

Office of Student Conduct

**Student Code
of Conduct**

2016-2017



www.wcupa.edu/conduct

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Our Commitment to Civility

We, the members of the WCU campus community...

...treasure what we believe to be the highest principles of American society; the worth and uniqueness of each individual, the belief that success is to be earned by individual effort put forth in an environment founded on quality of opportunity and the appreciation of the ideal of an inclusive society.

...believe that it is incumbent upon all members of our community – staff, students, faculty and administrators – to conduct themselves with civility toward one another at all times.

...further affirm the worth and dignity of each member and the shared responsibility to treat each other as individuals, with respect and courtesy.

(Taken from the West Chester University's Values Statement. Any acts of intolerance should immediately be reported to Public Safety or to the Office of the President or via the Incident of Bias Report web form at https://publicdocs.maxient.com/reportingform.php?WestChesterUniv&layout_id=5).

Office of Student Conduct

West Chester University

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Dear Student:

At West Chester University, our faculty and staff work diligently to maintain an academic community with high standards and expectations designed to foster and support your educational objectives.

The University strives to maintain an intellectual atmosphere that provides for the protection of the health, safety, welfare, and property of all members of the University community. To uphold these community standards, the University relies on the enforcement of the **West Chester University Student Code of Conduct**.

As a member of the University community, you have the **RIGHT**:

- to participate in all activities of the University, free from unlawful harassment and discrimination;
- to personal privacy except where otherwise provided by the law; and
- to have all proceedings handled consistently and fairly.

Along with those rights, you have the **RESPONSIBILITY**:

- to respect the rights and property of others;
- to become fully acquainted and comply with University regulations; and
- to recognize that your actions reflect upon not only you, but on the University community.

Failure to maintain the standards of behavior translated in the *Student Code of Conduct* will result in disciplinary charges. When this occurs, it can adversely affect your status as a student. Should you be found to have violated the *Student Code of Conduct*, you will face disciplinary sanctions, which include disciplinary probation, loss of housing, or disciplinary suspension from the University. In some cases, your parents will be notified of this misconduct as well.

All members of the University community have the responsibility of maintaining high standards. I hope that you will work diligently to uphold our standards.

This booklet was developed to highlight procedures and practices of the University Student Conduct program. To be fully aware of individual rights and responsibilities, please re-view the policies in the *Ram's Eye View Student Handbook*, which can be found on the West Chester University website at http://www.wcupa.edu/_services/stu/ramsEyeView/.

Sincerely,



Dr. Zebulun Davenport

Interim Vice President for Student Affairs

Student Code of Conduct

As stated in the University Mission and Values Statements, West Chester University is committed to providing a sound educational environment for intellectual pursuits. In addition, the University is concerned with developing socially responsible citizens, ensuring the welfare and freedom of all members of the University community, and protecting individual rights. The University is thus concerned with the quality of student conduct and has adopted rules and behavioral standards for its students. Disciplinary action may be imposed when a student engages in behavior, **on University property or off University property, that** is not consistent with University community standards as defined by the West Chester University *Student Code of Conduct*. Students at West Chester University are expected to abide by the rules and regulations of the University. The *Student Code of Conduct* translates those acts, which constitute unacceptable behavior for students and student groups of the University.

The *Student Code of Conduct* reflects the University community's concern that students and student groups maintain high standards. It guarantees due process and protects the individual freedom of the student as well as requiring their responsibility for conduct violations. This document shall be applicable to all students and student groups at West Chester University.

University action may be taken in addition to actions taken by civil or criminal courts. Students may be subject to University action in conjunction with citations or other charges of which the University becomes aware

I. Standards of Conduct

The following forms of conduct are prohibited by any West Chester University student or group on University property, off University property, or at University functions and are subject to disciplinary action:

A. Applicability:

1. Any student or student group committing an act in violation of the *Student Code of Conduct* shall be subject to disciplinary action
2. Any student or student group who aids, abets, encourages, requests, initiates, assists, or has knowledge of any other student, nonstudent, or student group in acts which violate this document or participates in a violation of this document shall be subject to disciplinary action as if the student or student group has actually committed the violation
3. Any violation of the *Student Code of Conduct* by a student or members of a student group may result in both the group and the members involved in the misconduct to be subject to disciplinary action
4. All statements made by a student relative to a case may be used in any disciplinary proceeding.
5. Students may be charged with violations of the *Student Code of Conduct* for misconduct occurring off University property when such conduct interferes with the educational objectives of the University community.
6. Charges brought under this document may be applied concurrently with any civil or criminal prosecution brought against a student or group.

B. Off-Campus Behavior and the *Student Code of Conduct*

Students are expected to conduct themselves in accordance with federal, state, and local laws and ordinances. Violations of these laws and ordinances may be subject to University action.

1. When a student is charged with violating federal, state, or local laws or ordinances at a location off-campus, disciplinary action may be taken and sanctions imposed for misconduct that demonstrates a disregard for the University community and community at large.
2. University disciplinary proceedings may be instituted against a student charged with violating laws or ordinances, when such conduct also violates the Student Code of Conduct if both violations result from the same factual situation. The University will determine whether action under the *Student Code of Conduct* will be carried out before, simultaneously, or following civil or criminal proceedings.
3. When federal, state, or local authorities charge a student with violating laws or ordinances, the University will not request or agree to special consideration for that individual because of their status as a student. The University may advise off-campus authorities of the existence of the *Student Code of Conduct* and how such matters will be handled internally within the University.

C. Violations of the *Student Code of Conduct*:

1. **Infliction of Harm** — Commission of any act which results in or which may result in the infliction of pain, injury, or damage to any person or property by willful and deliberate means or through negligence. This offense includes (a) assault and/or abuse, (b) the attempted assault or abuse, or (c) reckless behavior, but not accidental, which may result in injuries to oneself or others. In the absence of extraordinary or mitigating circumstances, a sanction of suspension or expulsion may be imposed on any student found responsible for assault.
2. **Threat of Harm** – (a) behavior that intimidates, harasses or intends to inflict pain, injury, or damage, to another person or property, (b) behavior described in 2(a) directed toward any party or witness, or their property involved in a University conduct violation or police case, with the intent of influencing outcomes or for retaliation, (c) behavior directed toward a University employee related to the performance of their job, or (d) hazing of any student, employee or officer of the University, or group. This includes conveyance of threats through electronic means.
3. **Theft** – (a) theft or attempted theft of the property or services of the University, any group, or any individual, by means of taking, deceiving, misappropriating, or misusing; and/or (b) possession of stolen property and/or receiving stolen property.
4. **Vandalism** – the intentional and/or reckless, but not accidental destruction of property; damaging, destroying, defacing, tampering, misuse, or abuse of University property, or the property of any person or business.
5. **Weapons** – Use, possession, or transportation of (a) fireworks, (b) firearms, (c) knives, (d) paintball or BB guns, (e) explosives, (f) ammunition, (g) weapons, or (h) any item which has been modified or adapted so that it can be used as a weapon, or any item which has been used as a weapon.
6. **Fire Safety** – Violation of safety regulations including, but not limited to, (a) setting unauthorized fires, (b) tampering with fire safety systems, firefighting equipment and/or defibrillators or rendering such equipment inoperable, (c) turning in false fire alarms by any means of communication, (d) tampering with or improper use of campus emergency phones, (e) failure to evacuate facilities upon the sounding of a fire alarm/drill, or (f) creating any hazardous condition that endangers the health and safety of others.

7. **Alcohol and/or Alcohol Containers** – West Chester University is a dry campus, so any violation of the University’s alcohol policy, as set forth in the *Ram’s Eye View Student Handbook*, shall be construed as a violation of this section. Any off-campus violation is a violation of this section when such off-campus use violates local, state, or federal laws. Exceptions to the alcohol violation are noted in the Medical Amnesty Policy. This section shall include, but is not limited to, (a) display of empty alcohol containers in any University facility, residence hall, or any affiliated University housing, (b) sale, exchange, use, possession, or consumption of alcoholic beverages on-campus over 21 years of age, (c) underage use, possession, or consumption of alcoholic beverages, (d) open containers of alcoholic beverages, (e) public intoxication, and (f) driving under the influence. As it is a violation of this policy to possess alcohol, demonstrating that a student has knowledge of the location of alcohol and/or the intent to exercise control over the alcohol shall constitute possession. In the absence of extraordinary or mitigating circumstances, a sanction of suspension or expulsion may be imposed on any student found responsible of (g) selling and/or furnishing alcohol to minors

MEDICAL AMNESTY POLICY

West Chester University’s priority is for the safety and well-being of the students who attend the University. As such, medical amnesty is in effect to ensure those students who seek assistance for another individual who may have consumed excessive alcohol will turn to the appropriate personnel to seek emergency medical assistance without fear of being cited by the police for 18 PACSA § 6308 and/or facing University charges for violation of Student Code of Conduct, I.C. 7c, Alcohol - Underage. In order for a student to receive medical amnesty, the student seeking assistance for a person under the influence of alcohol must

- Call 911 or Public Safety, Police or Emergency Services based on a reasonable belief that another person is in need of immediate medical assistance;
- Reasonably believe that they were the first person to make the 911 call or a call to Public Safety, Police or Emergency Services and reported that a person needed immediate medical assistance;
- Provide their own name to the 911 operator or to the Public Safety, Police or Emergency Officer; and
- Remain with the person needing medical assistance until emergency health care providers have arrived and taken care of the person in need of medical assistance.

Please keep in mind that medical amnesty is not intended to shield or protect students from other violations of the *Student Code of Conduct* related to the incident, or protect students who repeatedly violate the Code.

8. **Drugs and/or Drug Paraphernalia** – Students who exhibit drug use or abuse or any other violation of the University’s drug policy, as set forth in the *Ram’s Eye View Student Handbook*, shall be considered in violation of this section. This includes, but is not limited to, (a) possession or use of any illegal or controlled substance, drug, and/or (b) possession of drug paraphernalia, (c) possession of a significant quantity, distribution, or sale of drugs, and/or (d) driving under the influence. Any off-campus violation is a violation of this section when such off-campus use or possession is in violation of local, state, or federal laws. Demonstrating that a student has knowledge

of the location of any illegal or controlled substance, drug or drug paraphernalia, and/or the intent to exercise control over such items shall constitute possession. Use of legal or prescribed substances (e.g., inhalants) in a fashion designed to alter one's mental or physical state will be considered reckless behavior as described in the Infliction of Harm section (see I.C.1.c).

9. **Noncommercial Literature Distribution, Nonsponsored Presentations or Demonstrations** – Any violation of the University's policy on Noncommercial Literature or Nonsponsored Presentations or Demonstrations on-campus, set forth in the *Ram's Eye View Student Handbook* (http://www.wcupa.edu/_services/stu/ramsEyeView/), shall be construed as a violation of this section.
10. **Hazing** – Any violation of the University's Anti-Hazing Policy, set forth in the *Ram's Eye View Student Handbook* (http://www.wcupa.edu/_services/stu/ramsEyeView/), shall be construed as a violation of this section.
11. **Computer Use** – Any violation of the University's policy on Acceptable Computer Use, as set forth in the *Ram's Eye View Student Handbook* (http://www.wcupa.edu/_services/stu/ramsEyeView/), shall be construed as a violation of this section.
12. **Solicitation** – Any violation of the University Commercial Advertising and Sales Policy as set forth in the *Ram's Eye View Student Handbook* (http://www.wcupa.edu/_services/stu/ramsEyeView/) shall be construed as a violation of this section.
13. **Gambling** – Any form of gambling is prohibited unless a license has been secured and approval to solicit has been granted by the appropriate University office. Gambling consists of a consideration or fee for the chance to win a prize, the winner of which is determined by chance.
14. **Disruptive Conduct, Harassment, and Intimidation** – (a) engaging in conduct that is disorderly, unnecessarily disturbs others, and/or is disruptive to the normal practices, processes, and functions of the University or local municipalities, (b) engaging in conduct that is harassing, intimidating or threatening, or (c) engaging in conduct that constitutes unlawful discrimination based on another person's race, color, sex, sexual orientation, gender identity, religion, creed, age, national or ethnic origin, citizenship, or veteran status, disability or any other legally protected class. This includes conduct through electronic means.
15. **Academic Integrity** – Any violation of this policy shall be processed according to the Academic Integrity Policy as set forth in the West Chester University Undergraduate Catalog.
16. **Dishonesty** – Making, using, or possessing any falsified document or record; altering or forging any University document or record, including identification, meal or access cards, and parking permits; providing false statements during any conduct or police proceeding, and the misrepresentation of oneself or of a group as an agency of the University by any of the means identified above.
17. **Trespassing** – Unauthorized entry, use, or occupancy of any building, structure, facility, or the property of others or unauthorized use of University grounds.
18. **Guide to Residential Living and/or Student Occupancy Agreement** – Students are expected to treat each other, as well as professional and student staff members, with respect at all times and to adhere to residence life regulations as described in the *Guide to Residential Living and/or Student Occupancy Agreement* (http://www.wcupa.edu/_services/stu.lif/reslifeguide/). Students residing in University Affiliated Student Housing are expected to abide by the terms of the Housing Occupancy Agreement. Violations of this offense include, but are not limited to, the following: (a) guest visitation policy, including but not limited to extended visits, lack of roommate consent, number of allowable guests, and responsibility for actions of guests, (b) cooking,

(c) use and/or possession of incendiary or combustible materials and devices, (d) removal or tampering with window screens, (e) Courtesy/Quiet Hours Policy as defined by the Guide, (f) entry or exit of a residence hall through any door or opening other than those so designated at any time, (g) athletic activity that may result in harm or disruption to residents and/or building facilities/fire protection systems, and/or (h) other reasonably publicized housing-related policies.

- 19. Community Responsibility** – Students who engage in off-campus behavior that is disruptive to the West Chester community, including: a) noise as defined by the LOCAL Noise Ordinance, b) fire, health, zoning, building and safety codes, including occupancy limits as defined by the municipality, c) litter, trash and garbage (refer to the off-campus regulations for trash disposal and be aware of your neighborhood’s trash collection schedule), d) failure to take proactive steps to manage the conduct of guests, including measures that reduce the risk of harm, and, e) failure to engage in mediating and resolving problems or concerns with neighbors in a timely and civil manner.
- 20. Failure to Comply** – (a) willful obstruction and/or failure to comply with the legitimate oral or written directives of properly authorized persons, including police and/or a duly-authorized University official acting in performance of their prescribed duty, (b) failure to provide a valid West Chester University student identification card or other valid identification upon the request of a duly-authorized University official, (c) failure of the accused to appear when given advance written notice by a University official, hearing officer, University Hearing Board, or University Appeals Board concerning a violation of the *Student Code of Conduct*, and/or (d) failure to comply with all regulations regarding conduct on- or off-campus not cited in the *Student Code of Conduct* when such regulations have been reasonably publicized.
- 21. Sanction Violation** – Violations of a University sanction, including (a) violation of the terms of a sanction, which includes failure to complete any specified condition or assignment of a sanction, or (b) violating the *Student Code of Conduct* while on disciplinary probation
- 22. Guest Policy** – Guests are expected to abide by University policies while visiting the campus. Students may be held responsible for the actions of their guests when such conduct violates the *Student Code of Conduct*.
- 23. Sexual Misconduct** – (a) Sexual Harassment, (b) Sexual Assault, (c) Sexual Exploitation, (d) Stalking, (e) Dating Violence, (f) Domestic Violence. More specific violation definitions can be found in the West Chester University’s Sexual Harassment or Sexual Misconduct Policies as set forth in the *Ram’s Eye View Student Handbook* (http://www.wcupa.edu/_services/stu/ramsEyeView/) or in the full version of the Sexual Misconduct Policy.

Sexual Misconduct Process

Any student or employee of West Chester University can file a complaint against a student or student group for violations of the *Student Code of Conduct* on the basis of sexual misconduct at <http://www.wcupa.edu/sexualmisconduct/>. Student Code of Conduct charges are entirely separate from a criminal investigation by the police, and any complainant may file a criminal complaint with police in addition to a *Student Code of Conduct* violation. Complaints can also be filed with the U.S. Department of Education, Office of Civil Rights at <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or by phone at 215-656-8541.

The intentional filing of a false report will not be tolerated. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal laws and civil defamation laws.

(continued in box on next page)

INTERIM MEASURES

Interim measures can be provided to students by contacting the Title IX Coordinator who will work in conjunction with the Director of Student Conduct to implement.

Students may request some of the following:

- housing reassignment to ensure that complainant and accused are not in close proximity;
- limitations on contact between parties (referred to as a “No Contact Directive”);
- an escort to ensure the complainant’s safety;
- reassignment of classes to ensure that the complainant and accused are not attending the same class,
- counseling services;
- medical services;
- academic support such as tutoring;
- to withdraw from a class without penalty;
- adjustments to on-campus transportation, parking, or work;
- Other remedies and/or measures not listed can be considered to ensure the safety of all involved parties in the case and the campus community.

RETALIATION

West Chester University prohibits retaliation against any person for using this reporting procedure, or for filing, testifying, assisting or participating in any investigation or proceeding involving allegations of sexual harassment or misconduct. Any retaliatory behavior should be reported immediately to the Title IX Coordinator/Social Equity Director or the Director of Student Conduct. Any person, including third parties, who violates this retaliation policy, will be subject to discipline, up to and including termination if they are an employee, and/or expulsion if they are a student .

NEXT STEPS

Once a sexual misconduct report is submitted, both parties will be contacted by the Title IX Coordinator and determine if an investigation needs to be conducted. The Title IX Deputy Co-ordinator (or a designee) and a co-fact finder will conduct a fact-finding investigation with all involved parties and designated witnesses. The fact finders are WCU staff and faculty who have received training from the Office of Social Equity. The investigation of a complaint will be conducted in a timely manner, and will be completed within fifty days unless there are extenuating circumstances based on the case. At the conclusion of the investigation, the fact finders prepare a report detailing the incident and their findings.

The Title IX Coordinator will, if appropriate (and will consult with the complainant, if needed) forward the case to the Office of Student Conduct for formal adjudication.

CAMPUS DISCIPLINARY PROCESS

Once a fact finding report is received from the Office of Social Equity, the Director of Student Conduct will begin the next phase of the disciplinary process. A case may be heard by a hearing officer or it may be brought before a hearing board for a formal hearing.

If a formal hearing is scheduled, prior to the hearing, both the complainant and the accused will be granted similar and timely access to any information that will be used at the hearing. They will have the opportunity to review any statements that will be used during the hearing.

Involved students may want to include witnesses on their behalf. These names and contact information must be provided to the Office of Student Conduct no later than two days after receipt of the notification of University hearing, so the witnesses can receive timely notification about the hearing. Additionally, witness information will be shared with the opposing party (see Section II. Procedures).

- 24. Criminal/Civil Statutes** – Any student who is cited and/or arrested by federal, state, and local law enforcement officials will violate this offense. This offense includes the alleged commission of any act that may be adjudicated as a violation of such other criminal and/or civil statutes, regulations, or ordinances that are now in effect or may hereafter be in effect in any applicable locality, the Commonwealth of Pennsylvania, or the United States of America.

II. Procedures

Incident Report Filed

- A. Charges of violations of the *Student Code of Conduct* may be lodged against any student or student group by any employee, student, or student group of West Chester University. The Director of Student Conduct should be consulted with regard to the proper form and language of a complaint.

Letter of Notice to student of alleged violation

- B. Students shall receive a conference notice via their University email of the written notice of charges, including, as nearly as possible, the date of occurrence, and the rules of conduct allegedly violated by the student. This notice will include a reasonably sufficient interval to allow the student to prepare a response to the allegation(s). Offenses occurring at the end of any semester will be adjudicated within a time frame deemed appropriate and reasonable by the Director of Student Conduct.
- C. All charges of violations of the Code of Conduct shall heard by a University hearing officer or board under the supervision of the director. The scheduling of conferences and hearings by an officer or board is at the discretion of the Director of Student Conduct or designee. The process for selection of board members and the procedure for requesting a hearing board are available in the Office of Student Conduct.

Informal conference

- D. The informal conference provides the opportunity to review reported details, ask questions about process and determine personal level of responsibility.
- E. At a conference, students or student groups will be given the opportunity to (1) waive their right to a hearing and admit responsibility for the violations, or (2) to request a formal hearing. Any student or student group representative who fails to appear at an initial conference will be automatically scheduled for a second judicial conference and may be subject to additional disciplinary action (See Section I., Violation 20). Any student or student group representative who fails to appear at the second scheduled judicial conference consents to the conducting of said conference in their absence. Should the student be suspended or expelled as a result, they may request a de novo hearing during the time of the appeal period as noted in the outcome letter.

Potential Formal Hearing

- F. Students and student groups are entitled to a formal University hearing. The purpose of a hearing is to review the facts and circumstances of the alleged incident and to accept all evidence and statements offered during the hearing in order to determine the student's or student group's level of responsibility. In determining whether a violation has occurred, a "preponderance of evidence" standard is applied. This means the hearing officer or board must determine if the testimony and evidence presented suggests it is "more likely than not" that a violation occurred. There are two types of hearings – an administrative hearing and a University board hearing. A University Board Hearing is conducted by a University Board comprised of two students and one faculty or staff

member who have an equal vote in the outcome of the proceeding. All University Board Members receive specialized training in the areas of due process, sexual harassment, sexual assault, and sexual misconduct. Each University Board is pre-screened on a case by case basis to eliminate familiarity with the involved parties.

- G. Involved students may want to include witnesses on their behalf. These names and contact information must be provided to the Office of Student Conduct no later than two days after receipt of the Notification of Hearing, so the parties can receive timely notification about the hearing. Additionally, witness information will be shared with the opposing party.
- H. Students shall have the right to be assisted by one adviser, who may be an attorney, and may be present at hearings. The adviser may only consult and interact privately with the student.

In the event of a sexual misconduct charge (Violation #23), the complainant and accused will also have the right to have a support person accompany them. A support person does not participate in the hearing nor provide advice on hearing points, but is present to provide support. A support person could be a family member, friend, counselor, etc. A witness cannot serve as a support person..

- I. The University Hearing Chairperson is responsible for maintaining order and room decorum. They have the right to impose rules that are reasonable and necessary for an orderly and efficient hearing to take place. Any person who commits an action that interrupts the proceedings or refuses to comply with rules regarding behavior will be removed from the hearing. The University Hearing Board has the power to direct the time of entrance and exit of witnesses for all parties in the hearing. All hearings are closed proceedings.

I. HEARING PROCEDURE

- 1. At a formal hearing that is initially scheduled or requested by a student or student group, the following procedure will be followed to the extent possible:
 - a. The hearing officer/board shall open the proceedings by reading the statement of charges.
 - b. Before presenting any testimony, each witness must submit to an oath where they swear and affirm the truth of statements to be made.
 - c. The charging party or complainant shall then present its case against the accused party. This shall be done by the submission of written, physical, and/or testimonial evidence.

In cases involving a sexual misconduct charge (Violation #23):

- By prior request by either party, a screen may be used to separate the complainant and the accused.
- The accused, complainant, and the University Board all have the right to conduct reasonable questioning.
- All questions between the complainant and the accused will be submitted in writing to the Chairperson who will then relay the question to the appropriate party.

- d. At the conclusion of the charging party/complainant's presentation, the accused party shall present a response to the charges. This shall be done by the submission of written, physical, and/or testimonial evidence.

- e. At the close of the hearing, the hearing officer/board may allow closing statements by the parties, which may include rebuttal comments.
2. Any person who commits an action that interrupts the proceedings or refuses to comply with a reasonable order of the hearing officer/board shall be subject to removal from the hearing.
3. All matters upon which the decision will be based must be introduced into evidence at the hearing. Adjudication will be based upon presented evidence sufficient to make a reasonable person believe that a fact sought to be proved is more likely true than not.
4. All hearings will be recorded. Maintenance of a written or audiotape record of the hearing will be done at the University's expense, but students may be required to pay the cost of copies of requested records. If such records contain sensitive or confidential information, a request for a copy will be denied.
5. The outcome of the hearing will be based upon presented evidence sufficient to make a reasonable person believe that the facts sought to be proven are more likely true than not. All matters upon which the decision will be based must be introduced into evidence at the hearing.
6. In addition to testimony and evidence presented at a conference or hearing, a hearing officer/board may consider the following elements before rendering a sanction:
 - a. Academic records and class year;
 - b. The nature and severity of previous discipline records including that which is public record;
 - c. Attitude of the accused during the conference and/or hearing;
 - d. Whether the sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation on the complainant and the University community.
 - e. Sanctions include Disciplinary Reprimand, Disciplinary Probation, Deferred Suspension, Campus Restrictions, Suspension or Expulsion. The sanction may also include an educational task that is designed to benefit the individual, campus, or community (see Section III. Sanctions).

The Panel is *required to consider suspending or expelling any student found responsible for sexual misconduct*; however the panel may impose any sanction that it finds to be fair and proportionate to the violation.

7. The Office of Student Conduct will issue a written statement of the findings of fact and reasons for the decision (referred to as an "Outcome Letter") to the accused within 30 business days after the close of the hearing.

In cases of sexual misconduct (Violation #23), the Office of Student Conduct will also send the Outcome Letter to the complainant and the Title IX Coordinator. Both parties have the right to appeal, notification of a pending appeal from the opposing party, and the opportunity to provide an impact statement to the appeal board. See Appeal section.

- J. Any students or student group who fail to appear at a scheduled hearing consent to the conducting of said hearing in their absence. Should the student be suspended or expelled as a result, they may request a de novo hearing during the time of the appeal period as noted in the outcome letter.

- K. The hearing officer/board shall be responsible for ensuring that each student is afforded due process during all conferences and hearings, whether or not the student is present.
- L. Pending action on the charges, the student's status shall not be altered nor shall the student's right to be present on-campus or to attend classes be suspended, except for reasons relating to their physical or emotional safety and well-being or for reasons relating to the safety of students, employees, personnel, or University property (See Sanction A.6 Interim Disciplinary Suspension).
- M. The University retains the right to continue a hearing whenever necessary and appropriate.

Outcome Letter

This letter provides the official outcome of finding for the charges and includes the disciplinary sanction and requirements.

Appeal

The Appeal process will be detailed at the bottom of the outcome letter.

III. Sanctions

A. Individual Students

Individual students held responsible for violating the *Student Code of Conduct* will be subject to one or more of the following penalties. For students under 21, parents may be notified in writing about drug and alcohol violations unless the student shows proof of his/her independent status. The student will have five University business days from the date of the sanction assessment letter to show such evidence using the Proof of Independent Status Form (https://publicdocs.maxient.com/reportingform.php?WestChesterUniv&layout_id=11).

1. **Disciplinary Reprimand:** The student is informed in writing that their behavior has been in violation of University regulations. It is intended to communicate most strongly both the disapproval of the behavior, and to remind the student of their responsibility to the University community. It is an assumption that repetition of the behavior is not likely. However, it is to be understood that further misconduct may result in additional disciplinary action.
2. **Disciplinary Probation:** The student is informed in writing that they are being placed on disciplinary probation for a specific period of time. Probation is a period of review and observation during which the student must demonstrate the ability to comply with University rules, regulations, and other requirements as stipulated by the sanction. Disciplinary probation will be imposed for a minimum of one semester. Any subsequent violation of University regulations during the probationary period will be evaluated within the context of the student's probationary status. This sanction may specify any conditions with which the individual must comply, any privileges that may be withheld, and/or the loss of privilege to represent the University in an official capacity (e.g., varsity and non-varsity intercollegiate events, plays, holding office, or participation in campus government or related organizations). Probation may also include a written agreement between the student and the University, which is in effect for a specific period of time.
3. **Interim Campus Restriction:** The student is immediately BANNED from all or some of the campus facilities as noted in the letter. A Campus BAN includes but is

not limited to Lawrence Hall, the Recreation Center, campus athletic spaces, fields, and all University Owned and University Affiliated Student Housing. If the student resides on-campus, they will need to vacate their residence until this matter can be resolved. Failure to vacate and return the key by the due date, or abide by University policies will result in an immediate period of disciplinary suspension until the violations of the *Student Code of Conduct* can be addressed on-campus.

4. **Disciplinary Suspension:** The student is informed in writing that they are being involuntarily separated from the University for a designated period of time. A student may not attend classes or be enrolled in online or distance education, take exams, receive grades, or be on authorized University property except for authorized University business during the suspension period. Authorized University business must be approved in advance by the Director of Student Conduct, or designee. After this period of suspension, the student must seek written approval from the Director of Student Conduct to return to the University as a student or visitor. Students suspended for two or more consecutive semesters must also reapply through the Office of Admissions. The hearing officer may establish additional requirements that must be fulfilled to the Director of Student Conduct's satisfaction prior to reinstatement. There will be no refunding of tuition or fees. The assignment of grades will be in accordance with the policy established for suspensions/expulsions. The student's parents, guardians, or sponsors may be notified in writing in accordance with the policy previously cited under paragraph A of this section.
5. **Deferred Suspension:** The student is informed in writing that although the behavior may warrant a suspension; a suspension is being deferred at this time. The student is also advised that any subsequent violation of the *Student Code of Conduct* may result in the student's involuntary separation from the University for a designated period of time.
6. **Disciplinary Expulsion:** The student is informed in writing that they are being expelled from the University. This action is one of involuntary separation from the University. The relationship between the student and this University is permanently terminated. A student is not permitted on University property. There will be no refunding of tuition or fees. The assignment of grades will be in accordance with the policy established for suspensions/expulsions. The student's parents, guardians, or sponsors may be notified in writing in accordance with the policy previously cited under paragraph A of this section.
7. **Interim Disciplinary Suspension:** The Director of Student Conduct, the Assistant Vice President for Student Affairs/Residence Life and Housing, or designee may impose an interim suspension and/or loss of privileges including removal from University Owned or Affiliated Student Housing upon any student whose presence on-campus constitutes a threat to the health, safety, and welfare of the student or others, or the welfare of the University, its property, or personnel. A student's parents, guardians, or sponsors may be notified in accordance with the policy previously cited under paragraph A of this section. During an Interim Suspension, a student may not attend classes or participate in online or distance education courses, participate in University activities, and/or be on University property. The Interim Suspension shall remain in effect until such time it has been modified by the Director of Student Conduct. In such cases involving currently enrolled students, an administrative hearing will be convened within 10 University days, unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the earliest possible date. For students who are not currently enrolled, their hearings may take up to 60 days for scheduling.

B. Sanction Conditions

The student is assigned an educational task that benefits the individual, campus, or community. This task is assigned as a condition of another sanction such as disciplinary reprimand, probation, or suspension. Tasks must be reviewed and accepted by the Office of Student Conduct. Examples of tasks include papers, classes, or seminar attendance at programs or relevant community meetings, mediation sessions, counseling, substance abuse education, alcohol education program/experience, or community service. In cases that include a sanction condition of campus restrictions, fees for restricted services will not be refunded. Some specific conditions include, but are not limited to, the following:

1. Alcohol/Drug Education:

Alcohol Education: Group workshops for first-year students designed to provide information on the effects of alcohol/drugs, self-evaluations for alcohol/drug use, and development of a plan to reduce risks associated with the use of alcohol. Students sanctioned to the Alcohol Education Workshop may be assessed a Health Center visit fee.

BASICS: (Brief Alcohol Screening Intervention for College Students): Individualized sessions to address alcohol consumption and its adverse consequences, promote healthy choices, and develop coping skills for risk reduction. Students sanctioned to BASICS will be assessed a Health Center visit fee.

RAM Support Group: Referral to the support group provides a forum in which to explore the role substance use plays in the student's life, and to afford an opportunity to examine personal issues that appear to be negatively impacting decision-making. When appropriate, additional treatment (e.g., individual or group counseling) may be recommended to provide increased awareness, additional strategies, resources, and appropriate referrals to ensure student success. Therefore, additional counseling, beyond the group session, may be expected to complete this sanction.

Counseling: The purpose of assigning counseling is to encourage the student to assess how his/her behavior and attitude impact choices, enhance his/her interpersonal skills, and/or learn ways to reduce stressors that may affect the student's ability to be successful. When a student agrees to seek counseling as a condition of his/her sanction, he/she accepts the financial responsibility of fees associated with the counseling arrangements.

On- or Off-Campus Alcohol/Drug Assessment: The student must obtain an assessment from a licensed provider to address the use of substances, both legal and illegal, and to examine personal issues that may be impacting decision-making. When a student agrees to obtain the assessment as a condition of his/her sanction, he/she accepts the financial responsibility of any fees associated with the assessment.

- Housing Reassignment:** The student is informed in writing that they are being involuntarily reassigned to a new housing assignment on-campus. This action may include restriction from entering specific University Owned or Affiliated Student Housing buildings for a designated period of time.
- Loss of Housing:** The student is informed in writing that they are being involuntarily removed from University Owned or Affiliated Student Housing for a designated period of time, which may be permanent. During this time, the student is banned from all University Owned or Affiliated Student Housing. Removal from University Owned or Affiliated Student Housing means that the student must properly check out of their room or apartment in accordance with existing University procedures within the time constraints established by the hearing officer. There will

be no refunding of housing fees in accordance with University policy. Arrangements for continuation of the meal plan must be made with the Associate Director of Housing and Dining Administration. The hearing officer may establish requirements that must be fulfilled to their satisfaction prior to reinstatement in University Owned or Affiliated Student Housing. Students eligible to return to University Owned or Affiliated Student Housing must apply for consideration to the Assistant Vice President for Student Affairs/Residence Life and Housing. No housing or room selection priority will be afforded to the student when returning to University Owned or Affiliated Student Housing.

4. **Interim Loss of Housing:** The Director of Student Conduct, the Assistant Vice President for Student Affairs/Residence Life and Housing, or designee may impose an interim loss of housing wherein the student is involuntarily removed from University Owned or Affiliated Student Housing for a designated period of time. During this time, the student is banned from all University Owned or Affiliated Student Housing. A student's parents, guardians, or sponsors may be notified in accordance with the policy previously cited in paragraph A of this section. In such cases, an administrative hearing will be convened within 10 University days, unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the earliest possible date.
 5. **Deferred Loss of Housing:** The student is informed in writing that although the behavior may warrant a loss of housing, a loss of housing is being deferred at this time. The student is also advised that any subsequent violation of the Student Code of Conduct may result in the student's involuntary removal from University Owned or Affiliated Student Housing for a designated period of time.
 6. **Loss of Dining Hall Privileges:** The student is informed in writing that they are being involuntarily removed from the dining hall for a designated period, which may be permanent. Removal from the dining hall means that a student may not purchase or use a meal card in campus dining facilities.
 7. **Failing Grade:** In cases involving violations of the Academic Integrity Policy, a failing grade, or a grade of zero for either an assignment and/or a course may be administered.
 8. **Hold on Records:** The University may withhold transcripts, diplomas, class registration privileges, or other official records pending the disposition of cases and completion of sanctions if such action is reasonably necessary to preserve the University's ability to enforce its disciplinary rules.
 9. **Financial Restitution:** Financial restitution may be imposed on students whose violation of these standards has involved monetary loss or damage. Restitution as imposed by the hearing officer becomes a financial obligation to the University. Either full payment or an agreement for partial payment according to a schedule agreed to by the Director of Student Conduct is required before the student may register for classes again, or in the case of seniors, before the student may graduate
10. **Fines:**

a. **Alcohol and/or Alcohol Containers Violation (#7)**

Students found in violation of this policy may be subject to the following fines:

First offense – \$100

Second offense – \$200

Third offense – \$300

Drugs and/or Drug Paraphernalia (#8)

Students found in violation of this policy and specifically the illegal use or possession of paraphernalia or any controlled substance in Schedule III as outlined

in the *Ram's Eye View Student Handbook* may be subject to the following fines:

First offense – \$100

Second offense – \$200

Third offense – \$300

The implementation of these fines for alcohol and/or drug violations may be in addition to sanction conditions including, but not limited to, Alcohol/Drug Education Workshops, BASICS, referrals for substance abuse treatment, community service, and/or other sanctions as described in Section IIIA.

- b. Students found responsible for violation of Failure to Comply and Sanction Violations may be subject to a \$50 noncompliance fine and/or a hold placed upon their University record. The student must make this payment directly to the Bursar's Office within 30 days from notification thereof. Failure to make the payment may result in additional University action

C. Student Groups

Student groups held responsible for violating the *Student Code of Conduct* will be subject to one or more of the following penalties and the full range of sanctions conditions previously outlined

1. **Group Disciplinary Reprimand:** The group is informed in writing that the group has been found responsible of a violation of University regulations. It is intended to communicate most strongly both the disapproval of the behavior and to remind the group of its responsibility to the University community. It is an assumption that repetition of the behavior is not likely. However, it is to be understood that further misconduct may result in additional disciplinary action
2. **Group Disciplinary Probation:** The group is informed in writing that it is on probation for a specified period of time. Probation is a period of review and observation during which the group must demonstrate the ability to comply with University rules, regulations, and other requirements as stipulated by the sanction. During this time, the group may be required to complete an educational task or service project. Conditions that restrict privileges may also be imposed. If, during this time, the group becomes involved in additional violations of University regulations, further disciplinary action will be taken.
3. **Group Disciplinary Suspension:** This group is prohibited from conducting any and all group activity on- or off-campus. All events should be canceled immediately and not resume until stated date. This includes, but is not limited to, meetings, recruitment, fundraising, educational programs, and socials. During the period of suspension, if the group is found operating without permission from the Office of Student Conduct, they would be subject to additional charges of the *Student Code of Conduct*. For reinstatement, within 30 days of the conclusion of the suspension period, a designated group leader will need to make an appointment with the Office of Student Conduct to arrange for the removal of the campus ban and hold on the group's status.
4. **Group Disciplinary Expulsion:** The group is informed in writing that a permanent loss of recognition is imposed. This action is one of involuntary separation from the University. The relationship between the group and the University is permanently terminated. The group may not use campus facilities, participate in University activities, receive funding, sponsor activities, and pledge or recruit members. Should members violate the conditions of the sanction, they may be charged as individuals with violating the *Student Code of Conduct*.
5. **Group Interim Disciplinary Suspension:** The Director of Student Conduct or designee may impose an interim suspension and/or loss of privileges upon any

student group whose presence on-campus constitutes a threat to the health, safety, and welfare of its members or others, or the welfare of the University, its property, or personnel. In such cases an administrative hearing will be scheduled within fifteen (15) University days unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the earliest possible date.

6. **Group Disciplinary Suspension - Deferred:** This student group has a pending disciplinary suspension based on any additional violations of the WCU Student Code of Conduct. A deferred status means that ANY Violation of the West Chester University *Student Code of Conduct* by the group, during this time, will result in the group's immediate suspension from West Chester University.

IV. Appeals

- A. Upon receiving a sanction from the hearing officer/board, a student or group may appeal for the following reasons:
1. Violations of procedures which would have substantially impacted the outcome;
 2. Severity of the sanction is not supported by the evidence;
 3. Lack of substantial evidence upon which a determination of guilt can be based; and/or
 4. New evidence that was not previously available, and that might substantially change the nature of the case.
- B. All appeals must be made in writing by the published appeal date noted on the outcome letter and submitted via the Office of Student Conduct Outcome Appeal (https://publicdocs.maxient.com/reportingform.php?WestChesterUniv&layout_id=10). The appeal should explain in detail the basis of the request, including any supporting documentation. In addition, students or groups filing appeals may wish to present letters of character reference
- C. Upon receipt of the written appeal, the Director of Student Conduct will defer the imposition of the sanction(s) pending the outcome of the appeal process.

- Upon receipt of a first level or presidential appeal involving a sexual misconduct charge, while the sanctions may be deferred until the outcome of the appeal, any and all Interim Measures will remain in place until such time they are rescinded or modified by the Office of Student Conduct.
- Upon the completion of the appeal period and receipt of an appeal by either party involving a sexual misconduct charge, the Office of Student Conduct will forward a copy of the appeal to the opposing party and allow three (3) days for a response. The Response to Appeal Form. (https://publicdocs.maxient.com/reportingform.php?WestChesterUniv&layout_id=16) will be shared with the appropriate parties concerned with the appeal.
- Impact Statement – An opposing party may submit a statement explaining the impact that the actions have had. The statement should be submitted to the Director of Student Conduct to be shared with the appeals board.

- D. Cases involving loss of housing and/or dining privileges, suspension, and expulsion will be forwarded to the University Appeals Board for review.
- E. All other cases will be reviewed by the Director of Student Conduct or designee for final disposition.
- F. A request for an appeal will be responded to in a timely manner by the appropriate appellate body.

G. The Appeals Board:

1. Each Appeals Board is comprised of one professional staff member, one faculty member, and one student chosen from active members of the University Hearing Board. When necessary, an Appeals Board may be convened by a quorum. A quorum in this case would be a combination of at least two of the previously mentioned individuals.
2. When it is not feasible for the Appeals Board to meet in a timely fashion (semester breaks), appeals will be reviewed by the Director of Student Conduct. The recommendation will be forwarded to the Assistant Vice President for Student Affairs or respective designee for final disposition
3. The Appeals Board will review the written appeal and all documentation contained within the student's or group's disciplinary file. In cases involving a complainant, the board may consider a complainant's impact statement. The Appeals Board is not obligated to reconvene a hearing. However, if it should wish to do so, it will follow the same procedures used for an original hearing (See Section II). All meetings and hearings of the Appeals Board are closed
4. The Appeals Board by a simple majority vote will uphold the sanction, modify the sanction, or order a new hearing.
5. Normally, all Appeals Board decisions are final and will be forwarded to the Director of Student Conduct for immediate implementation. However, under extenuating circumstances, the student or group may request the President of the University to review the Appeals Board decision.
6. An appeal may be made to the President of the University to review the Appeals Board decision. An appeal to the President must be presented within two University business days of formal notification of the Appeals Board decision. This must be submitted in writing via the Appeals Form (https://publicdocs.maxient.com/reportingform.php?WestChesterUniv&layout_id=10)
7. An appeal to the President must include clear and convincing reasons to overrule the decision of the University Appeals Board. An appeal to the President should include information to support the following reasons for the appeal:
 - a. Violation of procedures;
 - b. Severity of the sanction is not supported by the evidence;
 - c. Lack of substantial evidence upon which a determination of guilt can be based;
 - d. New evidence that was not previously available and might substantially change the nature of the case.
8. The President may or may not elect to review a decision. The student or student group petitioning for the presidential appeal will be notified of the decision of the President, or designee, within a reasonable period of time. The presidential appeal is the final step in the WCU process.

H. The appeals process described shall be the final step in the process.

V. Disciplinary Records and Retention

All students' disciplinary records are kept in accordance with the Family Educational Rights and Privacy Act of 1974 (the "Buckley Amendment"), 20 U.S.C. 1232g. In accordance with these provisions, all disciplinary files are confidential and may only be accessed

by the student, parents of dependent students (as defined by the Internal Revenue Service), or by a person or agency possessing a waiver signed by the student waiving his/her right to this protection and meeting the requirements for valid waivers under the “Buckley Amendment.” West Chester University will disclose disciplinary cases of students who have been found in violation of University policies and regulations in which the minimum outcome resulted in a period of Disciplinary Probation.

West Chester University will also allow access to a disciplinary record in order to comply with a subpoena or court order served upon it. When served with a subpoena or court order, the University will notify the student in writing that it is complying with the court order. The University will disclose the outcome of a disciplinary proceeding alleging sexual misconduct to both the complainant and the accused individuals. The University may disclose the results of a disciplinary proceeding brought against the alleged perpetrator of any crime of violence to the alleged victim of any crime of violence, as that term is defined in 18 U.S.C. 16.

West Chester University maintains disciplinary records of students who have been found in violation of University policies and regulations. These records are maintained separately from the student’s official academic records. The University shall retain discipline records for seven years after graduation or separation providing they were in good standing with the University. Records involving expulsions are kept indefinitely. The University reserves the right to keep any records for a longer period of time.

VI. Room/Apartment Inspection and Right of Search in University-Owned and/or Affiliated Student Housing

A. Right of Inspection by University Officials

Visual inspection of student rooms or apartments for cleanliness, health, safety, and compliance with all University Owned and/or Affiliated Student Housing regulations is permitted by members of the administration and residence life staff. Residents shall be present (when possible) and any information discovered by coincidental means may be used as evidence against residents in University disciplinary proceedings. Such inspections shall be announced and publicized 48 hours before the inspection except for routine inspections, which will be conducted at vacations, at regular intervals during the academic year, and at the close of each term. These inspections may be conducted in the absence of the residents.

Visual inspections may also periodically occur when adhering to emergency evacuation procedures (e.g., fire alarms). Because the administration is responsible for discipline, a member of the residence life staff may enter a student’s room for visual inspections when there is reasonable suspicion of rule violation. If a resident refuses to grant entry, the master key may be used. In the event of an emergency, or where there is reasonable suspicion, a member of the residence life staff may enter a room for a visual inspection in the absence of the residents. If this occurs, the residents shall receive written notification of such entry.

B. Right of Search by University Officials

A student’s room may be searched by a University official if there is reasonable suspicion to believe that a University rule has been violated. Permission for such searches may

be given by the Vice President for Student Affairs or, in his absence, the designated senior student affairs officer. Two copies of a permit signed by one of these shall contain:

1. Place to be searched;
2. Name(s) of student(s);
3. Reason for search;
4. Object(s) or information sought;
5. Person(s) conducting the search.

Every effort shall be made to inform the student(s) of the intent to search; however, in emergency situations the search may be conducted in the absence of the student(s). If this is done, they shall be informed after the fact and given a copy of the permit. If the students are present, they shall be advised that any information or property seized may be used as evidence against them in any University disciplinary proceeding, and they have the right to counsel and the right to remain silent. Any property seized in the search shall be itemized and acknowledged by signature on both copies of the permit by one of the authorized University searchers and the residents. A copy of the signed permit will be filed in the Office of Student Conduct.

C. Right of Search by Civil Authorities

Search and seizure for purposes related to suspected violation of civil or criminal law of the Commonwealth may be referred to the civil authorities. Such authorities have the right to search the premises and possessions of any student by following the ordinary procedures and requirements for lawful search. Any information discovered through such a search may be used as evidence in any civil or criminal proceedings and by University authorities when violations of the *Student Code of Conduct* occur.

D. Wellness Checks

There are occasions when public safety receives a request for a well-being check. In those situations, Public Safety officers are authorized to enter a student's room to check on the student's status. In the course of that Wellness Check, should the officer(s) notice anything that is against University Policy, it could be referred to the Office of Student Conduct

VII. Definitions

The language contained in this document shall be construed according to ordinary common usage. Terms used include the following:

Appeal: A review of the adjudication of the University hearing officer/board by the Director of Student Conduct, appeals board, or designee.

Conference: An initial meeting between the accused student and the hearing officer to discuss the charges and give the accused student the opportunity to admit responsibility for charges and waive a hearing or to request a hearing.

Designee: A person who is authorized to make decisions in the absence of the named administrative officer or when said administrator chooses not to exercise their authority.

Hearing: A formal proceeding at which the complainant (charging party) and the accused student or group make presentations to the hearing officer/board. The hearing officer/board will determine the accused student's responsibility for the violation.

University Business Day: Any day during which West Chester University is otherwise open for business

Waiver (Waiving): The knowing, willing, and voluntary relinquishment of part or all of the rights to due process contained in the *Student Code of Conduct* by a student or student-group charged with a violation(s).

VIII. Revisions to the *Student Code of Conduct*

All necessary and appropriate revisions to the *Student Code of Conduct* will be recommended to the Director of Student Conduct for final review and approval, and implementation. All approved revisions to the *Student Code of Conduct* will be advertised for one week in the University newspaper, *The Quad*, if they are not in the current year's *Ram's Eye View Student Handbook*.