



**STUDENT CODE OF CONDUCT  
and  
JUDICIAL PROCEDURES**

**Effective January 1, 2016**

*A member of the State System of Higher Education*



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## **I. PREAMBLE**

Edinboro University has a legitimate interest in protecting the educational mission of the University. Standards of scholarship and conduct are established in an effort to maintain order, protect the campus community, provide an environment in which learning flourishes, and protect the good name of the University. Consistent with the educational mission of Edinboro University, reasonable efforts are made to foster the personal and social development of students who violate University regulations and applicable laws.

In dealing with student misconduct, due process safeguards are established to provide a fair and equitable means of resolving allegations. These procedural safeguards ensure that students are sent notice of the allegations brought against them, that they are given a fair opportunity to respond to the charges, and that the institution is not arbitrary in its actions. The rights of complainants are also safeguarded.

To meet its responsibilities in these areas, Edinboro University has developed disciplinary procedures and a full range of sanctions to ensure appropriate options for each case. Violations of this Code are adjudicated by the Division of Student Affairs, with final authority for the disciplinary system of the University resting with the President of Edinboro University (or designee).

## **II. JURISDICTION**

Edinboro University students are subject to the provisions of this Code of Conduct while on the University premises and when involved with off-campus programs, activities, and events related to and/or sponsored by the University. In addition, students, as members of the larger community, are expected to conduct themselves in a manner consistent with the laws and requirements of a civilized society. Allegations against students for off-campus misconduct will also be adjudicated through the University judicial system since the conduct could have a negative impact on the University mission, its community members, or on the good name of the University. Students are held accountable for their behavior at all off campus locations, including University sponsored trips and conferences and distance-learning sites. The University maintains the right to respond to complaints of misconduct online, which includes responding to incidents posted on internet social networking sites. Although Edinboro University does not monitor these sites, the University may use information found on these sites during judicial proceedings, even if the misconduct occurs off campus, as internet postings can reflect negatively on the University.

The term "student" refers to all persons taking courses, registered or scheduled for classes for the current term, previous term, or a future term, either full or part time. An applicant who is notified of acceptance and has paid the advance deposit fee or had the fee officially waived is considered a student. The term "complainant" refers to a

University employee representing the University during a campus disciplinary proceeding. The term “respondent” refers to a student who has allegedly committed a violation of the Student Code of Conduct.

The University reserves the right to adjudicate any violations of local, state, and federal laws and violations of the *Student Code of Conduct and Judicial Procedures* through the University's judicial system. This includes incidents that occur during any leave of absence from the University.

Violations of University regulations that also violate the law may be procedurally handled as a University disciplinary situation, regardless of whether or not the case proceeds in the courts. Disciplinary action at the University will not be subject to challenge merely on the grounds that criminal charges involving the same incident have been dismissed or reduced. Also, the implementation of University disciplinary authority does not protect the student from, nor does the University necessarily consider it to be a substitute for, the civil process or criminal prosecution.

However, students may request, in writing, to have University judicial proceedings held in abeyance pending the outcome of a criminal proceeding, provided an interim suspension or residence hall removal has not occurred. In those instances where civil authorities have acted, the University will not exercise its jurisdiction in the matter solely to increase punishment. The University has a very important interest in behavior subject to this Code, separate and identifiable from that of the civil authorities. Therefore, the University has a right and legitimate interest in exercising its jurisdiction and to take such action as is appropriate to protect itself and members of the local community.

Student organizations and groups formally recognized by the University are subject to the same regulations as individual students. Organizations may be disciplined if a significant number of students involved in the alleged offense belong to the group or if the planning and leadership responsible for an alleged offense came from student members of an organization or group. Sanctions for group or organization misconduct may include probation, withdrawal of official recognition, limitations on the use of facilities and privileges afforded by the University, as well as other appropriate sanctions as provided in this Code.

### **III. STATEMENT OF ACADEMIC INTEGRITY**

In order to create an environment conducive to the legitimate pursuit of knowledge and to promote the highest level of academic excellence, the faculty of Edinboro University hold all students accountable for maintaining the highest standards of academic integrity. Students who engage or participate in any form of academic dishonesty will be considered to be in violation of Edinboro University's academic integrity statement and will be subject to sanctions, up to and including dismissal from the University.

*Academic dishonesty* is defined as follows:

*Cheating.* Behaviors including, but not limited to, use of unauthorized notes or reference materials during examinations; copying answers from another student's paper during an examination; the unauthorized possession of academic materials, including exams; the unauthorized exchange of course assessment materials, including exams; the unauthorized exchange of information or collaboration regarding tests, or other course assignments; aiding another to engage in cheating; and/or all other acts of academic dishonesty that any member of this academic community would reasonably understand to be a breach of this academic integrity statement will be considered cheating and an act of academic dishonesty.

*Plagiarism.* Plagiarism may be defined as the act of taking the ideas and/or expression of ideas of another person and representing them as one's own. This includes, but is not limited to, using ideas or passages from a work without properly attributing the source, paraphrasing the work of another without giving proper credit, and/or the sale, purchase, or exchange of papers or research. It is the student's responsibility to know what plagiarism is and to properly cite the work of others. If a student is in doubt, it is their responsibility to resolve any ambiguity prior to submitting the work. Plagiarism is nothing less than an act of theft, and, as such, is subject to University disciplinary action.

Students are expected to represent their personal work honestly in that the work students submit for evaluation in a course is their own. Honesty is expected in all facets of students' academic lives and in their interactions with faculty regarding all aspects of their courses. Students involved in acts of cheating or plagiarism fail to meet the mission of the University and thus are subject to disciplinary action.

Students who are in violation of the University's academic integrity statement will be held accountable for their actions by the faculty member and the academic department and be subject to the imposition of discipline. Such violations can result in the student receiving a lower grade or a failing grade for the assignment and/or the course, and/or other academic sanctions as deemed to be appropriate by the faculty member.

#### **IV. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

The Family Educational Rights and Privacy Act (FERPA) was passed by Congress in 1974 to ensure the confidentiality of students' education records. Under current FERPA regulations, a student's educational records, including the outcomes of campus disciplinary proceedings, must be kept confidential by the institution. The following 2000 amendments to FERPA permit postsecondary institutions to disclose certain judicial information.

## Under What Conditions is Prior Consent Not Required to Disclose Information?

### **Alcohol or Drug Possession Disclosure**

Section 99.12 was amended to include the following:

IN GENERAL - Nothing in this Act or the Higher Education Act of 1965 shall be construed to prohibit an institution of higher education from disclosing, to a parent or legal guardian of a student, information regarding any violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records, if:

- (A) the student is under the age of 21; and
- (B) the institution determines that the student has committed a disciplinary violation with respect to such use or possession.

### **Disclosure to Complainants of Violent Crimes**

Section 99.31 was amended to include the following:

The disclosure, subject to the requirements in Section 99.39, is to a complainant of an alleged perpetrator of a crime of violence or a non-forcible sex offense. These include domestic violence, dating violence, sexual assault and stalking. The disclosure may only include the final results of the disciplinary proceeding conducted by the institution of postsecondary education with respect to that alleged crime or offense. The institution may disclose the final results of the disciplinary proceeding, regardless of whether the institution concluded a violation was committed.

## **V. STUDENT CODE OF CONDUCT**

### **Violations of the Rights of Others**

#### **Discrimination Based Violations:**

No student shall engage in conduct that constitutes unlawful discrimination.

#### **Harassment/Intimidation:**

No student shall participate in harassment, threats, intimidation, coercion, bullying (including cyber bullying), or the use of physical force, or the threat of physical force, and/or any actions that endanger the health or safety of another person as described in University Policy C006 – *Harassment, Intimidation, and Institutional Vandalism*. No student shall engage in conduct that limits or restricts the freedom of a person to move about in a lawful manner without consent. No student shall use a telephone, computer, or other electronic media to carry out any of the forgoing. Additionally, no student shall

conspire with any person or persons or aid any person or persons to commit or attempt to commit any of the foregoing.

**Physical Abuse:**

Physical abuse or intentional violence injury to oneself or others is prohibited. These acts include, but are not limited to, assault, battery, and personal abuse. Acts of physical abuse and violence may result in suspension, expulsion, or residence hall removal.

**Sexual Misconduct:**

Is prohibited as defined in [University Sex Discrimination and Sexual Misconduct Policy Handbook](#). Sexual misconduct includes sexual harassment, as well as sexual violence.

**A. Sexual Harassment**

"The sexual harassment of students, including sexual violence, interferes with students' right to receive an education free from discrimination and, in the case of sexual violence, is a crime." U.S. Department of Education, Office for Civil Rights, Dear Colleague Letter April 4, 2011. Sexual harassment is unwelcome sexual advances, requests for sexual favors, whether or not accompanied by promises or threats, and other sexual conduct that occur on or off campus when:

- (1) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of enrollment, employment, or participation in other Edinboro University activities (Quid pro quo); or,
- (2) Submission to or rejection of such conduct by an individual is used as a basis or substantial factor in assignment, advancement, or evaluation, or in making other academic or employment decisions affecting an individual (Quid pro quo); or,
- (3) Such conduct is sufficiently severe or pervasive so as to create an intimidating or hostile work or educational environment, which unreasonably interferes with work or educational performance, or negatively affects an individual's employment or education opportunities (Hostile environment).

Behavior will be considered "unwelcome" if the individual did not solicit or invite it and particularly if s/he indicates that s/he finds the conduct undesirable.

Acquiescence or failure to complain does not mean that the conduct is welcome.

In the educational context, quid pro quo harassment occurs when a University employee explicitly or implicitly conditions a student's participation in an education program or activity or bases an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid pro quo harassment is equally unlawful whether the student resists and suffers the threatened harm or submits and thus avoids the threatened harm.

A single instance of sexual violence can constitute a hostile environment. Hostile environment is evaluated from the perspective of a reasonable person in the alleged complainant's position, considering all circumstances. In the educational context, hostile environment sexual harassment is sexually harassing conduct (which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another student, or by a third party that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an education program or activity, or to create a hostile or abusive educational environment.

In cases involving acts of sexual violence on campus (as previously defined by CampusSaVE), please contact the University Police Department at 814-732-2911 (emergency) or 814-732-2921 (non-emergency). You may also contact the Social Equity Director/Title IX Coordinator (814-732-2167). Acts of sexual violence that occur off-campus should be reported to your local police department and the Social Equity Director/Title IX Coordinator. Title IX complaints, including sexual assault, dating violence, domestic violence, stalking, sexual harassment, sex/gender discrimination, and other concerns of gender equality should be reported to the Social Equity Director/Title IX Coordinator (814-732-2167). Allegations that a student has engaged in sexual violence may also be reported to the Vice President for Student Affairs (814-732-2313). Anyone found responsible for any of the offenses under the "Violation of the Rights of Others" section of this Code may be subject to University suspension or expulsion and will not be permitted to have an informal resolution (See section VIII, Adjudication). For additional information on reporting sexual violence, please consult the [University Sex Discrimination and Sexual Misconduct Policy Handbook](#).

**B. Sexual Violence:**

Sexual violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving *consent* due to the complainant's *incapacitation* through the use of drugs or alcohol. A number of different acts fall into the category of sexual violence, including dating violence, rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX.

## **Consent**

Consent is an informed decision made freely and actively by all parties. Conduct will be considered “without consent” if no clear consent, verbal or nonverbal, is given. Because sexual misconduct is defined as sexual activity that is undertaken without consent, each participant must obtain and give consent to each sexual act.

Consent is an affirmative decision to engage in mutually acceptable sexual activity, and consent is given by clear actions or words. People are strongly encouraged to talk with each other before and during any sexual interaction. Relying solely upon non-verbal communication can lead to miscommunication.

It should be noted that in some situations an individual’s ability to freely consent is taken away by another person or circumstance. Examples include when an individual is significantly impaired due to alcohol or other drugs, scared, physically forced, passed out, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated, or confined.

People with mental disabilities cannot give consent to sexual activity if they cannot appreciate the fact, nature, or extent of the sexual situation in which they find themselves. The mental disability of the complainant must be known (or reasonably knowable) to the non-disabled sexual partner, in order to hold them responsible for the violation.

The following are clarifying points:

- Consent is required each and every time there is sexual activity;
- At any and all times when consent is withdrawn or not verbally agreed upon, the sexual activity must stop immediately;
- Consent to some levels of sexual activity does not imply consent to all levels of sexual activity. Each new level of sexual activity requires consent;
- The person(s) who initiate(s) a new level of sexual activity is responsible for asking for consent;
- A current or previous dating or sexual relationship with the initiator (or anyone else) does not constitute consent;
- Being intoxicated does not diminish one’s responsibility to obtain consent;
- Bodily movements and non-verbal responses such as moans are not consent;
- Silence, passivity, or lack of active resistance is not consent;
- Intentional use of alcohol/drugs does not imply consent to sexual activity;
- Seductive dancing or sexy/revealing clothing does not imply consent to sexual activity;

- Anyone under the age of 16 cannot give consent;
- Use of agreed upon forms of communication such as gestures or safe words is acceptable, but must be discussed and verbally agreed upon by all parties before sexual activity occurs.

### ***Incapacitation***

Incapacitated persons cannot give consent. One who is incapacitated as a result of alcohol or other drug consumption (voluntarily or involuntarily), or who is unconscious, unaware, or otherwise helpless, is incapable of giving consent.

One must not engage in sexual activity with another whom one knows (or should reasonably know) to be incapacitated. Physically incapacitated persons are considered incapable of giving effective consent when they lack the ability to appreciate the fact that the situation is sexual, and/or cannot rationally and reasonably appreciate the nature and extent of that situation.

Examples of incapacitation include

- unconscious,
- sleeping,
- frightened,
- physically or psychologically pressured or forced,
- intimidated,
- threatened

Incapacitation can also result from

- a psychological health condition,
- voluntary intoxication,
- involuntary use of any drug, intoxicant or controlled substance

Sexual Violence includes domestic violence, dating violence, sexual assault and stalking. Such acts can result in expulsion from the University. These terms are defined as follows in CampusSaVE:

#### 1. Dating violence

The term “dating violence” means violence committed by a person –

- a. who is or has been in a social relationship of a romantic or intimate nature with the complainant; and
- b. where the existence of such a relationship shall be determined based on a consideration of the following factors:

- i. The length of the relationship.
- ii. The type of relationship.
- iii. The frequency of interaction between the persons involved in the relationship.

## 2. Domestic violence

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth complainant who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

## 3. Stalking

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

### **Prohibited Retaliation:**

No student shall engage in conduct that constitutes retaliation that arises from any allegation, including allegations of dating violence, domestic violence, sexual assault, sexual harassment or sexual discrimination. Incidents of retaliation may result in suspension or expulsion from the University. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination against any individual who reports or assists the University in its fact-finding investigations or hearings. Such retaliation may result in disciplinary action up to and including expulsion from the University.

## **Violations of Health, Welfare and Safety**

### **Alcoholic Beverages:**

The use, consumption, possession, sale, manufacture, distribution or abuse of alcoholic beverages on University property, even for those of legal drinking age. Students present in the immediate environs where alcoholic beverages are used or found are also in violation of this section. Students who violate Pennsylvania State liquor laws off campus will also be in violation of this section. Violations of this section include providing alcohol to minors and selling or distributing alcohol without a liquor license. The

presumption of possession is highest when alcohol and/or empty alcohol containers are found in a student's residence or vehicle, even if the residence or vehicle is shared with others. Students who violate local, state, or federal laws or regulations relating to alcoholic beverages will also be charged with Violations of Law.

Students who seek emergency assistance on behalf of person(s) experiencing alcohol related medical emergencies may be eligible to receive amnesty from any sanctions from the Office of Student Judicial Affairs. (For more information, see Section XIII. MEDICAL AMNESTY)

**Disorderly Conduct:**

Acts against public order and decency including, but not limited to, criminal mischief, trespassing, fighting, unreasonable noise, public intoxication resulting from the use of alcohol or controlled substances, lewd or indecent conduct, a breach of the peace, or aiding, abetting, and/or procuring another to do the same, and all other acts of disruption or disturbance, including the disruption or prevention of the peaceful and orderly conduct of classes, lectures, and other University functions. Students have the right to assemble within the parameters outlined in University Policy C005, "Rights of Students and Other Persons to Assemble for the Purpose of Demonstrating Their Concerns."

**Emergency Procedures:**

Failure to evacuate University buildings during all fire alarms and emergency evacuations of any kind according to established procedures. Tampering with emergency and/or safety equipment, falsely reporting a fire, activating emergency warning equipment, or communicating false information regarding the existence of explosives on University property. Students will be in violation of this section for failure to obey all reasonable directives from authorized University personnel during a fire drill or other emergency procedures.

**Hazing:**

Act 175 of 1986 prohibits fraternities, sororities, and other student organizations from hazing applicants for membership and from hazing persons who are already members to maintain their memberships in organizations. The University also prohibits such activities and violations, which will be adjudicated under this Act and the University's procedures. Any organization found to have engaged in hazing may have its official recognition permanently revoked. Any student who participates in hazing may be fined, suspended or expelled from the University. Hazing is also a crime, and any student who participates in hazing may also be arrested and criminally prosecuted. Conviction may result in a jail term in addition to any other applicable penalty under the Pennsylvania Crimes Code. Persons who may be found in violation of hazing can include those who implement or initiate the hazing, anyone in a leadership role in the organization, any new member who willfully participates in hazing activities during new member education, and/or any other complainants agreeing to the hazing.

The following provides a definition and description of hazing:

An organization and its members are engaged in hazing if it engages, for purpose of initiation or continuing membership, in an action which recklessly or intentionally endangers the physical or mental health of a student. This means any potentially dangerous forced physical activity; any activity which could cause a student to suffer extreme mental stress; as well as any other form of forced activity potentially harmful to the mental health or dignity of a student.

Hazing activities include, but are not limited to, the following activities: whipping, beating, and/or branding; forced calisthenics; exposure to the elements; forced consumption of food, liquor, legal or illegal drugs, or any other substance; sleep deprivation; scavenger hunts; forced exclusion from social contact; conduct which could result in extreme embarrassment; nudity; coerced sexual activity; confinement; physical restraints or mental harassment.

An organization and its student members are also engaged in hazing if pledge, initiation or continuing membership activities cause the willful destruction or removal of public or private property.

Act 175 provides that no student can be considered to have consented to being hazed. Any activity falling within the definition of hazing activities is considered to be a forced activity, subjecting the organization and its members to the full range of penalties.

In addition, any violations of FIPG (Fraternity Insurance Purchasing Group) regulations on hazing, or guidelines of the University's Greek letter intake process, will be considered to be a violation of this Code of Conduct. A copy of these regulations can be obtained at the Student Activities Office.

**Illegal Drugs/Controlled Substances:**

The use, consumption, possession, sale, manufacture, distribution or abuse of illegal drugs or controlled substances or drug paraphernalia, including the sale of prescription drugs. Students present in the immediate environs where such materials are used or found, are presumed to be in possession and will be charged with possession of those materials but may rebut the presumption by clear evidence. The presumption of possession is highest when drugs are found in a student's residence or vehicle, even if the residence or vehicle is shared with others. Incidents of drug use may result in suspension or expulsion from the University. Violation of this section includes altering or attempting to alter prescriptions, and/or obtaining or attempting to obtain prescription drugs that have been prescribed for another individual. Any look-alike substance used for smoking or otherwise ingesting into the body that resembles or appears to be an illegal substance is also prohibited. Students who violate local, state, or federal laws or regulations relating to illegal drugs/controlled substances will also be charged with Violations of Law.

**Violations of Law:**

Violations of local, state, or federal laws or regulations. If adjudication by a court substantiates that a violation of law has occurred, it will be deemed evidence of a violation of this section. However, the standards and procedures (including, but not limited to, determination of guilt beyond a reasonable doubt) of the courts or other agencies are not adopted, and violations will be determined in accordance with the University's rules and standards. The University is not necessarily bound by criminal law interpretation and will adjudicate cases according to its own rules and interpretation. Charges filed off or on campus may be considered in violation of this section.

**Weapons:**

The possession or carrying of any weapon by any person is prohibited in University academic buildings, administrative buildings, student residence buildings, athletic buildings, dining facilities, or while attending sporting, entertainment, recreational or educational events on the University's property at all University sites (Edinboro and Erie). For more information, see University Policy D049 Weapons on Campus.

**Violations of the Operation of the University****Dishonesty:**

Dishonesty, such as cheating, plagiarism, or knowingly furnishing false information, or making false reports to the University or Borough officials. Students are expected to understand the University's Statement of Academic Integrity in this Code.

**Disregard of Sanction/Requirement:**

Violation or disregard of any sanction or condition established or imposed by previous disciplinary action, or violation of any lawful restriction pertaining to access to University-owned premises.

**Electronic Media:**

The theft, misuse, or possession of any electronic media belonging to the University or another individual. This includes, but is not limited to, using one's own electronic equipment to harass, threaten, or intimidate another person. Violation of this section will include the unauthorized use of University computer equipment for the purpose of performing any illegal operations, including accessing secure information or attempting to alter or interrupt the operation of University computer systems in any manner.

**Failure to Comply:**

Failure to comply with the directions of University or Borough officials acting in the performance of their duties, or refusal or failure to respond promptly to a request to report to an administrative office. This includes failure to pay, in a timely fashion, any fee, fine, charge, or assessment imposed by the University. This also includes failure to present University identification upon request by an authorized University official who has offered proper identification as to his/her status.

**Failure to Report Off-Campus Infractions:**

Students involved in off campus violations must report the violation to the Office of Student Judicial Affairs within seven (7) business days of the arrest/citation and report the outcome of this incident within seven days of a formal adjudication by the criminal courts system. Failure to do so constitutes a violation of the *Student Code of Conduct and Judicial Procedures*.

**Misuse of Identification/Records:**

The forgery, alteration, misuse, or unauthorized possession of documents, records, or instruments of identification. This includes falsification of information or records submitted to a University official or office.

**Misuse of Safety Equipment:**

The abuse, removal, or damage of fire safety equipment or any other safety-related equipment.

**Misuse of University-Owned Property and Equipment:**

Any misuse of University property or equipment including, but not limited to, removing screens from windows, removing furniture or other property from its designated area, or using recreational equipment in other than designated areas.

**Multiple/Repeated Residence Hall Community Standards Violations:**

Multiple or repeated violations of the Residence Hall Community Standards constitute violation of the Student Code of Conduct and Judicial Procedures.

**Smoking:**

Violation of University Policy No. C033, Smoking. Smoking, (including electronic cigarettes) is permitted in designated smoking areas only. Areas not posted as designated for smoking will be considered non-smoking.

**Theft:**

Knowingly, and without consent or authorization, engaging in the removal, use, misappropriation, sale, and/or the possession, dominion, or control of the property of the University or another person. This includes theft of telephone access codes, computer software, and theft of services. Students are also in violation of this section by obtaining property of the University or another person by misrepresentation or fraudulent means, or entering or using the facilities of the University or another individual without consent or authorization.

**Vandalism:**

The intentional or negligent abuse, damage, or destruction of property owned or in the possession of the University or another person. This includes any acts causing or risking damage or loss of property.

**Violation of the Policy for Responsible Use:** Conduct that violates University policies, rules and guidelines, and course syllabi including, but not limited to, residence hall policies and rules, and the Policy for Responsible Use, as well as federal, state and local laws and ordinances, regardless of where the violation occurs.

**Violation of University Policy or Law by an Acknowledged Guest:**

Violation of any University policy by a guest who is not a student of the University. Students will be held accountable for the behavior of their guests at all times.

### **Residence Hall Community Standards**

Consistent with the University's Statement of Community Values and the *Student Code of Conduct and Judicial Procedures*, individuals are expected to uphold the standards of the residence hall community in addition to holding others accountable to those standards.

**Non-Negotiable Standards:** Non-negotiable standards are those that are predetermined and not decided through community standards discussions, as they relate to issues of safety and security, protect individual health, and/or are mandated by a University policy and/or law. Violation of these standards constitutes a violation of University policy and the *Student Code of Conduct and Judicial Procedures*

- **Cleanliness, Safety, Health and Welfare** - Students must keep their rooms in a reasonably clean and safe condition and shall report any need for service and repair or any condition injurious or potentially injurious to their health, safety, or welfare to the Residence Hall Coordinator. Residents who fail to maintain their rooms in a reasonably safe and clean condition will be in violation of this policy. Residents are required to comply with safety and security procedures and are prohibited from tampering with locked doors, entering/exiting via exterior doors with immediate alarms (except during emergencies), entering/exiting via windows, admitting unauthorized persons or individuals into buildings, and/or propping outside entrances open.
- **Guests/Visitation** - In order to protect the rights of each resident to privacy, sleep, academic success and all other personal needs, the rights of a roommate take precedence over any guest visits. Overnight guests must have the permission of the host's roommate. Guests are defined as students who do not reside in the same building as their host, students who reside off campus, and non-student visitors to campus. Guests may not stay overnight on campus for more than three nights in any seven-day period. All guests should be prepared to show their identification cards to the Residence Life and Housing staff and to sign in and out of the building between 9:00 PM. and 6:00 AM. Babysitting in the residence halls is not permitted. Visits by minors must be limited in length. Visitors under the age of thirteen (13) are prohibited unless accompanied by a

parent or permission is received from the Residence Hall Coordinator. Student hosts are responsible for the behavior of their visitors. In order to ensure that all individuals within a building are welcome, guests must be escorted by their host(s) at all times.

- **Misuse of Recreational Equipment** - The inappropriate use of recreational and other equipment that creates a health or safety hazard is prohibited. This includes, but is not limited to, use of the following inside the residence halls: skateboards, roller blades, Frisbees, bicycles, balls, and similar items more appropriate to outdoor use.
- **Prohibited Items** - The following items present health or safety concerns and are, therefore, prohibited in residence halls and/or student rooms: (a) scuba tanks with compressed gas cylinders; (b) bicycles (racks are provided outside most residence halls); (c) pets of any kind (except for fish in a 5 gallon [or smaller] tank); (d) items which may be fire or safety hazards which include, but are not limited to, open flames (candles, incense, potpourri burners, hookah, electronic cigarettes, etc.), halogen lamps, space heaters, and appliances with exposed elements; extension cords (power strips are permitted); non-UL approved holiday lights, live cut trees, wreaths and greens; (e) motorcycles may not be brought into the residence halls and motorcycles must be parked in appropriate parking lots; (f) empty alcohol bottles, containers, and/or cans; (g) any bed, including water beds, loft beds, other than the University-issued bed unless written approval is received from the Director of Residence Life and Housing; (h) University furniture from lounges, study room, etc., in student rooms; (i) attaching, even temporarily, equipment or any items to the residence hall including window ledges; (j) the use of nails, screws, tacks, glue, masking tape, and other adhesive on walls, ceilings, wardrobes, woodwork, appliances, fixtures, doors or furniture is prohibited; (k) overloaded outlets; (l) wireless hubs and/or routers; (m) any other item that a University student should reasonably know should not be stored in or brought into the residence hall.

**Negotiable Standards:** In order to develop a productive, safe and enjoyable community for all, resident students will have the opportunity and responsibility to decide some of their living unit's standards and expectations. Community standards discussions will take place throughout the first six weeks of the semester. All living units should recognize that a community standard does not exist if any member of the unit has been intentionally excluded in the decision-making process or their opinions are not taken into consideration.

Community agreements will be drafted, revised and renegotiated as the need arises. These negotiable standards are as follows:

- **Communication of Floor/Living Unit Standards** - Each unit is responsible for developing a means to clearly communicate the floor's standards to others so visitors to the floor and adjacent areas can respect the standards.
- **Community Projects/Floor Activities** - Residents will address community projects and the personalization of public areas.
- **Conflict Resolution** - Residents will develop a standard by which to resolve situations on the floor when negotiated community standards are violated. Residents have a responsibility to be open, honest, and respectful with one another.
- **Definition of Levels of Noise/Quiet** - Living units will be asked to agree on a definition of noise/quiet so that all parties have a clear understanding of the standard.
- **Floor/Wing Meetings** - Residents will determine attendance expectations, how frequently they should occur, and who can call a meeting.
- **Guest/Visitation Hours** - Living units will be expected to determine when guests are permitted to visit the floor or wing. Guests are defined as students who do not reside in the same building as their host, students who reside off campus, and non-student visitors to campus. These community standards are subject to changes arising from issues of safety and security as determined by the Residence Life and Housing Office. Until the living unit has adopted a standard, guests of the opposite sex are limited to the hours of 11:00 AM to 1:00 AM.
- **Lounge/Common Area Use** - Residents will decide whether public areas located on the wing or floor will be used as study areas, social areas, or both. Residents will discuss expectations regarding use of areas such as bathrooms, kitchens, and laundry rooms. Guests of the opposite sex on single sex floors may not use restrooms other than the designated restroom in the building until the living unit has established such guidelines through a community standards discussion. Use of restrooms by opposite sex guests is only an option on floors/wings that have two separate restroom facilities.
- **Noise/Quiet Hours** - To promote academic success, quiet hours must begin by at least 10:00 PM and continue until at least 8:00 AM Sunday - Thursday and 1:00 AM until 8:00 AM on Friday and Saturday. All other hours of the day are considered "courtesy hours," during which anyone has the right to ask another to mitigate noise for any reason (i.e. sleep, study, etc.). Living units are encouraged to set additional hours and determine if there are specific periods of the semester when additional hours will be expected (such as midterms, etc.). In order to assist students in preparing for final exams, 24-hour quiet hours will be

instituted during the final week of each semester. Floors which have been pre-designated by the Residence Life and Housing Office as 24-hour quiet areas will remain as such.

- **Other Topics Deemed Necessary by the Floor/Living Unit** - Residents are encouraged to have a community standard discussion regarding issues felt to be important to the well-being of residents. Standards may be developed as needed, provided they are not in conflict with University policy, the *Student Code of Conduct and Judicial Procedures*, and federal, state, and/or local laws.

## **VI. UNIVERSITY AND RESIDENCE HALLS POLICIES AND PROCEDURES**

- **Damages** - The condition of the residence halls is the responsibility of each person living within the halls. Residents will be billed for damages within their specific room. In cases where neither roommate claims responsibility for the damage, the cost associated with the damage will be divided between both roommates. In order to avoid any unnecessary damage billing, it is very important that residents carefully complete their property clearance sheet, listing all pre-existing conditions. Damage or theft of University property occurring in common areas is the joint responsibility of residents sharing the living community. Damage or theft in lounges, study areas, laundry rooms, bathrooms, etc., will be billed to all students living within that area, unless the individual(s) responsible for the damage can be identified.
- **Inspection and Searches** - (a) *Inspection by University Officials*: The inspection of student rooms by authorized University personnel to determine compliance with cleanliness, safety, health and welfare is permitted at reasonable times. The Office of Residence Life and Housing reserves the right to inspect individual rooms to insure proper maintenance of health and safety standards; take inventory; make necessary repairs; perform extermination/pest control services; add/remove furniture; and enforce University policies. Evidence discovered during such an inspection can be used against students in University disciplinary proceedings. A search permit is not required for searches having to do with cleanliness, safety, health and welfare. (b) *Search by University Officials*: A search permit stating probable cause, and signed by an appropriate University official, shall constitute proper authority to conduct a room search. Search permits may be signed by the President of the University, the Vice President for Student Affairs, or their designees, upon a written showing of probable cause of violation of University rules. Information received and objects confiscated through investigations by use of the search permit may be used as evidence in proceedings by University authorities.
- **Skating/Skateboarding/Bicycles/Self-balancing Skateboards** - Students may employ in-line skates, skateboards, bicycles, and/or similar items to move about

campus at their own risk of injury to themselves, third persons or damage to property. The campus of Edinboro University has been designed for pedestrian traffic and not for other modes of movement.

Skateboards, bicycles, and/or similar items are never to be used inside buildings. Exhibitions, tricks, or any travel that may involve the use of skates, skateboards, bicycles, or other means of conveyance that demonstrate an indifference to University property and/or have the potential to damage property are forbidden. At all times, pedestrians shall be given the right of way and at no time should their movement be impeded or safety compromised by the use of these items. At no time should the use of these devices disrupt or compromise the safety of a university event or activity.

Skateboards, bicycles, and/or similar items will always be operated in a safe and courteous manner, and at no time will sliding up, down, or across any fixed object that is not specifically intended for such use be allowed. Additionally, for safety reasons, no jumps over or onto any fixed objects, such as chains, barriers, planters, benches, tables, railings, walls, or other University property is permitted. Bicycles are to be secured to bicycle racks only. Bicycles that are found to be secured to other structures or furnishings will be removed. Students may be held responsible for all repair costs for any affiliated damages.

Students shall immediately discontinue the use of any such device at the direction of university personnel.

Per University Policy, D005, Use of Self-Balancing Skateboards, using, possessing, or storing of self-balancing skateboards, also known as electronic skateboards, hover-boards, and other similar devices are prohibited on University property.

- **Solicitation in the Residence Halls** - including research is strictly prohibited. The Residence Life and Housing Office believes that the residence halls should be a place where students may sleep, study, socialize, and succeed as students in an environment free from distractions. To that end, we view the residence halls as our students' home rather than another academic or public building on the campus. Therefore, solicitation of any kind is strictly prohibited. Any violations of this directive will result in formal judicial charges. Requests to distribute items in the residence halls are to be made with the Director of Residence Life and Housing.
- **Vacating the Residence Halls** - Residents must properly check out of their residence hall assignment within 24 hours after withdrawing from the University

or 24 hours after their last final exam. Rooms must be returned to their original configuration. The removal of furniture is prohibited. Residents with an extenuating need to remain beyond this time frame must receive prior approval from the Director of Residence Life. When students move out of their rooms or are no longer enrolled, either during the academic year or when the year ends, they are encouraged to check their rooms carefully to ensure that all personal items have been removed. Once a student is no longer occupying a room, any items left in that room will be considered abandoned property and will be removed and disposed of or donated by the University. The University is not responsible for any items left in the residence halls.

- **Zero Tolerance for Alcohol and Other Drugs** - The University will not tolerate the use, possession, and/or distribution of alcohol or drugs. These activities present a danger to the University community and detract from the educational mission of the institution. Students may be denied admittance into University facilities if it is believed they are under the influence of, or in possession of, alcohol or illegal drugs. Negative behavior that results from the use of alcohol and/or other drugs will not be tolerated in the University community. All instances of drug and alcohol usage will be formally adjudicated by the Office of Student Judicial Affairs and, wherever possible, local police authorities.

## **VII. COMPLAINANTS' RIGHTS IN DISCIPLINARY PROCEEDINGS**

### **A. Complainants are guaranteed certain rights as required by federal and state law. All complainants will have the following rights:**

1. The right to have any and all allegations treated with seriousness.
2. The right to be treated with dignity.
3. The right to pursue any and all avenues of redress.
4. The right to be informed of University resources, including, but not limited to the University Police, counseling services, advocacy services with the Director of Social Equity/Title IX Coordinator, and student health services.
5. The right, upon request, to have reasonable steps taken by the Office for Student Judicial Affairs to prevent any unnecessary or unwanted contact with alleged assailants (i.e. alternate housing assignment, alternative class sections, etc.).

- B. Complainants of acts of violence, dating violence, domestic violence, sexual assault, and/or stalking are guaranteed the rights listed above in addition to the following:**
1. At the complainant's option, the right to have allegations investigated and adjudicated by the Office of Student Judicial Affairs, which may include investigation and adjudication of an allegation of sexual violence.
  2. The same right as the respondent to have an advisor, as a support person, present at any University disciplinary proceeding or any related meeting or proceeding. The advisor may be a friend, student, faculty, staff, administrator, family member, or attorney. The advisor may consult and interact privately with the complainant, but does not speak for the complainant.
  3. The right to have only those questions relevant to the charges asked during the disciplinary investigation and hearing. The chairperson may exclude statements and questions concerning the prior sexual history of any party if deemed irrelevant.
  4. The right to provide a complainant's impact statement verbally or in writing to the chairperson.
  5. The right to be present and hear all testimony and evidence related to the disciplinary charges.
  6. The right to be notified of the following simultaneously with the respondent:
    - a) the outcome of any disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
    - b) the University's procedures for the complainant to appeal the results of the disciplinary proceedings which shall be the same as those of the respondent. The complainant may also submit a statement to be considered in any appeal;
    - c) any change to the results that occur prior to the time that such results become final;
    - d) when such results become final; and
    - e) the right to make a written request to not receive notification of the outcome. However, the complainant may change his/her mind at a later date and request notification.

7. The right to choose to refrain from judicial and legal proceedings.
8. Complainants are not required to present their own judicial case, as the University serves as the complainant in student conduct matters.
9. Formal adjudication, excluding appeals, should occur within 60 days of the complaint. All time frames expressed in this code are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the extension of time frames, including extension beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances. In general, an accuser and accused can expect that the formal adjudication will proceed according to the time frames provided in this code. In the event that the formal adjudication exceeds this time frame, the University will notify all parties of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

There are several offices available to assist complainants of crime on campus, including the University Police Department, Ghering Health and Wellness Center, Counseling and Psychological Services, Office of Social Equity, the Office of the Vice President for Student Affairs, and the Office of Student Judicial Affairs. Licensed physicians and psychological counselors acting in the scope of their licensure and employed in the [Ghering Health and Wellness Center](#) are statutorily barred from reporting incidences of sexual violence and therefore may maintain confidentiality, including the name of the complainant of sexual misconduct. Registered nurses, nurse practitioners, and the secretary in the [Ghering Health and Wellness Center](#) acting in their employed capacities **must** report an incident of sexual violence but may maintain confidentiality of the name of the complainant of sexual violence. All other individuals must report acts of sexual violence to the [Social Equity Director/Title IX Coordinator](#), unless otherwise excluded by the University President or designee.

10. A complainant of sexual violence may be offered and/or request medical amnesty from campus discipline. (See section XIII Medical Amnesty.)
11. If a complainant indicates that they are refusing to assist in investigation attempts, the adjudication process may stop.

**C. Role of the Social Equity Director/Title IX Coordinator:**

The Social Equity Director/Title IX Coordinator's responsibilities include, but may not be limited to, the following activities:

1. Overseeing and receiving all Title IX reports and complaints under the *University Sex Discrimination and Sexual Misconduct Policy Handbook*, including complaints involving gender equity in athletics, identifying and addressing any patterns or systemic problems that arise during the review of Title IX reports and complaints.
2. Ensuring that alleged complainants of sexual violence receive information on resources; reporting the misconduct; alternate accommodations for housing, academics, transportation, and work; and medical or mental health treatment and counseling.
3. Reviewing all policies, procedures, and codes pertaining to sex discrimination and sexual misconduct to ensure consistency and compliance.
4. Reviewing the quality, content, and documentation of all campus Title IX training, as well as documenting the distribution and delivery of all prevention and awareness campaigns such as literature, brochures, etc.
5. Evaluating the request for confidentiality in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all students.
6. Overseeing due process in sexual misconduct cases involving student-to-student adjudications. Even if the accused or complainant does not want to participate, the role of the Social Equity Director/Title IX Coordinator is to protect the University community and to implement interim measures, including interim suspension.
7. Investigating complaints of sex discrimination and sexual misconduct lodged against University employees.
8. Investigating complaints of harassment by third parties.
9. Ensuring all complaints of sex discrimination and sexual misconduct are investigated against the accused student by the Director of Residence Life and Judicial Affairs or by a judicial affairs officer appointed by the Vice President for Student Affairs.
10. Sending Title IX notifications to the campus community.
11. Maintaining a central tracking system for Title IX reports.
12. Administering a campus climate survey.

All complaints against students accused of violating the University Sex Discrimination and Sexual Misconduct Policy Handbook are investigated by the Director of Residence Life and Judicial Affairs or by a judicial affairs officer appointed by the Vice President for Student Affairs.

## VIII. ADJUDICATION

**A. Adjudicating Authorities:**

Allegations of a violation of Residence Hall Community Standards are addressed by a designated University Judicial Officer, the Area Coordinators, the Residence Hall Coordinators, or referred to the Residence Hall Judicial Board. The Residence Hall Judicial Board is comprised of students who are selected and trained to hear discipline cases. Advised by a Residence Life and Housing staff member, the Residence Hall Judicial Board determines whether or not a violation has occurred and recommends a sanction.

Cases that are more serious in nature are addressed by the Office of Student Judicial Affairs by a formal hearing or informal (summary) meeting, unless the allegations warrant a suspension level hearing (see Section IX, *Judicial Hearings*). Suspension-level hearings are cases which, if the allegations are true, could lead to a University suspension, expulsion, or involuntary residence hall removal. A Committee of Fact that is comprised of students, faculty, and staff hears such cases. Each Committee of Fact is comprised of three members, at least one of whom must be a student. The Committee determines whether or not a violation of the *Student Code of Conduct and Judicial Procedures* has occurred and recommends a sanction to the appropriate University administrator. Sanctions involving disciplinary suspension, expulsion, or involuntary residence hall removal may be administered by a Committee of Fact hearing officer through a summary action meeting at the request of the responding student.

**B. Sexual Violence Investigations and Adjudications:**

Allegations of sexual violence and sexual misconduct that occur in an educational setting (on or off campus) invoke a federal civil rights law called Title IX of the Higher Education Amendments. This legislation prohibits discrimination on the basis of sex in education programs or activities. Reports of sexual violence and/or sexual misconduct **must** be reported to the [Director of Social Equity/Title IX Coordinator](#) (814-732-2167). Reports of sexual violence and/or sexual misconduct also may be reported to the Vice President for Student Affairs (814-732-2313), Director of Residence Life and Judicial Affairs (814-732-2818), or University Police (814-732-2921) who will receive the report and notify the Director of Social Equity/Title IX Coordinator.

The Director of Residence Life and Judicial Affairs (or designee appointed by the Vice President for Student Affairs) will serve as the University Judicial Officer who will investigate the allegations and bring forward the applicable Student Code of Conduct charge(s) as noted in Section V. STUDENT CODE OF CONDUCT, *Violations of the Rights of Others*. These charges will be adjudicated via a formal conduct hearing as outlined in Section IX. JUDICIAL HEARINGS. The alleged complainant maintains all rights specified in Section VII. COMPLAINANT'S RIGHTS

IN DISCIPLINARY PROCEEDINGS, including the right to meet with the Director of Social Equity/Title IX Coordinator, and the right to receive emotional support services (Section XVI. RESOURCES AND REFERRALS).

## **IX. JUDICIAL HEARINGS**

### **A. Hearing Procedures**

Hearing procedures are implemented in accordance with the Board of Governors for the State System of Higher Education resolution of April 20, 1989. A copy of the Board of Governors resolution is available in the Office of Student Judicial Affairs. In the event of a conflict between the Board of Governors regulations and University procedures, the Board of Governors regulations will prevail. Conduct hearings will not be bound by formal rules of evidence. However, all evidence must be inherently reliable.

To ensure due process, the following guidelines and agenda will be utilized during formal Committee of Fact University judicial hearings:

### **B. Hearing Guidelines**

1. The respondent (the accused student) will be provided written notification of the time, date, and place of the hearing. The notice will be sent at least seven (7) days prior to the hearing, counting the day of the mailing as the first day and counting the day of the hearing as the seventh day. A request for a hearing extension for good cause may be granted to the respondent for a period usually not to exceed three (3) school days. Such an extension is to be requested in writing within two (2) days of receiving notice of a scheduled hearing, except in the most extenuating circumstances. The decision as to whether or not to delay a judicial hearing rests solely with the University.
2. The written notification of alleged misconduct will include a brief descriptive statement of the facts constituting the offense with which the student is accused, and a reference to the rule alleged to have been violated, as well as notice of whether suspension, expulsion, or involuntary residence hall removal is a possible outcome (if such is obvious at the time).
3. The respondent may have an advisor, who may be a friend, student, faculty, staff, administrator, family member or an attorney, present at the hearing to provide support. The advisor may only consult and interact privately with the respondent unless the chairperson (the University administrator who convenes and facilitates the hearing) grants the advisor permission to represent the respondent. The advisor cannot be called as a fact witness but may serve as a character witness. Parties who wish to have an attorney as an advisor must notify the Office of Student Judicial Affairs, in writing, at least two (2) school days prior to the scheduled date of the proceeding.
4. Hearings will be closed to the public.

5. In the event a complainant (the University staff member bringing forward the judicial charges) or a witness for either the student or the University fails to appear at the scheduled hearing, the hearing officer may, at his/her discretion, dismiss the case or reschedule the hearing. Hearings may be rescheduled only when the complainant or witness is absent for just cause.
6. Respondents will be afforded a reasonable opportunity to question those persons who testify against them. However, in cases involving alleged sexual violence, Edinboro University does NOT allow direct questioning of alleged complainants of sexual violence.
7. Witnesses may be subject to charges of dishonesty within the University disciplinary system if their testimony is deemed to be recklessly or intentionally inaccurate.
8. Character witness testimony and character reference letters may be presented to the Committee at the discretion of the hearing officer. Character witnesses are intended to speak to the character of the respondent. They are not to speak against character of the complainant.
9. Prospective witnesses may be asked to remain for the entire hearing to be available to answer questions as they arise.
10. Complainants of crime are guaranteed the rights as outlined in section VII.  
COMPLAINANTS' RIGHTS IN DISCIPLINARY PROCEEDINGS.
11. Any person, including the respondent, who disrupts a hearing, may be excluded from the proceedings.
12. If the student fails to appear at a scheduled hearing without just cause, the adjudicating authority will proceed with the hearing and a decision will be based upon the available evidence.
13. Hearings will be recorded on audio tape or any other reliable means of making a verbatim record. A student may obtain a copy of the tape at his/her own expense.
14. The hearing will be conducted in a fair and impartial manner. A student is found to be in violation based upon a preponderance of evidence. It should be noted that the strict rules of evidence and procedures used in criminal and civil courts do not apply. A preponderance of the evidence standard is used to make all judicial decisions. For an individual to be found in violation according to a preponderance of the evidence standard, the decision must be based upon

evidence sufficient to make a reasonable person believe that a fact sought to be proved is more likely true than not.

15. Pending action on any charges, the status of the student will not be altered, except in cases involving interim suspension, and only in accordance with the procedures for such suspension.
16. A student facing possible disciplinary suspension, expulsion or involuntary residence hall removal is only permitted to withdraw from the University with written permission from the Vice President for Student Affairs. If a student is suspended or expelled for disciplinary reasons, the suspension or expulsion takes precedence over withdrawal.
17. A student's previous disciplinary record may not be used to establish guilt in a current case. However, the previous disciplinary record may be used to determine appropriate sanctions if found responsible for violating the rules of conduct in the current case.
18. Should the hearing go beyond an hour and a half, it may be adjourned and reconvened at a later date and time set by the Office of Student Judicial Affairs and availability of the parties required to be in attendance.

### **C. Hearing Agenda**

During a judicial hearing, the following procedural steps occur:

1. The chairperson convenes the hearing, reads an opening statement, and everyone is instructed to identify themselves.
2. The chairperson administers an oath to the respondent (the accused student) and the complainant (the designated University employee bringing forward the charges).
3. The chairperson reads the alleged violation(s) and circumstances and asks the respondent if he or she accepts responsibility for ALL violation(s).
4. If ALL violations are acknowledged, the respondent and the complainant will be permitted to make closing remarks (proceed to # 8) before the board goes into executive session. If ALL violations are not acknowledged, the complainant presents his or her case and any relevant witnesses.
5. The chairperson opens the hearing to questions from the respondent and then the judicial board.

6. The respondent presents his or her case and any relevant witnesses.
7. The chairperson opens the hearing to questions from the complainant and then the judicial board.
8. The complainant makes his or her closing remarks.
9. The respondent makes his or her closing remarks.
10. The chairperson opens the hearing to any final questions.
11. The judicial board convenes into executive session and determines if the respondent is responsible for the violation(s) based on the preponderance of evidence. If the respondent is found responsible, the committee is provided with respondent's prior disciplinary record, if any, and prepares a recommendation for sanctioning. In the event of a non-unanimous decision within the judicial board, the decision is made based on the vote of the majority.
12. The judicial board's recommendation is relayed to the appropriate University administrator, who accepts or modifies the recommendation and issues a decision letter to the respondent.

#### **X. REQUEST FOR RECONSIDERATION (APPEALS)**

In cases of disciplinary violations where students feel they were unjustly sanctioned, the student may appeal to the Vice President for Student Affairs (hereinafter referred to as the appeals officer) or his/her designee. Appeals must be in writing, and within ten (10) calendar days of the initial adjudication to the Judicial Affairs Office. The date of mailing of the adjudication will constitute the first day. If the tenth day is a Saturday, Sunday, or a holiday, the final day for appeal will be the next day that the University is open for business. Failure to appeal within the allotted time will render the original decision final and conclusive absent extenuating circumstances.

All written appeals must be based upon, and must clearly show, one or more of the following conditions:

1. Errors in procedure or interpretation of University regulations were so substantial as to effectively deny the student a fair hearing.
2. The sanction assigned was grossly disproportionate to the offense.
3. New and significant evidence, which could not have been presented by diligent preparation at the initial hearing, is now available.

The appeals officer shall limit his/her inquiry to the issues stipulated in the written appeal. The appeals officer determines whether or not to uphold, modify, or overturn the decision of the original hearing or order a new hearing. An appeal does not automatically stop disciplinary action. However, upon request, a temporary stay of disciplinary action may be granted pending further consideration of an appeal. The decision to grant a temporary stay rests with the Vice President for Student affairs or his/her designee.

If the appeals officer decides to meet with the appealing student and/or organization before reaching a decision, the student/organization may request the right to present evidence through oral testimony or written statements pertaining only to the issues upon which the appeal was based. If the student wants to have an advisor present at his/her appeal, he/she must so inform the appeals officer, at least two (2) school days prior to the scheduled discussion. The discussion is informal and no record will be made.

A decision on the appeal will be held within ten (10) days of the receipt of the written request or as soon thereafter as practicable. The decision of the appeals officer will be confirmed in writing to the student.

A disciplinary sanction is effective upon (and implemented by) mailing a letter explaining the decision to the last known local address when school is in session, or a permanent address between semesters and during any session in which the student is not enrolled. A copy of the letter will be placed in the University judicial file. All appropriate University offices and personnel will be notified when necessary for sanction implementation.

## **XI. SANCTIONING**

The goals of administering judicial sanctions for disciplinary violations include providing students with educational opportunities for a positive University experience, providing opportunities to develop skills to eliminate harmful behaviors, and providing relevant outlets for personal growth and development. The following University sanctions assist all students in achieving these goals and in reaching their highest potential by becoming contributing members of the University community.

Note: Failure to complete all sanctions (including the payment of fees) by the deadline will result in a disciplinary hold being placed on the student's records. A disciplinary hold prevents a student from registering for classes, receiving grades, and obtaining a University transcript or diploma.

### **Educational/Personal Development Sanctions**

#### **Alcohol Awareness Program:**

Mandatory attendance at the University's Alcohol Awareness Program. Students must

attend all classes, and any missed classes will be considered a violation of this sanction. The program has an assessment fee of up to \$100.

**Anger Management Workshop:**

Mandatory participation in the University's Anger Management Workshop to improve conflict resolution skills. The workshop is facilitated by the Counseling and Psychological Services Center.

**Community Service:**

An assignment to provide volunteer assistance to a University department or community agency or individual. Service hours will be assigned and monitored by the Office of Student Judicial Affairs. Hours not performed by the specified deadline will be considered a violation of this sanction.

**Counseling:**

Mandatory attendance at individual or group counseling sessions. Counseling will be provided by a professional counselor from the University's Counseling and Psychological Services Center or another appropriate agency as specified by the adjudicating authority. The Counseling Center can also make outside referrals for the student. The counselor will determine the frequency and duration of the counseling sessions.

**Drug Awareness Program:**

Mandatory attendance at the University's Drug Awareness Program. Students must attend all classes, and any missed classes will be considered a violation of this sanction. The program has an assessment fee of up to \$100.

**Mediation:**

Mandatory participation in a session where a neutral party facilitates the development of a mutually acceptable resolution to a dispute. Students experiencing interpersonal conflict may be referred to mediation. If mediation efforts are refused or unsuccessful, the case may be referred back to the Office of Student Judicial Affairs for adjudication. Informal referrals from faculty, staff, and students (including self-referrals) are accepted without a judicial file being established.

**Mentoring:**

An assignment to a faculty, staff, community, or student mentor to provide support in the areas of personal and academic development. The frequency and duration of the mentoring relationship will be established by the Office of Student Judicial Affairs, but may be deferred to the assigned mentor. Any missed appointment with an assigned mentor will be considered a violation of this sanction.

**Smoking Counseling Program:**

Mandatory attendance at the University's Smoking Counseling Program. Students must attend the entire program. The program has an assessment fee of up to \$50.

**Substance Abuse Evaluation:**

A professional evaluation that is to be completed by a certified substance abuse counselor who has been previously approved by the University. This sanction can be used as a condition of re-enrollment.

**Other University Sanctions**

**Disciplinary Probation:**

A period of official censure, whereas a further violation by a student while on disciplinary probation may result in a University suspension or expulsion. The term of the probationary status will be established by the adjudicating authority.

**Disciplinary Warning:**

Written action taken when the individual's conduct merits an official admonition. The student is advised that further misconduct may result in more severe disciplinary action.

**Career Disciplinary Probation:**

A period of official censure that is in effect throughout the entire duration of a student's enrollment and/or subsequent re-enrollment at the University. Additional violations by a student may result in a University suspension or expulsion.

**Expulsion:**

Involuntary and permanent separation from the University. The student is permanently banned from University property and/or University sponsored events, and is prohibited from re-enrolling at the University. As per the Edinboro University Policy, refunds are not available when a student is expelled from the University for disciplinary reasons.

**Facilities Restriction:**

An exclusion from a facility or area for a specified period of time. During this time period, a student may not enter or participate in any function within the confines of the specified area or facility. Any student on a facilities restriction who enters within fifty (50) feet of the portion of the campus to which he or she was barred without prior written permission from an authorized representative of the Office of Student Judicial Affairs, will be charged with defiant trespass and subject to arrest.

**Interim Facilities Restriction:**

A student may be temporarily excluded from a facility or area for a specified period of time pending formal University adjudication of the case if it is determined that his/her continued presence constitutes an immediate threat of harm to themselves, other students, University personnel, or to University property. An interim facilities restriction is issued by the Vice President for Student Affairs (or designee) to ensure the safety and well-being of members of the University community, University property, or to ensure the student's own physical or emotional safety or well-being. Any student on an interim facilities restriction who returns to the portion of the campus to which he/she was

barred without prior written permission from an authorized representative of the Office of Student Judicial Affairs, may be charged with defiant trespass and may be subject to arrest and/or expulsion.

**Interim Suspension:**

The Vice President for Student Affairs may suspend students from the University, and/or suspend their privilege to enter any University property or facility, pending the final adjudication of their case if it is determined that their continued presence constitutes an immediate threat of harm to themselves, other students, University personnel, or University property. An interim suspension is issued by the Vice President for Student Affairs (or designee) to ensure the safety and well-being of members of the University community, or University property, or to ensure the student's own physical or emotional safety or well-being. During the interim suspension, the student will be barred from all or part of the University premises. Any student under interim suspension who returns to the campus without prior written permission from the Office of the Vice President for Student Affairs will be charged with defiant trespass and subject to arrest and/or expulsion.

Within ten (10) calendar days of the issuance of an interim suspension, a student will be given notice of the disciplinary charges against him/her, and a campus judicial hearing shall be convened. This ten-day time frame may be extended if it is determined that a campus judicial hearing should be delayed due to extenuating circumstances, in which case a hearing shall be provided at the earliest possible date. In instances in which a campus judicial hearing is delayed, the respondent may request a hearing to rule on whether or not the interim suspension will be upheld, modified, or removed.

**Involuntary Housing Reassignment:**

Reassignment of housing to a new location on campus. No housing refund is provided, and students are prohibited from visiting that residence hall or from entering within fifty (50) feet of the building once they have officially checked out. Students who violate this sanction may be subject to arrest for defiant trespass.

**Involuntary Residence Hall Removal:**

Involuntary removal from the residence halls permanently or for a designated period of time. Students are prohibited from entering within fifty (50) feet of University housing or they will be subject to arrest for defiant trespass. Removal from campus housing requires that the student properly check out of his or her room in accordance with existing University procedures and within the established time frame. No housing refund is provided, and students are prohibited from re-entering University housing once they have officially checked out.

**Loss of Privileges:**

Loss of privileges may include the ability to participate in intercollegiate athletics, intramural sports, student organizations, and/or to represent the University in any

official capacity. Loss of privileges may also include University services such as information/technology resources, including loss of University e-mail and internet access, recreational facilities, and dining services.

**No Contact Order:**

A student is directed to have absolutely no contact with a specific person when it is determined that the student may pose a clear and present danger to the specified individual. Contact will be defined as any effort to reach the specified individual, including initiating personal meetings, phone calls, e-mail, texting and written documents. This sanction can be issued on an interim basis pending the outcome of a formal judicial hearing. Failure to comply with this directive may result in additional charges being filed.

**Residence Hall Probation:**

A period of official censure, whereas a further violation by a student may result in an involuntary residence hall removal. The term of the probationary status will be established by the adjudicating authority.

**Restitution:**

A requirement to submit payment to the University or other specified person or groups for damages incurred as a result of any violation of this Code. Restitution may include a reasonable administrative fee for processing.

**Revocation of Group Recognition:**

Permanent cancellation of official University recognition and privileges of a group. Such action may include conditions for the reinstatement of recognition. Total removal of recognition will result in complete suspension of the activities of the group.

**Suspension:**

Involuntary separation of the student from the University for a designated period of time. The adjudicating authority may establish additional requirements that must be fulfilled prior to the student's reinstatement. The student shall not participate in any University sponsored activity and will be barred from University premises during the period of suspension. For purposes of academic advisement, the academic history may include notice of disciplinary action. This notice should specify the beginning date for the suspension and the earliest date when the suspension, or the conditions which govern the term of the suspension, may be removed. However, failure of the University to include any of this information in no way invalidates any sanction. Any student under suspension who returns to the campus during the period of suspension without prior written permission from the Office of Student Judicial Affairs will be charged with Defiant Trespass and may be subject to expulsion. During the period of suspension, violations of local, state, and federal laws and violations of the *Student Code of Conduct and Judicial Procedures* will be adjudicated through the University's judicial system. As

per the Edinboro University Policy, refunds are not available when a student is suspended from the University for disciplinary reasons.

**Suspension of Group Recognition:**

Temporary withdrawal of all or part of official University recognition of a group. Such action may include conditions for the reinstatement of recognition. Total removal of recognition will result in complete suspension of the activities of the group.

**XII. SANCTIONING FOR ALCOHOL AND DRUG VIOLATIONS**

The University considers violations of the alcohol and substance abuse policies and laws to be serious in nature. Such violations are dangerous to the physical and emotional well-being of Edinboro students, as well as compromising to the University's reputation within the community. Therefore, the following sanctioning guidelines are provided to inform students of the potential consequences for violating these policies both on and off campus. Be advised that the University reserves the right to alter these sanctions at the discretion of the adjudicating authority.

**ALCOHOL:**

***First Offense***

- Two years of disciplinary probation
- Alcohol and Other Drug Awareness Program, including course registration assessment (up to \$100)
- Notification to parent(s)
- Possible suspension/expulsion if currently on disciplinary probation
- Possible substance abuse evaluation and/or counseling

***Second Offense***

- Second notification to parent(s)
- Community service project
- University suspension/expulsion will be strongly considered
- Substance abuse evaluation and/or counseling

**ILLEGAL DRUG USE:**

***First Offense***

- University suspension/expulsion will be considered
- Disciplinary probation upon re-enrollment
- Alcohol and Other Drug Awareness Program, including course registration assessment (up to \$100)

- Notification to parent(s)
- Substance abuse evaluation and/or counseling

### ***Second Offense***

- Suspension from the University will be strongly considered
- Career disciplinary probation (upon re-enrollment)
- Substance abuse evaluation and/or counseling
- Second notification to parent(s)

### **ATTEMPT TO SELL/DISTRIBUTE DRUGS:**

- Immediate interim suspension pending a judicial hearing to determine whether or not a suspension/expulsion is warranted
- University suspension/expulsion will be considered
- Notification to parent(s)

## **XIII. MEDICAL AMNESTY**

At Edinboro University, student health and safety are of primary concern. During a medical emergency, students are urged to seek immediate medical attention when health and/or safety are at risk. However, some students may be reluctant to seek assistance for themselves or someone else out of fear of facing disciplinary actions from the University. The intent of the University's *Medical Amnesty* provision seeks to remove barriers that may prevent students from seeking emergency medical attention when needed.

Amendments regarding *Medical Amnesty* have been made to the Pennsylvania Crimes Code, Section 6308 (*Purchase, Consumption, Possession or Transportation of Liquor or Malt or Brewed Beverage*). As a result of these amendments, students who seek emergency assistance on behalf of a person(s) experiencing an alcohol-related medical emergency may be eligible to receive amnesty from criminal prosecution for alcohol consumption or possession for violations of Section 6308 if **all** of the following conditions are met:

- a) The only way law enforcement officers became aware of the person's violation is because the person placed a call to emergency services seeking immediate medical attention to prevent death or serious injury on behalf of another person;
- b) The person reasonably believed he/she is the first to place the call to emergency services;
- c) The person provided their own name to emergency services; and

- d) The person remained with the person in need of emergency medical assistance until emergency health care providers arrived.

*Medical Amnesty* from campus disciplinary actions will be reviewed on a case by case basis at the discretion of the University. Students who seek emergency assistance on behalf of a person(s) in an alcohol-related medical emergency will not be charged with violations of the Student Code of Conduct related to that consumption under the following provisions:

- a) Students granted *Medical Amnesty* may be required to attend an educational program(s) or be referred to additional support services as appropriate.
- b) No disciplinary record will be generated for the alcohol infraction (only) as long as all required programming/support services directives have been followed.
- c) Failure to satisfy educational programming or support services referral directives within the established time frame may result in disciplinary action.
- d) Serious or repeated incidents may prompt a higher degree of concern and response. The University reserves the right to adjudicate any case that it determines (in its sole discretion) to be egregious.
- e) Student complainants of sexual violence and/or sexual misconduct will receive amnesty from campus disciplinary proceedings when reporting incidents.

*Medical Amnesty* only applies to those students who seek emergency medical assistance in connection with alcohol, and does not apply to individuals experiencing an alcohol-related medical emergency who are found by University employees. The University reserves the right to take disciplinary action on a case by case basis, regardless of the manner in which the incident is reported.

#### **XIV. RETENTION OF RECORDS**

Students who graduate and receive a degree from the University are considered to be in "good standing" at the time the degree is conferred. All written disciplinary records for cases involving sanctions other than an expulsion will be expunged seven years after the adjudication of the case. University expulsion is permanent and records will be kept indefinitely.

A student may request that his/her judicial records be expunged two years following adjudication. This will only be considered if the student has had no additional infractions, and is not currently on disciplinary probation. This request is made to the Vice President for Student Affairs, who will respond in writing as to whether or not the request has been granted.

Audio recordings for cases resulting in expulsion may be maintained for an indefinite period of time. Audio recordings of cases that do not result in expulsion will be maintained for six months or until all University appeals are exhausted.

## XV. REVISIONS

Revisions of this document must be authorized by the President of the University. When necessary, revisions will be made to the Student Code of Conduct and Judicial procedures on the University website located on the Judicial Affairs homepage. Written versions of the *Student Code of Conduct and Judicial Procedures* may be revised and available as warranted, but may not include all of the most recent changes. A written version of the document is available for review at the Office of Student Judicial Affairs.

## XVI. RESOURCES AND REFERRALS

### Confidential Resources

CONCERN	CONTACT	PHONE NUMBER	DESCRIPTION	WEBSITE
<b>COUNSELING SERVICES*</b>	Counseling and Psychological Services McNerney Hall	814.732.2252	Individual and Group Counseling; Assessment; All services confidential	<a href="http://www.edinboro.edu/departments/caps/">http://www.edinboro.edu/departments/caps/</a>
<b>SPIRITUAL SUPPORT</b>	Campus Ministry Within Student Health Services McNerney Hall	814.732.2601	Spiritual support and guidance from regional clergy and community members	<a href="http://www.edinboro.edu/departments/ghering/campus_ministry.dot">http://www.edinboro.edu/departments/ghering/campus_ministry.dot</a>
<b>HEALTH CARE AND ASSESSMENT*</b>	Student Health Services McNerney Hall	814.732.2743	Student Health Services	<a href="http://www.edinboro.edu/departments/ghering/student_health_services.dot">http://www.edinboro.edu/departments/ghering/student_health_services.dot</a>
<b>CRIME VICTIM SERVICES</b>	Crime Victim Center of Erie County  Also available through Student Health x2743	800.352.7273	Reducing the impact of crime through counseling, education and advocacy	<a href="http://www.cvcerie.org/">http://www.cvcerie.org/</a>

\*Licensed physicians and psychological counselors within these two areas can maintain confidential information shared with them.

### Other Resources

CONCERN	CONTACT	PHONE NUMBER	DESCRIPTION	WEBSITE
<b>ALCOHOLICS ANONYMOUS</b>	AA 24 Hour hotline Meetings held on campus Contact Student Health for more info x 2743	814.452.2675	Alcoholics Anonymous Services	<a href="http://www.aaeriepa.org">www.aaeriepa.org</a>
<b>ALCOHOL AND DRUG COUNSELING</b>	Gaudenzia Erie Student Health Services McNerney Hall	814.732.2743	Individual Counseling; Assessment	<a href="http://www.gaudenziaerie.org/">http://www.gaudenziaerie.org/</a>
<b>CRISIS SERVICES</b>	Safe Harbor Erie, PA	800.300.9558 or 814.456-2014	24-hour a day, 7 day a week crisis services for Erie County	<a href="http://www.safeharborbh.org/services-crisis.php">http://www.safeharborbh.org/services-crisis.php</a>

			Telephone; walk-in; mobile; Crisis follow-up	
<b>HOUSING</b>	Residence Life Office 235 Mc Nerney Hall	814.732.2818	Temporary or continuous Student Housing On-Campus	<a href="http://www.edinboro.edu/departments/res_life/">http://www.edinboro.edu/departments/res_life/</a>
<b>OMBUDSPERSON</b>	Alumni House – 2 <sup>nd</sup> Floor	814.732.1710	The Ombuds office provides a safe and neutral place for faculty, staff, students, parents and retirees to discuss conflicts, concerns or problems.	<a href="http://www.edinboro.edu/offices/ombudsman/">http://www.edinboro.edu/offices/ombudsman/</a>
<b>SAFENET</b>	CRISIS LINE: 814.454.8161 Student Health Services Mc Nerney Hall	814.455.1774	SafeNet provides sanctuary, support, education and advocacy	<a href="http://www.safeneterie.org/">http://www.safeneterie.org/</a>
<b>STUDENT JUDICIAL AFFAIRS</b>	Office of Judicial Affairs/ Residence Life and Housing 235 Mc Nerney	814.732.2920	Student discipline, mediation, investigation of Code of Conduct violations	<a href="http://www.edinboro.edu/departments/judicial/homepage_letter.dot">http://www.edinboro.edu/departments/judicial/homepage_letter.dot</a>
<b>UNIVERSITY POLICE</b>	911 Scotland Road	814.732.2911 (emergency) 814.732.2921 (non-emergency)	24 Hour a day; 7 days a week; Police Services, Investigations, Parking	<a href="http://www.edinboro.edu/departments/police/">http://www.edinboro.edu/departments/police/</a>
<b>SOCIAL EQUITY</b>	207 Reeder Hall	814.732.2167	University office that investigates complaints of sexual harassment, discrimination, or other violations relating to equity. The Social Equity Director/Title IX Coordinator is located in this office.	<a href="http://www.edinboro.edu/departments/social_equity/ose-home-page.dot">http://www.edinboro.edu/departments/social_equity/ose-home-page.dot</a>