

Student Conduct Code

I. Student Conduct & Community Responsibility Mission Statement

Loyola Marymount University (hereinafter “LMU” or “University”) provides its Students with an academic environment conducive to the pursuit of knowledge. This academic environment is based upon accountability, integrity, respect and trust among all members of the University Community.

Operating within the context of the University’s mission, the Office of Student Conduct & Community Responsibility (OSCCR) seeks to maintain the University’s academic environment by educating and upholding community standards. The Office of Student Conduct & Community Responsibility supports the educational mission of the University by administering the Student Conduct Code (“the Code” or “Student Conduct Code”) in a manner that educates Students, holds them accountable for Student Conduct Code violations and helps them grow into more responsible and community-minded persons.

II. General Guidelines

The Student Conduct Code clarifies the standards of behavior essential to the University’s educational mission and its community life. Excluding Loyola Law School students (“Law School Students”) who are subject to the Law School’s disciplinary code, the Student Conduct Code is applicable to all LMU Students—undergraduate, graduate and continuing education/Extension. In accordance with the declared public emergencies respecting COVID-19, Students are required to adhere to all applicable state and local public health and safety guidelines both on and off campus and conduct themselves in ways congruent with protecting the health and well-being of others in the LMU community. Students are also responsible, and will be held accountable, for the conduct of their Guests.

A. Interpretations of the Student Conduct Code

Student Conduct Code regulations are set forth in writing in order to give Students general notice of prohibited conduct. The Code and its regulations are intended to be read broadly and are not designed to define misconduct in exhaustive terms. Attempts to commit acts prohibited by the Code shall be handled and remedied in the same manner and to the same extent as completed violations.

B. Jurisdiction of the University

Jurisdiction extends to conduct that occurs on University Premises, in Study Abroad programs and/or at on and off

campus University events, programs or activities, as well as to other off-campus misconduct that adversely affects the University, Students, the University’s reputation or goodwill and/or the pursuit of the University’s mission, goals and objectives.

C. Inherent Authority

The University reserves the right to take necessary and appropriate action to protect the health, safety and well-being of the University, including its reputation and good will, and the University Community. The University reserves the right to take necessary and appropriate action as a result of Student incidents off campus that may adversely affect the health, safety, well-being, reputation or good will of the University, University Community, University Community members and/or the pursuit of the University’s mission, goals or objectives.

D. Code as Superseding Authority

The Code shall supersede any and all regulations and/or decisions made by Registered Student Organizations and their affiliates, including, but not limited to, the Associated Students of Loyola Marymount University (ASLMU), Graduate Students of LMU (GSLMU), United Greek Council (UGC), Collegiate Panhellenic Council (CPC), InterFraternity Council (IFC), Residence Hall Association (RHA), Student Athletic Council and the Service Organization Council.

E. Student Participation

Students are asked to assume positions of responsibility in connection with the enforcement of the Student Conduct Code so that they might contribute their skills and insights toward the resolution of Student Conduct Code matters. However, final authority in Student Conduct Code matters is vested in the University administration and primarily with the Senior Vice President for Student Affairs.

F. Focus of the Proceedings

The primary focus of the inquiry in all Student Conduct Code proceedings shall be to determine if the subject Student is responsible for the alleged violation of the Student Conduct Code and, if the Student is found to be responsible for a violation, to provide the appropriate remedy. Proceedings shall be prompt, fair and impartial.

In keeping with the mission of the OSCCR and the purpose of the Code, Student Conduct Code proceedings (including those that provide for cross examination) are not intended to materially emulate judicial processes or proceedings

in the criminal justice system. This is because Student Conduct Code proceedings are intended to be educational, less formal, less adversarial and less complex than criminal justice processes and procedures, while still seeking the truth in a fundamentally fair manner. Formal rules of evidence shall not be applicable nor shall deviations from prescribed procedures necessarily invalidate a Student Conduct Code decision or proceeding.

G. Violations of Law and the Student Conduct Code

Students may be subject to criminal, civil and University proceedings for acts that constitute violations of federal, state or local law and of the Student Conduct Code. Because of the need to efficiently, effectively and promptly protect the academic environment, University life and operations, Student Conduct Code proceedings are independent and will normally proceed without regard to the pendency or potential pendency of criminal or civil proceedings.

Students subject to potential or actual criminal charges relating to conduct alleged in pending Student Conduct Code proceedings may assert their Fifth Amendment privilege against self-incrimination during Student Conduct Code proceedings. While no inference of responsibility for Student Conduct Code violations will be drawn because of the assertion of the Fifth Amendment privilege, the Conduct Officer(s) will nonetheless evaluate all available information, testimony and evidence in making their determination. In accordance with applicable Title IX regulations, in cases alleging Title IX Sexual Harassment, Students who claim their Fifth Amendment privilege and decline to answer questions and/or subject themselves to cross examination will not have their prior statements, as distinguished from evidence, utilized in the subsequent conduct case decision.

H. Burden of Proof

Depending upon the nature of the claim and proponent of the Student Conduct Code complaint, the burden of proof shall be upon the proponent of the complaint, as the case maybe, the Complainant or the University, who must establish the responsibility of the Respondent for the alleged Student Conduct Code violation(s) by a Preponderance of the Evidence. In accordance with applicable Title IX regulations, in cases alleging Title IX Sexual Harassment, the burden of proof is on the University.

I. Limitations Period

Claims should be brought within a reasonable period of time which, in all cases, shall be not less than the period of time during which the putative Respondent is a Student and subject to the Student Conduct Code.

J. Communication

Students should expect that OSCCR's primary and often

exclusive medium of communication will be through the student's official University e-mail account. OSCCR may also, at its discretion, communicate to Students via any one or more of the following methods: U.S. Mail or parcel delivery (e.g. FedEx) to the Student's permanent address on file, and/or personal hand delivery. Students are held responsible and accountable for retrieving communications from their official University e-mail account on a daily basis. Failure to do so is not an acceptable excuse for avoiding or delaying the Student Conduct Code process.

K. Registered Student Organizations

Registered Student Organizations may be charged with the violation of any section of the Code or violation of any published University policies and procedures. A Registered Student Organization and its officers may be held collectively and individually responsible when those associated with the Registered Student Organization violate the Code, particularly when those involved have received the tacit or overt consent or encouragement of the organization, its leaders, officers or spokespersons. The officer(s), leader(s) or any identifiable spokesperson(s) for a Registered Student Organization may be directed by the Dean of Students, or designee, to take appropriate action designed to prevent or end violations of the Code by the Registered Student Organization. Sanctions for organizational misconduct may include revocation of recognition or denial of registration as well as any other appropriate sanction, pursuant to Section IV of the Code.

OSCCR may notify any and all necessary University officials who act in a liaison or advisory capacity for the subject Registered Student Organization(s) of alleged violations of the Code by the Registered Student Organization(s) and the outcome of proceedings regarding alleged violations by Registered Student Organizations. Registered Student Organizations with a national governing body may be permitted to substitute one Advisor outside of the LMU community if an on-campus Advisor is not reasonably available to assist, but that outside Advisor may not be a lawyer or law student.

L. Scheduling Student Hearings

In scheduling hearings, pre-hearing meetings and other proceedings, OSCCR will reasonably attempt to avoid conflicts with class and academic schedules for those involved but may not be able to do so. Individuals involved in the Student Conduct Code processes are required to attend scheduled hearings, pre-hearing meetings and other proceedings notwithstanding class or academic conflicts. At the discretion of the University or upon Student request, hearings may be conducted via Zoom or similar remote video platform. Students meeting with a Conduct Officer via Zoom or similar remote video platform are required to acknowledge

that no one else is present with the Student during the hearing, unless an Advisor has been identified in advance by the Student and a signed Advisor Form and FERPA Student Release of Information form have been signed and provided to OSCCR.

M. Reservation of Rights

The University expressly reserves the right to revise, supplement or withdraw any Code section, University policy or portion of a University policy periodically as it deems necessary.

Upon the declaration of a campus emergency, all student policies and procedures remain in effect. However, the Senior Vice President for Student Affairs, or designee, may temporarily suspend and/or revise existing policies, procedures or processes for the health and safety of the campus community and to assist and support the University's efforts during the emergency and subsequent recovery.

The Code remains in effect during limited campus operations or full campus closures in which academic instruction moves either partly or entirely online due to potential health-compromising events, natural disasters or any unforeseen emergencies.

N. Knowledge and Awareness of Policies and Code

Students are expected to know and understand University policies. Ignorance is not an acceptable justification or defense for committing violations of University policies or the Code. Lack of intent or awareness of such policies or the Code will not be accepted as an excuse or defense for violations, and will generally subject the Respondent to the same consequences as deliberate violations.

O. Definitions

As used in the Code, the following terms shall have the following meanings:

1. **“Advisor”** means any current LMU Student, faculty, staff or religious community member, but specifically excludes Law School Students, Law School faculty and Law School staff. Off-campus individuals, parents, family members, attorneys, alumni/ae and those persons who have no affiliation with the University are expressly excluded from the definition of “Advisor” and cannot serve as Advisors. Current faculty or staff cannot act as an Advisor to their own family members. In incidents involving charges of Title IX Sexual Harassment or sexual and interpersonal misconduct, including Dating Violence, Domestic Violence and Stalking, (as referenced under Section IV of the Student Title IX Policy and Section VIII of the Student-on-Student Sexual & Interpersonal

Misconduct Policy and Protocol) the definition of Advisor is expanded to include any Advisor of the Complainant's or Respondent's choice.

2. **“Aggravated Assault”** means an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a Weapon or by means likely to produce death or great bodily harm.

3. **“Bullying”** means an intentional course of conduct, individual act or series of acts that is intended to inappropriately impose one's will or desire and cause harm to others. Bullying may include verbal or non-verbal threats, assault, Stalking and/or other methods of attempted coercion such as manipulation, blackmail or extortion (including, but not limited to, conduct that is undertaken or effected in whole or in part through the use of written communication, in person or physical contact, by telephone, mail, electronic messaging services, mobile services, electronic communications, social media or other technological means or through third parties). Bullying also includes, but is not limited to, unwanted or uninvited aggressive behavior that intends to harm, threaten, frighten or intimidate another person and may involve a pattern of behavior that is repeated over time where an imbalance of power exists between the Respondent and the Complainant.

4. **“Complainant”** means the individual(s) who file(s) a Student Conduct Code complaint with the University. In those instances where the University is the proponent of the asserted Code violation it will serve as a Complainant, except as otherwise required by applicable Title IX regulations in incidents of Title IX Sexual Harassment as further set out in the Student Title IX Policy.

5. **“Dating Violence”** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved. Dating Violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating Violence does not include acts covered under the definition of “Domestic Violence.”

6. **“Day”** means a regular University business day. It shall not include Saturdays, Sundays or administrative holidays.

7. **“Disruptive Behavior”** means behavior that unreasonably interferes with the health and safety of

the University Community, stability or continuance of University life, operations or University-sponsored Activities. Disruptive Behavior includes, but is not limited to, behavior that impedes or materially interferes with University life, operations or Community members engaging in permissible personal or job-related activities, behavior that improperly threatens or endangers the physical health and/or psychological well-being and/or safety of members of the University Community, including failing to follow applicable state and local public health guidelines or failing to adhere to University expectations of Excellent Infectious Behavior Control (EIBC).

8. **“Distribution”** means the actual or intended sale, exchange and/or dispensation of prohibited substances or materials irrespective of personal profit.

9. **“Domestic Violence”** means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under California law or by any other person against an adult or youth victim who is protected from that person’s acts under California law.

10. **“Guest”** means person(s), Student or non-student, to whom a Student is extending or has extended hospitality, an invitation or permission to be present or remain in, on or at the campus, University facilities (including Student Housing Facilities) or to attend University events on or off campus.

11. **“Harassment”** means unwelcome verbal, non-verbal, physical or visual conduct including, without limitation, physical aggression, Bullying, intimidation or hostility (including, but not limited to, conduct that is undertaken or effected in whole or in part through the use of written communication, in person or physical contact, by telephone, mail, electronic messaging services, mobile services, electronic communications, social media or other technological means or through third parties), which may or may not be based on any category of protected characteristics under the law, that is sufficiently severe, persistent or pervasive so as to unreasonably limit or interfere with a Student’s ability to participate in or benefit from any LMU program or activity on or off campus, and thereby creates an intimidating, hostile or offensive living, academic or work environment.

12. **“Institution”** and **“University”** mean Loyola Marymount University.

13. **“Preponderance of the Evidence”** means such evidence as when weighed with that opposed to it has more convincing force and the greater probability of truth.

14. **“Reckless Behavior or Endangerment”** means conduct that one should reasonably be expected to know would create a substantial risk of harm to persons or property or that would otherwise be likely to result in interference with University life, operations or University sponsored Activities, this includes, but is not limited to, conduct or action that negatively impacts EIBC.

15. **“Registered Student Organization”** means any number of persons who have complied with University requirements for registration as a Registered Student Organization.

16. **“Respondent”** means the individual(s) against whom a Student Conduct Code complaint is made.

17. **“Retaliation”** means adverse, non-permitted action taken by an individual or a third party against a person in response to protected activity including, but not limited to, reporting a violation of policy, assisting someone with a report of a violation of a policy or participating in any manner in an investigation or resolution of a report of a policy violation. Retaliation may, among other non-permitted conduct or behaviors, include threats, intimidation, coercion, Harassment, spreading negative information about an individual, exclusions from academic and non-academic programs and/or adverse actions related to employment (including conduct that is undertaken in whole or in part through the use of electronic messaging services, commercial mobile services, electronic communications, social media and/or other technology).

18. **“Sexual Assault”** means engaging in sexual intercourse, or any of the sexual activities listed below, with another person without that person’s consent (definition in the Student-on-Student Sexual & Interpersonal Misconduct Policy and Protocol). Sexual Assault includes, but is not limited to, rape, sexual battery, anal intercourse, oral copulation or penetration of a body cavity by a foreign object. Sexual intercourse includes the penetration, however slight, of the vagina or anus with any object or body part and of the mouth with a body part and/or object in a sexual manner.

19. **“Sexual Misconduct”** means unwelcome verbal, non-verbal, physical or visual conduct of a sexual nature (including, but not limited to, conduct or Bullying that is undertaken in whole or in part through the use of electronic messaging services, commercial mobile

services, electronic communications, social media or other technology). Sexual Misconduct may include unwelcome sexual advances, requests for sexual favors, Sexual Assault, sexual violence and sexual coercion. See the Student on-Student Sexual & Interpersonal Misconduct Policy and Protocol for a fuller discussion about Sexual Misconduct.

20. **“Simple Assault”** means an unlawful physical attack by one person upon another where neither the offender displays a Weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

21. **“Stalking”** means engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person under similar circumstances and with similar identities to the Complainant to fear for their own safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, “course of conduct” is defined as two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person’s property. For the purposes of this definition “substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

22. **“Student”** means a person currently enrolled or eligible and matriculating in any University program or class during the fall or spring semesters, recess period between semesters or summer period, on or off University campus, and includes all persons taking courses at the University, full-time or part-time, pursuing undergraduate, graduate or professional studies or are non-degree seeking. However, the term “Student” does not include Law School Students. Student includes one who has been enrolled at the University for the immediately preceding fall, spring or summer term and/or is eligible for continuing enrollment or graduation.

23. **“University Community”** means Students, staff, faculty, administration and religious community members of the University, but not their counterparts at the Law School.

24. **“University Housing Facilities”** means any on or off campus buildings, residence halls, apartments, suites, units, houses, or other temporary or permanent facilities that are owned, leased, rented or controlled by the University for the purpose of allowing students to reside therein full

or part time.

25. **“University Premises”** means buildings or grounds owned, leased, operated or controlled by the University.

26. **“University-sponsored Activity”** means any activity on or off campus that is initiated, authorized or supervised by the University or a Registered Student Organization.

27. **“Weapon”** means any object or substance designed or utilized to inflict a wound, cause injury or a nuisance or incapacitate including, but not limited to, all firearms, ammunition, chukka sticks, explosives, laser pointers, pellet guns, knives, projectile launchers and chemicals, such as mace or tear gas. This definition also includes decorative, replica and look-alike Weapons that are not functional, but reasonably appear to others to be real Weapons.

28. **“Witness”** means any person, excluding experts (except in cases involving Title IX Sexual Harassment), called upon to furnish relevant knowledge or information relating to an incident who is not a Complainant or Respondent.

29. The terms **“will”** or **“shall”** are used in the imperative sense. The term **“may”** is used in the permissive sense.

III. Prohibited Conduct

The following is a non-exhaustive list of conduct that is considered to be in violation of the Code. Participation in any of the below mentioned conduct may result in the initiation of Student Conduct Code proceedings. The policies listed can be found in the Community Standards Booklet on the LMU website.

A. Violating or attempting to violate federal, state or local laws including, but not limited to, the California Penal Code and Vehicle Code; published University regulations and/or policies including, but not limited to, the Alcohol and Drug Policy (e.g. underage possession or consumption of alcohol and knowingly being in the presence of alcohol while underage on campus), Anti-Hazing Policy, Child Abuse Policy, Community Relations Policy, Discriminatory Harassment Policy, Guest Policy, Student Housing Policies, Study Abroad Policies and Technology and Social Media Policy.

B. Intentional or negligent conduct causing psychological or physical harm to any person, causing reasonable apprehension of such harm, endangering others, holding someone against their will or harassing any University Community member on or off campus, University Premises or at University-sponsored Activities. This includes,

without limitation, harm related to Aggravated and Simple Assault, Bias-related conduct (conduct in violation of the Student Conduct Code that is motivated by bias based on race, religion, gender, gender identity, sexual orientation, ethnicity, national origin or disability), Bullying, damage to reputation, Dating Violence, Domestic Violence, Harassment, hazing, Sexual Assault, Title IX Sexual Harassment, Sexual Misconduct and Stalking.

C. Conduct or behavior that violates applicable state and local public health guidelines, University requirements or otherwise inappropriately puts the health or safety of the University Community at increased risk of adverse consequences. This includes, but is not limited to, conduct or behavior counter to EIBC Guidelines.

D. Retaliating against any Community or non-community member.

E. Behavior or conduct that unreasonably interferes with University life, operations, activities, processes or University-sponsored Activities including, but not limited to, studying, teaching, research, classroom instruction, campus or residential life, University administration, conduct proceedings, Study Abroad or other University-sponsored travel or fire, police or emergency services, or behavior or conduct that impedes University community members from engaging in permissible personal or job-related activities.

F. Failure to comply with the directions of a University official including, but not limited to, University administrators, faculty and staff, Public Safety Officers and contracted officers, Resident Directors and Student staff and employees (i.e. Student Managers, Resident Advisors, Lion Express Shuttle Drivers) acting in performance of their University duties. Prohibited conduct includes, without limitation, verbally threatening, abusing or harassing of any of the above in the performance of their duties, or failing to comply with EIBC Guidelines.

G. Vandalism, tampering with or disabling University-owned or operated security or other technologies or intentionally or recklessly destroying or damaging University property or the property of others on University Premises or at University-sponsored Activities.

H. Unpermitted interference with the lawful exercise of freedom of expression or movement of others on University Premises or at University-sponsored Activities (including, but not limited to, blocking entrances, exits or passageways from or to any University building or roadway, interfering with daily University business, instruction or scheduled event through congregating, assembling or any other means, creating a volume of noise that prevents normal University

activity or events).

I. Possessing, distributing or attempting to distribute a fake governmental identification card or LMU OneCard or intentionally furnishing false information and/or identification, on or off campus, to any University officer, administrator or official, or to the University, or failure to provide upon the request of a University administrator, faculty or staff, on or off campus, valid official picture identification, including, without limitation, the LMU OneCard and a government-issued identification card. This includes providing false information to gain access to an area or building on campus that is providing alcohol to those of legal drinking age.

J. Intentionally initiating or causing to be initiated any false report, warning or threat to the University, the University Community or members thereof, University property, University facilities or University-sponsored Activities.

K. Theft of property, University funds or services on University Premises, University facilities or at University-sponsored Activities or knowingly possessing stolen property on University Premises, University facilities or at University-sponsored Activities.

L. Use, possession, storage, being under the influence or knowingly being in the presence of any controlled substance or illegal drug, misuse of prescription drug(s), possession or use of *Salvia divinorum*, possession or use of drug-related material(s), including, but not limited to, drug pipes, bongs, grinders, scales or other drug paraphernalia or possessing or using any substance or material that contains toluene or has toxic qualities similar to toluene (i.e. spray paints, glue, paint thinner) for the purpose of breathing, inhaling or ingesting to induce a state of intoxication or euphoria.

M. Distribution or possession for purposes of Distribution of any controlled substance, illegal drug, prescription drug(s), *Salvia divinorum* or drug paraphernalia.

N. Use, possession or storage of any Weapon on campus, University Premises, at University facilities or reasonably adjacent or proximate to campus, University Premises, University facilities or University-sponsored Activities.

O. Intentionally or recklessly misusing, disabling, tampering with, covering or damaging University-related fire safety equipment, doors and signs.

P. Use, possession or storage of fireworks, blowtorches and/or other incendiary materials on campus, University Premises, at University facilities, at University-sponsored Activities or reasonably adjacent or proximate to campus, University Premises, University facilities or University-sponsored

Activities. Starting a fire or causing a fire to be started on campus without prior authorization from Public Safety.

Q. Unauthorized use, forgery or unauthorized alteration of any University mark, logo or intellectual property, document, instrument, card, certificate, record, instrument of identification or student electronic employment time card.

R. Unauthorized presence in or use of University Premises, facilities or property including, but not limited to, classrooms, labs, study rooms, University-assigned housing, roofs, balconies, ledges and trellises, for any unsanctioned activities (including, but not limited to, holding events, unofficial organizational meetings, sleeping, use as a domicile, etc.). Scaling perimeter fencing on or surrounding campus.

S. Engaging in disorderly conduct or lewd, indecent or obscene behavior.

T. Any behavior that disrupts, causes disruption or adversely affects University-related technology or information technology services; damages, alters or destroys University or related data or records; adversely affects University or related computer software, programs, systems or networks; the use of data, computer systems or networks to devise or execute any scheme to defraud, deceive, extort or wrongfully obtain money, property or data; the intentional introduction of any contaminant into any University or related network or computers. Unlawful downloading or use of patented, copyrighted or trademarked works, or violating the Information Technology Services' (ITS) Acceptable Use Policy.

U. Violating the terms of any disciplinary sanction imposed in accordance with the Code.

IV. Sanctions

Violations of the provisions of Section III (Prohibited Conduct) of the Code will result in the imposition of sanctions including, without limitation, suspension or dismissal from the University unless specific and significant mitigating factors are present. Factors to be considered in mitigation shall include, but not be limited to, the nature and severity of the violation, the present demeanor, contrition and past disciplinary record of the Respondent, the nature of the offense and the severity of any damage, injury or harm resulting from it and any and all health and safety considerations of the University Community.

A. Community Service/Education Project

Community Service, work on campus, research projects or other appropriate learning experiences may be assigned.

B. Disciplinary Probation

The Student is no longer in "good disciplinary standing" with the University for duration of probation. The Student is given written notice that further infractions of the Code or University policies may result in further sanctions.

The Student may also be restricted from eligibility for or participation in present and future Student and University activities, including, but not limited to, co-curricular and organizational activities, ASLMU positions and activities, Resident Advisor positions, Study Abroad programs, orientation leadership positions and other Student leadership positions. Notification of disciplinary probation may be sent to the appropriate University offices and officials

C. Disciplinary Warning

The Student is given verbal and/or written warning that future misconduct may result in more severe disciplinary action.

D. Dismissal from the University

Permanent separation of the Student from the University. Permanent notification may appear on the Student's University transcript. The Student will also be banned from campus and University Premises. The sanction of dismissal requires the review and approval by the Senior Vice President for Student Affairs, who may alter, defer or suspend this recommended sanction. Any alteration, deferral or suspension of this sanction may be subject to specified conditions. Notification of dismissal may be sent to the appropriate University offices and officials.

E. Educational Programs

The Student is assigned to attend educational programming either in person or online to increase awareness of the effects and issues related to alcohol, drugs and other behaviors. When possible, a student-run Alcoholics Anonymous, as well as Al-Anon, is offered on campus either in person or virtually through video-conference.

F. Fines

A monetary fine may be imposed or assessed to a Student's account.

G. Housing Probation

The Student is given written notice that any further infractions of the Code, University policies or Housing policies may result in removal from University housing and/or determination that the Student be ineligible for or restricted from present and future housing opportunities. The Student is required to meet with their Resident Director or Housing designee within two weeks of being placed on housing probation.

H. Ineligibility for Graduation and/or Participation in Ceremonies

Prohibition from participation in graduation ceremonies. Prior to graduation, Students charged with an alleged Code violation in which the charges have not yet been adjudicated, may in the University's discretion be prohibited from graduating or participating in graduation ceremonies until the Student Conduct Code proceedings have been adjudicated and, if found responsible, sanctions completed.

I. Parental Notification

Students in violation of alcohol or drug policies may be required to write a letter to their parents (or legal guardian) describing the incident and what outcomes resulted from the conduct process.

J. Removal from or Relocation within University Housing

Students who demonstrate that they are unable to live in University Housing Facilities or particular University Housing Facilities as, for example, evidenced by material and/or repeated Code or policy violations, may be relocated to another University Housing Facility, or have their University housing license agreement terminated. If removed, a Student may be prohibited from University Housing Facilities and ineligible for future University housing. Students may also be relocated or removed from University Housing Facilities on an interim or temporary basis as an appropriate supportive measure. Supportive measures are not sanctions and no adverse finding or determination of misconduct may be made or inferred from the imposition of any interim measures.

L. Restitution

The Student is required to make financial payment to the University for amounts assessed or incurred as a result of a determined Code violation. Restitution payments between individual Students or Registered Student Organizations will not be sanctioned, mandated or administered through the conduct process.

M. Restriction from Campus, University Premises, Facilities or Events

Excluding a Student from campus, University Premises, University facilities or events means that the Student is not allowed to be on the campus, University Premises, at University facilities or in attendance of an event for or during specific time periods. Restrictions may include authorizing access to limited University Premises or facilities for specific purposes (e.g. to attend class) or being required to fulfill academic requirements via online educational tools.

N. Suspension from the University

Separation of the Student from the University for a stated period with an opportunity for reinstatement consideration. Permanent notification of the suspension may appear on the Student's University transcript. While suspended, the

Student is ineligible for and shall not participate in any University-sponsored Activities and may be excluded from campus and University Premises. Suspended time will not count against any time limits of graduate schools or programs for completion of a graduate degree. The sanction of suspension requires the review and approval of the Senior Vice President for Student Affairs, who may alter, defer or suspend this recommended sanction. Any alteration, deferral or suspension of this sanction may be subject to specified conditions. Notification of suspension may be sent to the appropriate University offices and officials.

O. Other Sanctions

The University and its Conduct Officers and Hearing Boards retain the right to impose additional and/or different sanctions according to the specific circumstances and needs of a situation including, but not limited to, loss of on-campus driving/parking privileges, loss of network privileges, other conditions and restrictions and meetings with professional staff and/or faculty members.

V. Roles and Responsibilities

Within the Student conduct process several members of the University Community play critical roles and have varying responsibilities.

A. The Role and Responsibilities of the Chief Conduct Officer or designee.

1. Supervising, training and advising all Conduct Officers, Hearing Boards and Student Conduct Committee members.
2. Ensuring the maintenance of all Student disciplinary records on file in the OSCCR.
3. Administering procedures for resolution of a Student's challenge of bias for any Conduct Officer or Hearing Board member prior to resolution of the conduct process.
4. Prepare statistical reports each semester for the Senior Vice President for Student Affairs or designee.
5. Conducting an annual review of the Student Conduct Code.

B. The Roles and Responsibilities of the Conduct Officers and Hearing Boards.

1. Hearings or other proceedings as provided in the Code may be held before a Conduct Officer, Hearing Panel or an applicable Hearing Board, and may utilize videoconferencing.

2. The Senior Vice President for Student Affairs, or designee, shall appoint Conduct Officers and Hearing Boards.

3. The Conduct Officers and Hearing Board members shall adhere to procedures consistent with provisions in the Code. All procedures are approved by the Senior Vice President for Student Affairs, or designee.

4. In the event of a vacancy or disqualification of a Conduct Officer or Hearing Board member, the disciplinary matter shall be assigned to another Conduct Officer or Hearing Board by the Senior Vice President for Student Affairs, or designee.

5. Conduct Officers shall complete annual training provided by OSCCR.

6. Conduct Officers may be called upon to participate in the annual review of the Student Conduct Code.

C. The Roles and Responsibilities of the Student Conduct Committee.

1. Appeals, as provided in the Code, are held before the Student Conduct Committee.

2. The Student Conduct Committee shall adhere to procedures consistent with provisions in the Code. Procedures are approved by the Senior Vice President for Student Affairs, or designee.

3. The Student Conduct Committee members shall be selected as follows:

a. The ASLMU President shall recommend members from the undergraduate Student body;

b. The GSLMU President shall recommend members from the graduate Student body;

c. The RHA President shall recommend members from RHA;

d. The Student Housing Office shall recommend Resident Ministers as members;

e. The Senior Vice President for Student Affairs shall appoint a minimum of two faculty/staff members;

f. Each meeting, the Senior Vice President for Student Affairs, or designee, shall designate a Presiding Officer over the appellate process from the members of the Student Conduct Committee;

g. The Senior Vice President for Student Affairs, or designee, shall serve as an ex officio member.

4. The Senior Vice President for Student Affairs shall appoint all members of the Student Conduct Committee.

5. The term of office for the Student or faculty/staff Student Conduct Committee members shall be a minimum of one year as determined by the Senior Vice President for Student Affairs. Members may be re-appointed for additional terms.

6. Prior to participating in Student Conduct Committee deliberations, new members of the Student Conduct Committee will participate in an orientation session offered at least once each academic year by the Senior Vice President for Student Affairs, or designee.

7. Student members of the Student Conduct Committee who are charged with any violation of the Code or with a criminal offense may be suspended from their committee positions by the Chief Conduct Officer while charges are pending against them. Students found responsible for any such violation or offense may be disqualified from any further participation in the University conduct system by the Chief Conduct Officer.

8. In the event of a vacancy, suspension or disqualification of a Student Conduct Committee member, the Senior Vice President for Student Affairs shall fill the vacancy.

9. A quorum for the Student Conduct Committee shall be three members with a minimum of one Student and one faculty member.

VI. Student Procedural Protection

A. Referrals

Suspected violations of the Code, including those discovered during the adjudication and/or investigation of Student Conduct Code proceedings, shall be submitted to OSCCR. Persons making such referrals are required to provide information pertinent to the case and may be asked to appear before a Conduct Officer/Hearing Board.

B. Student Conduct Code Hearings

Except for cases involving allegations of Title IX Sexual Harassment, the Chief Conduct Officer, or designee, shall review referrals to determine whether or not there is sufficient evidence to charge a Student with a violation of the Code and whether to hold a Student Conduct Code hearing. In accordance with applicable Title IX regulations, in cases involving allegations of Title IX Sexual Harassment, the Title IX Coordinator shall make the determination of whether a Formal Complaint will move to the Title IX conduct process.

The process and procedures relating to the adjudication of allegations of Title IX Sexual Harassment can be found in the Student Title IX Policy.

C. Hearing Process

Students charged with Code violations of misconduct that does not present the potential for severe sanctioning (suspension or dismissal from the University) are accorded the following procedural protections:

1. A written or electronic notice (generally, via the official University e-mail account) of alleged facts underlying the misconduct charge(s), the location of the Student Conduct Code, a scheduled hearing with a Conduct Officer or applicable Hearing Board (or instructions on how to schedule the hearing) and timely notice of that hearing. Students who fail to appear after timely notice will be deemed to have admitted the alleged misconduct and accepted responsibility for the charges asserted against them. Failure to check one's University e-mail account is not sufficient justification for not attending a scheduled hearing;
2. A hearing during which the Conduct Officer/Hearing Board shall again specify the facts underlying the alleged misconduct and provide the Student the opportunity to review the information gathered by the University, including time, date and place where the behavior is alleged to have occurred, that makes up the basis for the charge(s). Students shall have the opportunity to present evidence relevant to the alleged misconduct and to respond to the information gathered by the University in support of the charge(s), including the right to offer counter or explanatory information. Students may utilize the assistance of an Advisor during the hearing (see Section II(O)(1) for specifics of who is eligible to serve as an Advisor in these proceedings);
3. During the hearing, the Conduct Officer/Hearing Board shall explain the University's conduct system and Student rights and make available the Student Conduct Code. The Conduct Officer/Hearing Board shall also explain the private nature of the conduct process (Students' statements remain private except in the event of multiple involved parties and/or Witnesses, in which case newly presented information may be mutually shared) and the fact that the hearing may become a part of the file relating to the case;
4. Reasonable access to the evidence supporting the charge will be made available to the Students (Complainants and Respondents) prior to the hearing;
5. If a further hearing or Witness meeting is necessary, a

supplemental proceeding will be scheduled;

- a. Students or the Conduct Officer/Hearing Board may submit new and/or additional evidence and call appropriate fact (non-expert) Witnesses at the supplemental proceeding. Students shall have the opportunity to respond to any new or additional evidence that is presented for the first time at the supplemental proceeding;
- b. Students may utilize the assistance of an Advisor during the supplemental hearing;
6. Students who wish to have the assistance of an Advisor must inform the presiding Conduct Officer in writing or via e-mail at least two Days prior to the scheduled date of the hearing. The Advisor's role is to assist Students in understanding the conduct process during hearings. Advisors may not address the Conduct Officer/Hearing Board or play any other role during hearings. All communication involving Advisors must be between the Advisor and Student. An Advisor may not appear in lieu of the Student;
7. Sanctions shall be levied if it is determined that the Student is responsible for the alleged violation(s). If not, the charge(s) will be dismissed;
8. Students may have the assistance of fact (non-expert) Witnesses. Expert Witnesses are not allowed and character Witnesses are disfavored. The Conduct Officer/Hearing Board must be notified in writing at least two days prior to the scheduled date of the hearing that the Student plans to provide Witnesses. These Witnesses must have relevant knowledge and information pertaining to the case;
9. Complaints will be promptly investigated and adjudicated following the procedures set out in the Code;
10. For compliance with Clery Act record retention requirements, all official conduct-related correspondence will be retained for a minimum of seven years;
11. A Student's conduct history and record are cumulative; therefore increased sanctions may be imposed to take into consideration the Student's overall record of violations of all types, not just those of a similar type.

D. Hearing Process for Misconduct Potentially Resulting in Severe Sanctioning (suspension or dismissal from the University)

Student charged with violations of the Student-on-Student Sexual or Interpersonal Misconduct Policy and Protocol that do not constitute Title IX Sexual Harassment, and/or

whose alleged misconduct and asserted Code violations may result in severe sanctioning (suspension or dismissal from the University), are accorded the following procedural protections:

1. A written or electronic notice (generally, via the official University e-mail account) of misconduct charges, the location of the Student Conduct Code, a scheduled pre-hearing meeting with an OSCCR representative (or the instructions on how to schedule the pre-hearing meeting) and timely notice of that pre-hearing meeting;
2. Once an Advisor has been identified by either the Respondent or Complainant, the Advisor will be copied on all communication regarding scheduling of pre-hearing meetings, review of reports and scheduling of the hearing with cross examination;
3. A pre-hearing meeting at which:
 - a. The Respondent (and separately the Complainant if applicable) may review all the information gathered by the University, including time, date and place where the alleged behavior/misconduct is alleged to have occurred, that makes up the basis for the charge(s);
 - b. The Respondent/Complainant may ask the OSCCR representative questions regarding the conduct process;
 - c. Either the Respondent or the Complainant (if applicable) may provide the names of Witnesses not yet interviewed by Public Safety, whose statements may have value to the proceedings. In the event either a Respondent or Complainant provides Witnesses during the pre-hearing meeting, then the names of those Witnesses will be provided to Public Safety for formal interview, and the investigation report will be supplemented with their statements. Once the investigation report is updated with any additional Witness interviews and information, both Respondent and Complainant will be permitted another opportunity to review the updated report, evidence and information. If a Witness fails to meet with Public Safety for a formal interview, any prior or subsequent statements will not be utilized nor relied upon by the Hearing Panel in rendering its decision;
 - d. The OSCCR representative shall explain the hearing processes to the parties including cross examination processes and procedures and Student rights and make available the Student Conduct Code. The OSCCR representative shall also explain the private nature of the conduct process (Student statements during the hearing with cross examination shall remain private

except in the event of multiple involved parties, in which case newly presented information related to another Respondent may be mutually shared) and the fact that the hearing may become part of the file relating to the case;

e. The Complainant is informed that no conduct record will be generated in regards to the Complainant, however the Complainant may be permitted future access to the conduct case file;

4. Respondents and Complainants who wish to have the assistance of an Advisor should inform OSCCR in writing at least two Days prior to the scheduled date of the pre-hearing meeting. The Advisor's role is to assist Students in understanding the conduct process during pre-hearing meetings and hearings with cross examination. Advisors may not address the Hearing Panelists or play any other role during hearings. All communication involving Advisors during hearings must be between the Advisor and Student. An Advisor may not appear in lieu of the Student to either the pre-hearing meeting or the hearing with cross examination;

5. A hearing with cross examination (conducted via videoconferencing) during which the Hearing Panel shall specify the nature of the alleged misconduct and provide the Respondent and the Complainant the opportunity to again review the information and evidence gathered by the University that make up the basis for the charge(s). Students shall have the opportunity to present evidence relevant to the alleged misconduct and to respond to the information gathered by the University, including the right to offer counter information and/or call appropriate fact (non-expert) Witnesses. Students may utilize the assistance of an Advisor during the hearing (see Section II(O)(1) for specifics of who is eligible to serve as an Advisor in these proceedings).

The Hearing Process will proceed where a Respondent fails to appear after timely notice and a determination of the charged misconduct made based upon the facts and evidence submitted in support of the alleged misconduct at that hearing (failure to check one's e-mail is not sufficient justification for not attending a scheduled hearing). A Student Complainant who fails to appear after timely notice will be deemed to have abandoned their complaint and the charges will be dismissed unless the University is presenting the case and the facts and evidence presented in support of the charged misconduct independent of the Complainant warrants the continuation of the conduct process;

6. The Respondent, via videoconferencing, will be permitted the opportunity to provide questions to be asked of the Complainant, and any Witnesses that appear either at the request of the Respondent, the Complainant or the University, in order to assess the credibility of the information offered. The Respondent will be asked to provide their questions in advance of the hearing, and the Conduct Officers on the Hearing Panel will be permitted to disallow a question asked by the Respondent if the Respondent is unable to provide sufficient rationale for the relevancy of the question.

The Complainant, via videoconferencing, will be permitted the opportunity to provide questions to be asked of the Respondent, and any Witnesses that appear either at the request of the Complainant, the Respondent or the University, in order to assess the credibility of the information offered. The Complainant will be asked to provide their questions in advance of the hearing, and the Conduct Officers on the Hearing Panel will be permitted to disallow a question asked by the Complainant if the Complainant is unable to provide sufficient rationale for the relevancy of the question;

7. Both the Respondent and the Complainant will be permitted the opportunity to make a closing statement at the conclusion of the evidentiary portion of the hearing;

8. If a further hearing is necessary, a supplemental proceeding will be scheduled:

a. Respondents, Complainants or the Hearing Panel may submit new and or additional evidence and call appropriate fact (non-expert) Witnesses at the supplemental proceeding. Students shall have the opportunity to respond to any new or additional evidence that is presented for the first time at the supplemental proceeding;

b. Respondents and Complainants may utilize the assistance of an Advisor during the supplemental hearing;

9. Sanctions shall be levied if it is determined that the Student is responsible for the violation(s). If not, the charge(s) will be dismissed;

10. Complaints will be promptly investigated and adjudicated following the procedures herein outlined;

11. For compliance with Clery Act record retention requirements, all official conduct-related correspondence will be retained for a minimum of seven years;

12. A Student's conduct history and record is cumulative; therefore increased sanctions may be imposed to take into consideration the Student's overall record of violations of all types, not just those of a similar type;

13. Unless required by law, privacy laws prevent notification or disclosure to Student Complainants about the prior conduct history, if any, of the Respondent.

VII. Hearing Procedures

A. The following procedural guidelines shall be applicable in conduct proceedings that do not present the potential for remedies including severe sanctioning (Suspension or dismissal from the University). Respondent meets solely with the Conduct Officer or Hearing Board Panel:

1. The Conduct Officer/Hearing Board has the right to request the presence of and interview fact (non-expert) Witnesses;

2. Hearings will generally be private except for Conduct Officers/Hearing Boards, Students and Advisors. Recording devices (audio and/or video) of any kind are not permitted for use by the Students, Witnesses or Advisors;

3. The Conduct Officer/Hearing Board shall exercise control over the procedures to avoid needless consumption of time. Any person, including the Advisor, who is disruptive during the hearing, refuses to follow the rules or procedures and/or who fails to adhere to the admonitions and rulings of the Conduct Officer/Hearing Board may be excluded from the proceedings;

4. The decision of the Conduct Officer/Hearing Board shall include a summary of the testimony, findings, decision and applicable sanction(s). The decision shall be sufficiently detailed to permit review as provided in the Code;

5. Prior to the hearing, Students may challenge a Conduct Officer/Hearing Board member on the grounds of personal bias. Any such challenge must be made in writing to the Dean of Students, or designee, not less than two Days prior to the hearing. The disqualification challenge of a Conduct Officer/Hearing Board member shall be determined by the Dean of Students, or designee. If a challenge is sustained, the charge shall be referred to another Conduct Officer/Hearing Board member;

6. All participants in a conduct hearing shall be asked to affirm that their testimony is truthful and may be subject to charges of providing false information pursuant to Section III(I) of the Code;

7. The burden of proof shall be upon the Complainant who must establish the responsibility of the Respondent by a Preponderance of the Evidence;

8. Except as provided herein, formal rules of evidence and discovery shall not be applicable in proceedings conducted pursuant to the Code. The Conduct Officer/Hearing Board shall give effect to recognized rules of privacy (including the Family Educational Rights and Privacy Act [FERPA]) and privilege, but may otherwise admit matters into evidence that a reasonable person would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded;

9. Written statements shall not be admitted into evidence unless signed by the affiant and witnessed by a person designated by the Dean of Students, or designee;

10. A Student with a case assigned to a Student Hearing Board has the option to have the matter heard by a Conduct Officer. Notice of such election must be given to the presiding Conduct Officer no less than two Days prior to the date of the hearing;

11. Student Complainants in these conduct cases (e.g. without cross examination provisions) will not be notified of the decision rendered by the Conduct Officer/Hearing Board, and have no appeal rights;

B. The following procedural guidelines shall be applicable in conduct proceedings with potential severe sanctioning (suspension or dismissal from the University):

1. The Hearing Panel may request Public Safety interview fact (non-expert) Witnesses;

2. Hearings with cross examination will generally be private except for the Hearing Panel, parties and Advisors. Hearings with cross examination will be recorded via videoconferencing software utilized by the Hearing Panel only. Recording devices (audio and/or video) of any kind are not permitted for use by the Students, Witnesses or Advisors;

3. The Hearing Panel shall exercise control over the procedures to avoid needless consumption of time. Any person, including an Advisor, who is disruptive during the hearing with cross examination, refuses to follow the rules or procedures and/or fails to adhere to the admonitions and rulings of the Hearing Panel may be excluded from the proceedings;

4. The decision of the Hearing Panel shall include a summary of the testimony and evidence in support of the

findings, the findings, decision and applicable sanction(s). The decision shall be sufficiently detailed to permit review as provided in the Code and as authorized or required by law will be sent to both the Respondent and the Complainant. The decision will not be sent to either the Respondent's or Complainant's Advisors;

5. Prior to the hearing, Students may challenge a Hearing Panel member on the grounds of personal bias. Any such challenge must be made in writing to the Dean of Students, or designee, not less than two Days prior to the hearing. The disqualification challenge of a Hearing Panel member shall be determined by the Dean of Students, or designee. If a challenge is sustained, the charge shall be referred to another Hearing Panel member;

6. All participants in a conduct hearing shall be required to affirm that their testimony is truthful and may be subject to charges of providing false information pursuant to Section III(I) of the Code. If a Witness refuses to participate in the hearing with cross examination, their prior or subsequent statements to Public Safety will not be utilized or relied upon by the Hearing Panel in coming to a decision;

7. The burden of proof shall be upon the Complainant who must establish the responsibility of the Respondent by a Preponderance of the Evidence;

8. Except as provided herein, formal rules of evidence and discovery shall not be applicable in proceedings conducted pursuant to the Code. The Hearing Panel shall give effect to recognized rules of privacy (including FERPA) and privilege, but may otherwise admit matters into evidence that a reasonable person would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded;

9. Written statements, absent live testimony by the Witness that is subject to cross-examination, shall not be admitted into evidence nor used for any purpose.

VIII. Appeal Procedures

A. Any decision by a Conduct Officer, Hearing Panel or Hearing Board or disciplinary sanction assigned may be appealed by the Respondent to the Student Conduct Committee. In proceedings involving potential severe sanctioning (suspension or dismissal from the University) Student Complainants may also appeal the decision. Appeals to the Student Conduct Committee are limited to one or more of the following grounds:

1. The sanction is substantially disproportionate to the offense;

2. The procedures provided for in the Code were not materially followed resulting in significant prejudice to the Appellant;
3. New relevant evidence is available, which in the exercise of reasonable diligence could not have been produced at the time of the hearing; or
4. The decision is not supported by substantial evidence.

B. All petitions for appeals shall be submitted to:

The Student Conduct Committee
 c/o The Office of Student Conduct & Community
 Responsibility
 Malone Student Center 355
OSCCR@lmu.edu

C. Appeal petitions must be submitted by the involved Student party (Respondent or Complainant, if applicable) via written statement and received by the Student Conduct Committee c/o OSCCR within five Days from the date of the imposition of the original decision. Appeal petitions may not be submitted by Advisors or third parties (including, without limitation, lawyers or Law School Students) on behalf of the involved Student party. Failure to file the appeal petition within the five-day limitations period results in the decision becoming final and conclusive.

Failure to comply with these procedures may result in the rejection of an appeal petition.

D. Pursuant to Section VIII(A) the appeal petition must be accompanied by a written statement in support of the appeal. Upon notification of the receipt of a proper and timely appeal petition, the Chief Conduct Officer, or designee, shall convene the Student Conduct Committee. If an appeal is made in a conduct case involving the potential for severe sanctioning (suspension or dismissal from the University), the non-appealing party (either Complainant or Respondent) will be notified of an appeal and be afforded the opportunity to submit a timely written statement in opposition to the appeal.

E. In appeals of decisions in conduct cases without the potential for severe sanctioning (suspension or dismissal from the University), pursuant to Section VIII(A), the Student Conduct Committee will review the Conduct Officer's/Hearing Board's summary of the testimony, findings and decision and the recommended sanction, the Student's disciplinary history and the written statement of the Student filed with the appeal petition.

F. In appeals of decisions in conduct cases involving the

potential for severe sanctioning (suspension or dismissal from the University), pursuant to Section VIII(A), the Student Conduct Committee will review the video and audio recording of the hearing, the findings, decision and recommended sanctions (if applicable), the Respondent's disciplinary history and the written statement of the Respondent and of the Complainant filed with the appeal petition or in response to the appeal petition.

G. The Student Conduct Committee may, but is not required to, request either the Conduct Officer/Hearing Board or the involved Student parties to submit additional information in writing. If the Conduct Officer/Hearing Board or any Student parties is/are requested to submit additional information, the Student parties not so requested shall be entitled to reply in writing to the additional written information supplied to the Student Conduct Committee.

H. So long as supported by the evidentiary record, the Student Conduct Committee shall give deference to the determinations of the Conduct Officer, Hearing Panel or Hearing Board, and may make one of the following recommendations:

1. Recommended sanctions may be reduced, if found to be substantially disproportionate to the offense or affirmed;
2. The case may be referred back to the Senior Vice President for Student Affairs, or designee, for reassignment to a new Conduct Officer, Hearing Panel or Hearing Board if specified procedural errors in interpretation of the Code were so substantial as to effectively deny the Student a fair hearing or if significant new evidence became available which could not have been discovered by a properly diligent Student before or during the original hearing;
3. The determination should be reversed, if the decision is not supported by substantial evidence;
4. The Student Conduct Committee shall not alter the underlying decision of the Conduct Officer, Hearing Panel or Hearing Board if supported by substantial evidence and reasonable inferences arising therefrom.

I. In appeals of conduct cases involving the potential for severe sanctioning (suspension or dismissal from the University) in which the Complainant is a student, both parties shall have the opportunity to submit an appeal and absent an appeal by both parties, the non-appealing party shall have the opportunity to submit a written statement in either support or opposition to the extant appeal petition. Both parties will be notified of the results of the appeal.

J. Concurrent with the filing of an appeal petition,

Complainants or Respondents may challenge a member of the Student Conduct Committee on the grounds of personal bias. All disqualification challenges of Student Conduct Committee members shall be determined by the Senior Vice President for Student Affairs, or designee. If a challenge is sustained, the proceedings will continue without the participation of the disqualified member in the event that a quorum exists with the remaining members. If disqualification results in the lack of a quorum a new Committee will be assembled without the previously challenged member.

K. Except as provided herein, formal rules of evidence and discovery shall not be applicable in these proceedings conducted pursuant to the Code. The Student Conduct Committee shall give effect to the recognized rules of privacy (including FERPA) and privilege but may otherwise admit matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

L. The Student Conduct Committee may take presumptive notice of matters that would be of general knowledge to other University Students.

M. The Student Conduct Committee shall be provided copies of the Student's disciplinary record when reference to the Student's disciplinary history is included in the decision made by the Conduct Officer/Hearing Board.

N. Unless otherwise determined by the Senior Vice President for Student Affairs, or designee, the imposition of sanctions will be deferred during the appeal process.

O. A quorum for the Student Conduct Committee shall be three members with a minimum of one Student and one faculty member.

P. Procedural, evidentiary and final recommendations of the Student Conduct Committee shall be by majority vote of the members present and voting. A tie vote in an appeal proceeding will result in affirmation of the original decision. Procedural or evidentiary issues in any hearing before the Student Conduct Committee shall be determined by the Committee's presiding officer in accordance with the Code.

IX. Exceptional Procedures

A. Violations of the Code that in ordinary circumstances may not result in a sanction of suspension or dismissal may nonetheless result in a sanction of suspension or dismissal if, in the view of the Senior Vice President for Student Affairs, suspension or dismissal is appropriate under all the facts and circumstances (e.g. intentional, malicious or aggravated violation, history of repeated Code violations, etc.). Such

incidents will be adjudicated following the procedures outlined in Section VII(B).

B. Final decisions of the Conduct Officer, Hearing Panel, Hearing Board or the Student Conduct Committee recommending a suspension or dismissal from the University shall be reviewed and approved by the Senior Vice President for Student Affairs. All other final decisions may be reviewed by the Chief Conduct Officer, or designee. The reviewing officer may reduce, defer or suspend the decision and sanction, or impose conditions in connection with any change, deferral or suspension.

C. The Senior Vice President for Student Affairs, or designee, may suspend a Student for an interim period pending Student Conduct Code proceedings or medical evaluation. Such interim suspension becomes immediately effective without prior notice whenever there is reasonable suspicion that the continued presence of the Student on the University campus poses a substantial threat to the health, safety or well-being of members of the University Community or to unreasonably interfere with the stability and continuance of normal University functions.

D. A Student suspended on an interim basis shall be given an opportunity to appear personally for an interim suspension hearing before the Senior Vice President for Student Affairs, or designee, within three Days from the effective date of the interim suspension to present their case to discontinue the interim suspension in accordance with Section IX(E) below.

E. An interim suspension hearing shall determine whether the interim suspension should continue through the hearing and determination on the merits of the Student Conduct Code charge(s) because the alleged misconduct and surrounding circumstances reasonably indicate that the continued presence of the Student on campus pending the hearing and determination of the Student Conduct Code charge(s) poses a substantial threat to the health, safety or well-being of members of the University Community or unreasonably interferes with the stability and continuance of normal University functions.

F. If, at the interim suspension hearing referenced in Section IX(E) above, the Student's continued presence is determined to pose a substantial threat to the health, safety or well-being of members of the University Community or to unreasonably interfere with the stability and continuance of normal University functions, the Senior Vice President for Student Affairs, or designee, may continue the interim suspension through the conclusion of the proceedings on the alleged Student Conduct Code violation.

G. In cases alleging sexual and interpersonal misconduct including Dating Violence, Domestic Violence and Stalking, the Senior Vice President for Student Affairs, or designee, may implement supportive measures, including, but not limited to, academic, residential, transportation and/or employment accommodations, intended to ensure the well-being of the Complainant, the Respondent, the investigatory process and/or the University Community while the complaint is being investigated and prior to the determination on the charge. Any such supportive measures shall not be referred to or offered as evidence at the hearing on the underlying charge. Any such supportive measures shall be designed and implemented in a manner intended to achieve their purpose while at the same time limiting, to the extent practicable, any adverse effect to the Complainant and/or Respondent's educational program.

H. Unless otherwise determined by the Senior Vice President for Student Affairs, or designee, the imposition of sanctions will be deferred during the appeal process.

I. A conduct hold may be placed on a Student's file/account and a notation may be entered on the Student's University transcript when the Student has been dismissed or suspended from the University or has officially or unofficially withdrawn, taken a leave of absence or has been academically disqualified while Student Conduct Code proceedings are pending. In addition, when the Student has incomplete sanctions or open conduct cases and leaves the University for any reason, including, but not limited to, leave of absence, withdrawal or academic disqualification, a conduct hold will be placed on the Student's file/account and the Student may also be prohibited from entering campus during the period of the conduct hold. This conduct hold must be cleared before a Student will be allowed to return to the University.

J. In cases regarding allegations of sexual or interpersonal misconduct (including Dating Violence, Domestic Violence and Stalking) a notation may be entered on the Respondent's University transcript at the discretion of the University if the Student is found responsible for a specific Title IX Sexual Harassment and/or sexual or interpersonal misconduct charge.

X. Restorative Justice Process

The OSCCR may opt to postpone initiation of the conduct process in matters deemed potentially appropriate for a Restorative Justice Process.

The Restorative Justice Process is voluntary for all participants, and the appropriateness of such process must be concurred in by the University, and allows a Respondent to accept responsibility for the harm caused. As part of

the successful completion of a Restorative Justice Process, the Respondent will not be charged with a violation of the Student Conduct Code. The Restorative Justice Process is designed to redress the harm caused by the underlying conduct and prevent its recurrence in a manner that meets the needs of the Complainant and effected parties while still maintaining the safety of the overall campus community. If a Restorative Justice opportunity is not accepted or fully completed by all parties, then the matter may be referred back to OSCCR and the conduct process may at that time be initiated. The initial determination of eligibility for the Restorative Justice Process will be left to the Associate Dean of Students, or designee, and the Associate Dean, or designee, reserves the right to terminate the process at any time.

XI. Conduct Files and Records

A. Case referrals may result in the development of a conduct file in the name of the Respondent that may be voided if the Respondent is found not responsible for the charges.

B. The files of Respondents found responsible for any of the charges against them will be retained as a conduct record for a minimum of seven years from the date of the letter providing notice of the final conduct action.

C. Conduct records may be voided and any records or notations related thereto purged by the Dean of Students for good cause following consideration of a written petition of Respondent. Among the factors considered by the Dean of Students in review of such petitions shall be:

1. The nature of the charge;
2. The period of time that has elapsed since the violation;
3. The present demonstrated demeanor and contrition of the Respondent;
4. The demonstrated conduct of the Respondent subsequent to the violation; and/or
5. The nature of the violation and the severity of any damage, injury or harm resulting from it.

Decisions on petitions under this subsection are at the discretion of the Dean of Students.

D. When Students sign a release offered by internal (Study Abroad, University offices, etc.) or external (graduate schools, prospective employers, etc.) entities, this release allows the University to release Student disciplinary information to these parties. Upon receipt of a request from an internal or external entity, and with appropriate signed release by the

subject student, the University reserves the right to report only those records in which violations resulted in a sanction of probation, suspension or dismissal from the University.