

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. 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 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 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 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 Office of Student Conduct & Community Responsibility and purpose of the Code, Student Conduct Code proceedings do not, and are not intended to, emulate the criminal justice system, its processes and/or procedures. Student Conduct Code proceedings are intended to be educational and less formal, less adversarial and less complex than criminal justice processes and procedures. 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 the other information and evidence in making their determination.

H. Burden of Proof

The burden of proof shall be upon the Complainant who must establish the responsibility of the Respondent for the alleged Student Conduct Code violations by a Preponderance of the Evidence.

I. Statute of Limitations

Unless the law requires a longer period of limitation, as with incidents involving sexual or interpersonal misconduct, a Student Conduct Code complaint against the Respondent must be filed within one calendar year of the conduct alleged to be a violation.

J. Communication

The Office of Student Conduct & Community Responsibility will, at its discretion, communicate to all Students via any one or more of the following methods: official University e-mail account, U.S. Mail, parcel delivery (e.g. UPS, FedEx), and/or personal hand delivery. Students should normally expect that the Office of Student Conduct & Community Responsibility's primary medium of communication will be through their official University e-mail account. 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 delaying the conduct 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/or 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 a 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 or denial of registration as well as other appropriate sanctions, pursuant to Section IV of the Code.

The Office of Student Conduct & Community Responsibility 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. 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 a 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.

M. 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.

N. 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 conformity with the Violence Against Women Act (VAWA), in incidents involving charges of sexual and interpersonal misconduct, including Dating Violence, Domestic Violence and Stalking, (as referenced under 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 some instances the University may serve as a Complainant.
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 safety, stability or continuance of normal University life, operations or University-sponsored Activities. Disruptive Behavior includes, but is not limited to, behavior that threatens or endangers the physical and/or psychological well-being and/or safety of members of the University Community.
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. **“Group”** means any number of persons who are associated with each other and who have not complied with University requirements to form a Registered Student Organization.
12. **“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.

13. **"Institution"** and **"University"** mean Loyola Marymount University.

14. **"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.

15. **"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 normal University life, operations or University-sponsored Activities.

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

17. **"Respondent"** means the individual(s) against whom a Student Conduct Code complaint is made.

18. **"Retaliation"** means any adverse, non-permitted action taken by an individual or a third party against a person in response to an action, injury or 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 can include, but is not limited to, threats, intimidation, coercion, Harassment, reprisals, spreading negative information about an individual, exclusions from academic and non-academic programs and/or adverse actions related to employment (including, but not limited to, 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).

19. **"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.

20. **"Sexual Harassment"** 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). In accordance with Title IX, Sexual Harassment includes, without limitation, unwelcome sexual advances, requests for sexual favors, Sexual Assault, sexual violence and sexual coercion.

21. **"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.

22. **"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.

23. **"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. During the recess period between the fall and spring semesters or the summer period, 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.

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

25. **“University Housing Facilities”** means any on or off campus buildings, residence halls, apartments, suites, units, etc., either owned, leased or controlled by the University for the express purpose of allowing students to reside therein either full or part time.

25. **“University Premises”** means buildings or grounds owned, leased, operated, controlled or supervised 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, 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. Intentionally or recklessly 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 Harassment and Stalking.

C. Intentionally or recklessly retaliating against any University Community member or any non-community member involved in a Student Conduct Code complaint as a Complainant or Witness in a physical, verbal, electronic or written manner for your own benefit or on behalf of another.

D. Disruptive Behavior, and/or intentionally or recklessly interfering with normal University life, 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.

E. Failure to comply with the directions of all University officials 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.

F. 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.

G. Intentionally limiting or interfering with the freedom of expression or the freedom of 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).

H. 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.

I. 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.

J. 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.

K. 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.

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

M. 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.

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

O. 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.

P. 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.

Q. 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.)

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

S. 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.

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

U. Failing to complete and/or tampering with a sanctioned drug test or testing positive for a sanctioned drug test.

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 the health and safety 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 informed that they are no longer in “good disciplinary standing” with the University for duration of probation. Students are given written notice that any 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. This includes, but is 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

Dismissal is the 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. Drug Testing

In response to violations of the Code relating to use or possession of illegal drugs, controlled substances, Salvia divinorum or drug paraphernalia, the sanctions may include drug testing for a defined period of time.

F. Educational Programs

The Student is assigned to attend educational programming (e.g. Heads Up!, Choice Theory) or participate in online educational programming (e.g. E-Chug, E-Toke, Under the Influence, Marijuana 101) 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.

G. Fines

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

H. 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.

I. Ineligibility for Graduation and/or Participation in Ceremonies

Sanctions for violations of the Code may include 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.

J. 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.

K. 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 banned 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 interim measure. Interim 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, Groups or Registered

Student Organizations will not be sanctioned, mandated or administered.

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. Restriction may include authorizing access to limited University Premises or facilities for specific purposes (e.g. to attend class).

N. Suspension from the University

Suspension is the 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

1. Supervising, training and advising all Conduct Officers, Hearing Boards and Student Conduct Committee members.
2. Reviewing and approving the recommended decisions of the Conduct Officers, Hearing Boards and the Student Conduct Committee except as otherwise provided in the

Code. This review may include the alteration, deferral or suspension of any recommended decision and the imposition of conditions.

3. Ensuring the maintenance of all student disciplinary records on file in the Office of Student Conduct & Community Responsibility.

4. Administering procedures for resolution of a Student's challenge of bias for any Conduct Officer or Hearing Board member.

5. Submitting a statistical report to the Senior Vice President for Student Affairs or designee each semester reporting the number of cases referred to the department, the number of cases resulting in disciplinary action and the range of sanctions imposed.

6. 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 or an applicable Hearing Board.

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

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

5. Conduct Officers shall complete annual training by the Office of Student Conduct & Community Responsibility.

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 or other proceedings (*de novo*) as provided in the Code may be held before the Student Conduct Committee.

2. The Student Conduct Committee may develop

procedures consistent with provisions in the Code. Procedures must be approved by the Senior Vice President for Student Affairs, or a 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 Student Housing Office shall recommend RHA student members and two Resident Ministers as members.
- d. The Senior Vice President for Student Affairs shall appoint a minimum of two faculty/staff members, one of which shall be from the Division of Student Affairs.
- e. Each meeting, one of the Senior Vice Presidential appointees shall be designated by the Senior Vice President, or a designee as the presiding officer of the Student Conduct Committee.
- f. The Chief Conduct Officer, or a 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 one orientation session offered at least once each academic year by the Senior Vice President for Student Affairs, or a 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 the Office of Student Conduct & Community Responsibility. Persons making such referrals (the Complainants) are required to provide information and evidence pertinent to the case and may be asked to appear before a Conduct Officer/Hearing Board and/or the Student Conduct Committee.

B. Student Conduct Code Hearings

The Chief Conduct Officer, or a designee, shall review referrals to determine whether or not there is sufficient evidence to charge a Student with a violation of the Code and to hold a Student Conduct Code hearing.

C. Due Process

Students charged with Code violations are accorded the following procedural protections:

1. A written or electronic notice (via the official University e-mail account) of misconduct charges, the location of copies of the Student Conduct Code, a scheduled hearing with a Conduct Officer or applicable Hearing Board and timely notice of that hearing. Students who fail to appear after timely notice will be deemed to have accepted responsibility for the charges asserted against them;

2. A hearing during which the Conduct Officer/Hearing Board shall specify the nature of the alleged misconduct and the basis for the charge, including the time, date and place where it is alleged to have occurred. Students (Complainants and Respondents) shall have the opportunity to present evidence relevant to the alleged misconduct and to respond to the evidence against them including the right to offer evidence and call appropriate fact (non-expert) Witnesses. Absent express permission, expert Witnesses are not allowed and character Witnesses are disfavored. Students (Complainants and Respondents) may utilize the assistance of an Advisor during the hearing;

3. During the hearing, the Conduct Officer/Hearing Board shall explain the University's conduct system and Student rights and provide a copy of the Student Conduct Code. The Conduct Officer/Hearing Board shall also explain

the quasi- confidential nature of the conduct process (Students' statements remain confidential 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), upon request, prior to the hearing;

5. If a further hearing is necessary, a supplemental proceeding will be scheduled;

a. Students (Complainants and Respondents) or the Conduct Officer/Hearing Board may submit new and/or additional evidence and call appropriate fact (non-expert) Witnesses at the supplemental proceeding. Absent express permission, expert Witnesses are not allowed and character Witnesses are disfavored. Students (Complainants and Respondents) 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 (Complainants and Respondents) 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 violation(s). If not, the charge(s) will be dismissed;

8. Students (Complainants and Respondents) 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 or via e-mail 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. In normal circumstances, complaints will be investigated and at least an initial determination made within 60 Days of the receipt of the complaint;

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 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.

VII. Hearing Procedures

The following procedural guidelines shall be applicable in conduct hearings before the Conduct Officer/Hearing Board:

A. The Conduct Officer/Hearing Board has the right to request the presence of and interview Witnesses.

B. Hearings will generally be private except for Conduct Officers/Hearing Boards, parties and Advisors. Recording devices (audio and/or video) of any kind are not permitted for use by the Students, Witnesses or Advisors. Complainants and Respondents will not normally be expected to appear at the same hearing time before the Conduct Officer/Hearing Board, but will have individual meetings with the Conduct Officers/Hearing Boards. That shall not preclude the Conduct Officer/Hearing Board from arranging to have the Complainant and the Respondent participate in the hearing before the Conduct Officer/Hearing Board without the ability to observe or physically see the other. If observation is permitted, it may be by electronic or other means intended to screen the parties' view of each other.

C. 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.

D. The decision of the Conduct Officer/Hearing Board should 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. In cases involving allegations of sexual or interpersonal misconduct, both Complainant and Respondent will receive decision letters explaining the decision.

E. Prior to the hearing, Students (Complainants and Respondents) 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 a 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 a designee. If a challenge is sustained, the charge shall be referred to another Conduct Officer/Hearing Board member.

F. Witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of providing false information pursuant to Section III(H) of the Code.

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

H. 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 shall otherwise admit all matters into evidence which a reasonable person would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

I. 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 a designee.

J. 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 business days prior to the date of the hearing.

VIII. Appeal Procedures

A. Except for appeals of charges of sexual and interpersonal misconduct, including Dating Violence, Domestic Violence and Stalking, which are authorized under Section IX(R) of the Code, any Conduct Officer/Hearing Board disciplinary sanction not resulting in suspension or dismissal may be appealed by the Respondent to the Student Conduct Committee on 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 Student;

3. New relevant evidence is available, which in the exercise of reasonable diligence could not have been produced at the time of the hearing;

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 via written (typed or printed) statement by the Student and received by the Student Conduct Committee c/o The Office of Student Conduct & Community Responsibility within three 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 Student. Failure to appeal within the allotted time will render the original decision final and conclusive.

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

D. Pursuant to either Section VIII(A) or Section IX(A) the appeal petition must be accompanied by a written statement in support of an appeal. Upon notification of the receipt of a proper and timely appeal petition, the Chief Conduct Officer, or a designee, shall convene the Student Conduct Committee.

E. On appeal 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. The Student Conduct Committee may, but is not required to, request either the Conduct Officer/Hearing Board or the Student to submit additional information in writing. If the Conduct Officer/Hearing Board is requested to submit additional information, the Student shall be entitled to reply in writing to the additional written information supplied by the Conduct Officer/Hearing Board.

F. The Student Conduct Committee shall give deference to the determinations of the Conduct Officer/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; increased, if found to be an inadequate response to the misconduct or affirmed;
2. The case may be referred back to the Dean of Students, or a designee, for reassignment to a new Conduct Officer/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 case may be dismissed if the decision is not supported by substantial evidence;
4. The Student Conduct Committee will not alter a decision of the Conduct Officer/Hearing Board if there is any amount of evidence, or reasonable inferences arising therefrom which supports the decision, regardless of the amount or quality of contradictory evidence or conflicting evidence.

G. A tie vote in an appellate proceeding will result in affirmation of the original decision.

IX. De Novo Hearing Procedures

The following procedural guidelines shall be applicable in *de novo* hearings before the Student Conduct Committee:

A. Except for appeals of sexual and interpersonal misconduct including Dating Violence, Domestic Violence and Stalking charges, which appeals are authorized under subsection (R) below, any recommended Conduct Officer or Hearing Board disciplinary sanction resulting in suspension or dismissal from the University may be appealed by the Respondent to the Student Conduct Committee for *de novo* review. The sanction may be appealed to the Student Conduct Committee on 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 Student;
3. New relevant evidence is available, which in the exercise of reasonable diligence could not have been produced at the time of the hearing;

4. The decision is not supported by substantial evidence.

If the appeal petition requesting a *de novo* hearing is granted, the Student shall receive a *de novo* hearing before the Student Conduct Committee.

B. The presiding officer may request the presence of fact Witnesses upon their motion, upon the motion of the Student Conduct Committee or of the Complainant or Respondent. Requests will be determined and approved or disapproved by the Senior Vice President for Student Affairs, or a designee, and shall be transmitted to the Witness by personal delivery or U.S. Mail, or by e-mail to the Witnesses' official University e-mail account. University Students and employees are expected to comply with requests issued pursuant to this procedure, unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities, in which case they must notify the Chief Conduct Officer of the factual basis of the hardship or interference prior to appearing before the Committee. The Chief Conduct Officer will then make a ruling on whether the appearance request will be withdrawn.

C. Respondents who fail to appear at a *de novo* hearing after proper notice will be deemed to have abandoned their appeal and to have accepted responsibility for the charged misconduct.

D. Hearings will generally be private except for Student Conduct Committee personnel, the Complainant and Respondent and their Advisors.

E. The presiding officer shall exercise control over the hearing to avoid needless consumption of time. Any person, including an Advisor, who disrupts a hearing or who fails to adhere to the admonitions or rulings of the presiding officer may be excluded from the proceedings.

F. Hearings may be recorded and transcribed by the Student Conduct Committee only. If a recording or transcription is not made, the decision of the Student Conduct Committee must include a summary of the testimony, findings and recommended decision and recommended sanction if a violation is found.

G. Recording units (audio and/or video) are not permitted for use by the Student (Complainant or Respondent), Witnesses and/or Advisors.

H. Concurrent with the filing of an appeal petition, Complainant or Respondent 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 a 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.

I. Witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of providing false information pursuant to Section III(H) of the Code.

J. Prospective Witnesses, other than the Complainant and the Respondent, may be excluded from the hearing during the testimony of other Witnesses. All parties, Advisors and Witnesses shall be excluded during Committee deliberations. Complainants and Respondents will not normally be expected to appear at the same hearing time before the Student Conduct Committee, but will have access to individual meetings with the Student Conduct Committee. That shall not preclude the Student Conduct Committee from arranging to have the Complainant and the Respondent participate in the hearing before the Student Conduct Committee without the ability to observe or physically see the other. If observation is permitted, it may be by electronic or other means intended to screen the parties' view of each other.

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

L. 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 shall otherwise admit all 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.

M. Declarations shall not be admitted into evidence unless signed by the declarant and witnessed by a person designated by the Dean of Students, or a designee.

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

O. 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.

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

Q. 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 a *de novo* proceeding will result in dismissal of the charge. 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. The Student Conduct Committee shall give effect to the recognized rules of privacy (including FERPA) and privilege but shall otherwise admit all matters into evidence which a reasonable person would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

R. In regards to appeals of sexual and interpersonal misconduct including Dating Violence, Domestic Violence and Stalking, Complainants and Respondents may appeal determinations resulting in either a dismissal of the charge or imposition of any sanction against the Respondent under the Code by providing written notice within three business days. Appeals of sexual and interpersonal misconduct determinations shall be appealable as provided for in this Section IX.

X. 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.).

B. The Senior Vice President for Student Affairs, or a 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.

C. 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 a 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 X(D) below.

D. 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.

E. If, at the interim suspension hearing referenced in Section X(D) 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 a designee, may continue the interim suspension through the conclusion of the proceedings on the alleged Student Conduct Code violation.

F. In cases alleging sexual and interpersonal misconduct including Dating Violence, Domestic Violence and Stalking, the Senior Vice President for Student Affairs, or a designee, may take interim 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 interim measures shall not be referred to or offered as evidence at the hearing on the underlying charge. Any such interim 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.

G. Final decisions of the Conduct Officer, 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 shall be reviewed and approved by the Dean of Students, or a designee. The reviewing officer may change, defer or suspend the decision and sanction, or impose conditions in connection with any change, deferral or suspension.

H. Unless otherwise determined by the Senior Vice President for Student Affairs, or a 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 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.

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 prospective employers, Study Abroad, University offices or graduate schools, this release allows the University to release Student disciplinary information to these parties.