the University in a fair and impartial manner; agree to disqualify themselves if they are a witness for the hearing; have a personal interest in the outcome or if there is any other reason they cannot fairly serve or deliver a fair and impartial decision.

7.1.5 Special Circumstances – At times when a Hearing Board cannot be assembled, such as when student representatives are not available to attend the hearing, during final exams, or during spring/summer sessions, the CRF may assign the case to be heard by a single Hearing Officer from the University Conduct Pool.

7.2 Appeal Boards/Appeal Officers – Appeals are heard by either a single Appeal Officer or a three-person Appeal Board. Appeal Officers and Appeal Board members are selected in the same manner as Hearing Boards from the University Conduct Pool. A person may not serve as an Appeal Officer or on an Appeal Board member if they were a witness at the hearing being appealed, have a personal interest in the outcome of the hearing, or if there is other sufficient reason to believe that they could not serve in a fair and impartial manner.

7.3 Parallel Proceedings – Alleged violations of federal and state laws may be investigated and addressed under the Statement. When an offense occurs over which the University has jurisdiction, the University conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

7.4 Administrative Holds – An administrative hold will be placed on a student’s academic record prohibiting registration transactions, as well as the release of their academic record and/or transcripts, if they fail to comply with a request from OSCCR to meet, attend conduct meetings or a hearing, or fail to complete assessed restorative measure(s). The hold will be lifted upon completion of the required action.

7.5 Record Retention – When a student has been found responsible for a violation of the Statement, a disciplinary record, including the hearing recording if applicable (separate from the student’s academic record and not included on the student’s transcript), will be maintained by OSCCR for seven years from the final resolution, and released only under appropriate University procedures and pursuant to Family Educational Rights and Privacy Act (FERPA) requirements.

7.6 Review and Revision – The Statement will be reviewed annually, and updated as needed, by the Director of OSCCR. A comprehensive review of policy and practice led by the Director of OSCCR should be conducted every three (3) years.

Section 8.0 Restorative Measures

When a student or UAO representative admits responsibility or is found responsible for violating the Statement, restorative measures may be imposed. Prior corrective or disciplinary action for a previous offense may be taken into account for determining the appropriate restorative measure. Restorative measures may be conditional or final, and may include one or more of the following:

8.1 Warning – An official, written notice of violation.

8.2 Educational Program/Meeting/Workshop – A requirement to attend, present and/or participate in a program, meeting, or workshop related to the violation. It may also be a requirement to sponsor or assist with planning or presenting a program for others at the University.

8.3 Restitution – Compensation for damage or loss incurred by the University or another person.

8.4 Community Service – Requirement for a student to perform assigned task(s) through a designated office or department.

8.5 Probation – An official notice that should further violations occur during a definite/indefinite period the student may face suspension or expulsion. Regular probationary meetings may also be imposed.

8.6 Academic Penalty – Loss of course credit or reduction in grade points, withholding of grades, transcript and/or degree (for academic offenses).

8.7 Loss of Privileges – Denial of specified privileges for a definite/indefinite period of time. Examples may include, for example, operating an automobile on University property; participating in and/or holding an office in a University organization; representing the University in any official capacity; access to a designated University facility or area; participating in a University function.

8.8 University Housing Probation – An official notice that, should further violations occur during a specified probationary period, the student may immediately be removed from University housing facility. Regular probationary meetings may also be imposed.

8.9 University Housing Reassignment - Reassignment to another University housing unit or facility.

8.10 University Housing Suspension – Revocation of a student's privilege to live in and/or visit any University housing facility is revoked for a definite/indefinite period of time. This restorative measure may be enforced with a trespass action if deemed necessary.

8.11 Evaluation/Assessment Referral – Requirement to complete an independent evaluation/assessment supporting the student's eligibility to remain/return as a student, with which the Director of OSCCR (or designee) concurs.

8.12 Denial of Honor or Benefit – Denial of a University honor, scholarship, or degree or revocation of an honor, scholarship or degree previously awarded, in an appropriate situation.

8.13 Suspension – Suspension from the University for a specified minimum period of time, after which the student may be eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. For the duration of the suspension, the student shall forfeit all rights of their student status and may also forfeit their privileges of access to property owned or controlled by the University or engaging in University sponsored activities or programs. This restorative measure may be enforced with a trespass action if deemed necessary.

8.14 Dismissal – Permanent separation from the University. The student is banned from property owned or controlled by the University and is prohibited from University sponsored activities or programs. This restorative measure may be enforced with a trespass action if deemed necessary.

8.15 Trespass – An order prohibiting a student from entering upon any property owned or controlled by the University or engaging in University sponsored activities or programs.

8.16 Other Measures – Additional or alternate restorative measures may be created and designed as the University deems appropriate.

8.17 UAO Specific Measures– For violations involving UAOs the following restorative measures may, for example, also be imposed in addition to one or more of the restorative measures listed above: deactivation, de-recognition, and/or loss of all privileges (including loss of status as a Registered Student Organization, if applicable), for a specified period of time.

Section 9.0 Interim Measures

9.1 Criteria for Interim Measures – If the Vice Provost for Student Affairs (or designee), determines that a student poses a continuing and significant threat to persons or property and/or is an immediate or ongoing threat of disrupting the academic and/or administrative operations of the University, the Vice Provost for Student Affairs may take such immediate interim measures appropriate to the circumstances.

9.2 Interim Measures – Interim measures may include, but are not limited to:

9.2.1 Relocation – Relocating the student to another University owned or operated housing facility or removing the student from any University owned or operated housing facility.

9.2.2 Restricted Access – Restricting the student’s access to specific locations on University property, such as a dining hall, recreation facility, or library.

9.2.3 Schedule Adjustment – Adjusting the student’s course schedule.

9.2.4 Participation Prohibition – Prohibiting participation in University programs, activities, and services.

9.2.5 Suspension from the University, including all classes.

All interim actions must have a predetermined interim action end date unless changed through the formal conduct resolution process. In the case of suspension from the University, the end date shall be no longer than ten (10) business days, unless the Vice Provost for Student Affairs (or designee), in limited circumstances, determines an extension is appropriate.

9.3 Interim Process – Upon the decision of the Vice Provost for Student Affairs (or designee), that a student meets the criteria herein, OSCCR will follow the following expedited procedure.

9.3.1 Notice – The student will be sent notice of the interim action immediately upon the Vice Provost for Student Affairs (or designee) decision. This notice will be sent through University email and will be deemed received effective upon sending. This notice will also include the date, time, and location of the meeting with a University CRF and an explanation of the basis for the decision. This meeting must be scheduled within five (5) business days of the interim action.

9.3.2 Meeting with Conflict Resolution Facilitator – During this meeting, the student will be presented with the information on which the decision was based and will be allowed to present their understanding of the circumstances. Neither the student nor the CRF will call or question witnesses. The student may be accompanied by one (1) support person.

9.3.3 Resolution – The CRF will determine whether or not there is a basis for cancellation or continuation of the interim action. If the CRF concludes it is

appropriate to continue the interim action beyond the initial schedule, the student may accept the decision or choose to as defined in Section 6.0 Conduct Process and Resolution Procedures.

Section 10.0 Amnesty for Alcohol or Drug Violations

To foster a culture of health, wellness, and concern for others, the University provides amnesty for students who report alcohol or drug violations to the University and request amnesty.

10.1 Criteria for Amnesty – At the discretion of the Director of OSCCR (or designee), amnesty may be extended on a case-by-case basis for situations including but not limited to:

- Possession of alcohol or drugs by a minor
- Unauthorized possession or use of alcohol or drugs on campus
- Consumption of alcohol by a minor
- Use of drugs
- Intoxication as the result of using alcohol

10.2 Amnesty– To encourage students/UAOs who may be hesitant to report to University officials because they fear that they themselves may be accused of alcohol or drug violations, at the time of the incident, the University pursues a policy of amnesty. Restorative and educational options will be explored, but no conduct proceedings or disciplinary record will result.

10.3 For Those Who Offer Assistance – To encourage students/UAOs to offer help and assistance to others, the University pursues a policy of amnesty for alcohol or drug violations when students/UAOs offer help to others in need. Restorative and educational options will be explored, but no conduct proceedings or disciplinary record will result.

10.4 Safe Harbor – The University has a Safe Harbor rule for students. The University believes that students who have a drug and/or addiction problem deserve help. If any student brings their own use, addiction, or dependency to the attention of University staff or faculty outside the threat of drug tests or actions under the Statement, and seeks assistance, the University conduct process will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and University conduct processes may be initiated.

Section 11.0 Classroom Removal Policy

11.1 Initiating Classroom Removal - In the event an instructor believes a student is engaging in disruptive conduct during a class, the faculty member may ask the student

to leave the class immediately. If the student refuses to leave, the faculty member should call the Department of Public Safety promptly to request assistance. The faculty member should notify the Office of Student Conduct and Conflict Resolution (OSSCR) immediately upon the conclusion of the class session.

11.2 Procedures - Upon notification by the instructor, a Conflict Resolution Facilitator (CRF) will work with the instructor to assess the level of severity of the conduct. After consultation with the CRF, the faculty member may choose to meet with the student to convey expectations regarding future classroom conduct. If the faculty member chooses this option, the meeting with the student should be conducted before the next session of the class. This meeting with the student may be done together with the CRF.

If the faculty member believes the disruptive conduct warrants removing the student from the class for the balance of the semester, the faculty member will submit a written summary of the circumstances to OSSCR to initiate the expedited conduct procedures outlined in Article 9 Interim Measures of the Statement on Student Rights and Responsibilities.

