



<b>Policy Title: Student Conduct Code</b>	<b>Policy Number:</b>
	<b>Responsible Executive: Associate Dean for Student Conduct Administration</b>
<b>Effective Date: August 25, 2021</b>	<b>Responsible Office: Student Conduct Administration</b>

## Student Conduct Code

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### Policy Statement

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Student Conduct Administration’s goal in administering the Student Conduct Code is to balance the individual need of the student with the needs of Baylor University’s community.

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### Reason for the Policy

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Student Conduct Administration manages each case under the Student Conduct Code with care, concern, and compassion while seeking to teach integrity, responsibility, and accountability to Baylor University students.

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### Individuals/Entities Affected by this Policy

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All Baylor University students

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### Forms and Tools

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Forms and tools are available at [baylor.edu/studentconduct](http://baylor.edu/studentconduct).

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### Definitions

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These definitions apply to terms as they are used in this policy.

<b>Business Days</b>	Days when the University’s offices are open for business
<b>Misconduct</b>	Personal behavior on or off campus that: (1) interferes with Baylor's pursuit of its educational and/or Christian objectives, and/or reflects poorly on the University; (2) fails to exhibit due regard for or violates the rights of others; (3) shows disrespect for persons and/or property; (4) violates, attempts to violate, and/or is complicit in a violation of University rules, regulations, and/or policies; (5) violates, attempts to violate, and/or is complicit in a violation of local, state, or federal laws,

	or the laws of other countries, where applicable; (6) fails to comply with the directives of University personnel; and/or (7) fails to demonstrate honesty in communication with, or in representing information to, the University and its personnel
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**Contacts**

Subject	Contact	Telephone	Office email/web site
<b>Student Conduct Administration</b>	Associate Dean for Student Conduct Administration	254-710-1715	<a href="https://www.baylor.edu/studentconduct/">https://www.baylor.edu/studentconduct/</a>
<b>Student Life</b>	Office of the Vice President for Student Life	254-710-1314	<a href="https://www.baylor.edu/student_life/">https://www.baylor.edu/student_life/</a>

**I. General**

**A. General Information**

Baylor University rules, regulations, and policies applicable to students are published in the Student Policies and Procedures and other student-related publications. Since the Student Policies and Procedures and other student-related publications may be revised semester to semester, it is the responsibility of the student to obtain revisions from the Student Conduct Administration office. Most of these publications can be found on the Baylor website or a student may contact the [Student Conduct Administration office](#) (254-710-1715) for assistance in obtaining copies of these publications with the latest revisions.

In all cases involving potential violation of University rules, regulations, and policies or involving potential violation of local, state, or federal laws or the laws of other countries, if applicable, the University reserves the right to proceed with its own disciplinary action independently of governmental charges or prosecution. The University has no obligation to await the outcome of governmental prosecution before taking on its own disciplinary action.

**B. General Expectations of Baylor Student and Applicability of Conduct Code**

Baylor University is governed by a predominantly Baptist Board of Regents and is operated within the Christian-oriented aims and ideals of Baptists. The University is affiliated with the Baptist General Convention of Texas, a cooperative association of autonomous Texas Baptist churches. We expect that each Baylor student will conduct himself or herself in accordance with Christian principles as

commonly perceived by Texas Baptists. Personal misconduct either on or off the campus by anyone connected with Baylor detracts from the Christian witness Baylor strives to present to the world and hinders full accomplishment of the mission of the University.

Under the Student Conduct Code, all Baylor students are expected to obey the laws of the United States, the state of Texas, and municipalities, or, if studying abroad, the laws of other countries. Students are also expected to obey the rules, regulations, and policies established by Baylor University. These expectations apply to all persons taking courses at or through the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who are not officially enrolled for a particular term at the University but who have a continuing relationship with the University or who have been notified of their acceptance for admission, including admission into any Baylor University Pre-College Program, will also be held to these standards.

Each student is responsible for learning about and adhering to the Baylor University Student Conduct Code. The Division of Student Life attempts to ensure that the Student Conduct Code is communicated to all students through various means. However, the student is responsible to the University for his or her conduct that violates University policies. This code and its procedures apply from the time that a person is notified of his or her acceptance for admission to the University, including admission into any Baylor University Pre-College Program, through his or her receipt of a diploma or other credential. Moreover, should a student witness a violation of University policies on the part of other students, the student is responsible for reporting that violation to an appropriate University official (e.g., Judicial Affairs administrators, Office of Academic Integrity administrator, Campus Living & Learning staff, Baylor University Police Department, etc.).

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### **C. Standard of Proof Used in Administrative and Student Conduct Board Hearings**

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In Administrative and Student Conduct Board Hearings, the preponderance of the evidence standard of proof is used to determine whether the student has committed an act of misconduct. A finding of responsibility based on a preponderance of evidence means that based on all relevant evidence and reasonable inferences from that evidence, the greater weight of evidence indicates that it was more likely than not the policy violation occurred.

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### **D. Record of Administrative and Student Conduct Board Hearings**

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1. The tangible evidence presented at an Administrative or Student Conduct Board Hearing and the summary of the hearing constitutes the record of the hearing.

2. The Student Conduct officer in an Administrative Hearing or the Chair of a Student Conduct Board Hearing, or their designees, will arrange for the appropriate preservation of hearing records. If it is determined through a hearing that a student is responsible for a policy violation, hearing records will be kept in the student's conduct record file in accordance with University record retention procedures, unless otherwise provided by the terms of the sanction and/or the University makes a documented decision otherwise. If it is determined through a hearing that a student is not responsible for a policy violation, hearing records will be retained in a separate file, will not become a part of the student's Student Conduct record file; and they will be marked CONFIDENTIAL and will not be disclosed, except as permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations or by a release authorization from the student, or as required by law; such records will be kept in a form and format as deemed appropriate by the University.

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### **E. Proceedings of Hearings Subject to FERPA**

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Documents related to Administrative Hearings or Student Conduct Board Hearings are subject to the provisions of the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, which provide among other things that personally identifiable student education records may only be disclosed to third parties under certain circumstances. Members of the Student Conduct Board, including student members, are engaged in an administrative function for the University in the course of their work on the Board and are required to respect the privacy expectations of students who are involved in Conduct Board-related matters. Conduct Board members who fail to do so may be removed from the Board by the Vice President for Student Life and may also be subject to disciplinary action under the Student Conduct Code.

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### **F. Right to Withhold Transcript and/or Block Registration**

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Baylor University may withhold the issuance of a transcript record and/or block the registration of any current or prior student if the student has certain outstanding obligations to the University. The student obligations may be financial or non-financial. Financial obligations include: Parking Services traffic fines, Health Center charges, student loan accounts, tuition and fees, long distance telephone accounts, or any other financial obligation owed by the student to the University. Non-financial obligations include the University requirements of a student imposed by published written policy or other written requirements including, but not limited to, incomplete processing under the Student Conduct Code or Honor Code Procedures. Release of the transcript and/or a registration block will be authorized

only after a financial obligation to the University is paid in full or satisfactory arrangements are made to comply with other obligations.

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## **G. Transcript Notations**

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As required by Texas Education Code Section 51.9364, the University will place a notation on a student's transcript and place a hold on the student's registration and/or transcript if the student is ineligible to reenroll at the University due to a Student Conduct Code sanction of suspension or expulsion. If the student withdraws from the University while a Student Conduct Code notice to the student of an alleged violation is pending and the alleged violation could result in a suspension or expulsion, the University will proceed to final resolution with the Student Conduct Code process despite the student's withdrawal.

On request by the student, the University may remove the notation from the academic transcript if (1) the student is eligible to reenroll, or (2) the University determines that good cause exists to remove the notation. Such requests should be directed to Student Conduct Administration in writing. The removal of the notation from the academic transcript shall not require the University to make any modification to the student's disciplinary records at the University.

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## **II. Scope of the Baylor University Student Conduct Code**

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Student Conduct Administration generally handles matters that fall under the Student Conduct Code.

Violations of the University's [Civil Rights Policy and Procedures](#) or the University's [Sexual and Interpersonal Misconduct Policy](#) are handled solely through procedures outlined in those policies, and not through the procedures outlined in this [Student Conduct Code](#). However, where reported misconduct involves potential violations of the University's Civil Rights Policy and Procedures and/or the Sexual and Interpersonal Misconduct Policy *and* the Student Conduct Code, the University may choose (at its discretion) to investigate and adjudicate such potential Student Conduct Code violations through the procedures provided for in the Civil Rights Policy and Procedures and/or the Sexual and Interpersonal Misconduct Policy, and not through the procedures outlined in this Student Conduct Code.

Academic violations are defined by and adjudicated under the [Honor Code](#).

In determining sanctions for violations of either the [Student Conduct Code](#) or the [Honor Code](#), the University may consider the totality of a student's misconduct at the University as defined by the [Honor Code](#), the [Student Conduct Code](#), the [Civil Rights Policy and Procedures](#), the [Sexual and Interpersonal Misconduct Policy](#), and other applicable University policies.

5. Student Conduct Code

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### III. Misconduct Defined

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As emphasized in the General Expectations of Baylor Students section above, the University expects that each Baylor student will conduct himself or herself in accordance with Christian principles as commonly perceived by Texas Baptists. Personal misconduct either on or off the campus by anyone connected with Baylor detracts from the Christian witness Baylor strives to present to the world and hinders full accomplishment of the mission of the University. As used in the Student Conduct Code, the term misconduct refers to personal behavior on or off campus that: **(1) interferes with Baylor's pursuit of its educational and/or Christian objectives, and/or reflects poorly on the University; (2) fails to exhibit due regard for or violates the rights of others; (3) shows disrespect for persons and/or property; (4) violates, attempts to violate, and/or is complicit in a violation of University rules, regulations, and/or policies; (5) violates, attempts to violate, and/or is complicit in a violation of local, state, or federal laws, or the laws of other countries, where applicable; (6) fails to comply with the directives of University personnel; and/or (7) fails to demonstrate honesty in communication with, or in representing information to, the University and its personnel.**

As noted in Section II, Scope of Baylor University Student Conduct Code, violations of the University's [Civil Rights Policy and Procedures](#) or the University's [Sexual and Interpersonal Misconduct Policy](#) are handled separately through procedures outlined in those policies, not through the procedures in this Student Conduct Code.

In order to encourage complainants and witnesses to make reports of conduct prohibited under the [Sexual and Interpersonal Misconduct Policy](#), the University will not pursue disciplinary action against a student who makes a good faith report to the University as a complainant or a witness to an incident of prohibited conduct (including reports of conduct prohibited under the [Sexual and Interpersonal Misconduct Policy](#)) for a violation by the student of the Student Conduct Code for conduct occurring at or near the time of the incident. This approach will apply regardless of the location at which the incident occurred or the outcome of the investigation. This includes amnesty for disclosure of personal consumption of alcohol or other drugs (underage or illegal), or audio/video recording of information that does not constitute sexual exploitation and provides relevant information in such cases, which would otherwise be a violation of this Student Conduct Code. Similarly, the University will not pursue disciplinary action against students (complainants, respondents or witnesses in cases falling within the scope of the [Sexual and Interpersonal Misconduct Policy](#)) for conduct in violation of the [Sexual Conduct Policy](#). Under no circumstances will a complainant or witness who makes a report of sexual assault or other prohibited conduct, or a respondent who participates in an

investigation, be charged with violating the [Sexual Conduct Policy](#), regardless of the outcome.

Amnesty under the Student Conduct Code: Baylor students are expected to exercise active care and concern for one another and contact appropriate authorities in the event of any health or safety emergency, even if violations of the University's alcohol policy and/or controlled substances policy may have occurred in connection with such an emergency. In these cases, amnesty is offered under this Student Conduct Code for disclosure of such information, as outlined in detail in the [Expectation of Responsibility](#).

The following examples of misconduct **are not exclusive or all-inclusive** but are intended to provide some examples of the types of behavior that may result in disciplinary action under the Student Conduct Code. These examples constitute a statement of University policy, and such examples fall within one or more of the types of misconduct referenced in the definition of misconduct above.

- A. Expression that is inappropriate in the setting of Baylor University and in opposition to the Christian ideals it strives to uphold.
- B. Physical assault or abuse, harassment, threats, or threatening behavior directed (by any means, including electronic means) toward a member of the Baylor faculty, staff, or student body, or a third party in circumstances deemed by the University to require action under this Student Conduct Code.
- C. Obstruction or disruption of teaching, research, administration, public service, or other activity or function of the University.
- D. Any discriminatory practice as defined by the University's [Civil Rights Policy and Procedures](#). As described in more detail in the Civil Rights Policy and Procedures (the language of which controls over this summary), Baylor is committed to maintaining an environment in which all students are treated with respect and dignity, equal opportunities are promoted, and discriminatory practices, including unlawful discrimination, are prohibited. Baylor does not tolerate harassment or unlawful discrimination against students because of age, color, disability, genetic information, national origin, pregnancy, race, religion, sex, veteran status, or any other characteristic protected under applicable federal, Texas, or local law except as otherwise provided under the Civil Rights Policy and Procedures. Baylor also prohibits retaliation against any student who makes a good faith report under the Civil Rights Policy and Procedures. Discrimination, harassment, and intimidation can be through any communication means including social media posts, verbal comments, and handwritten messages. Again, these prohibitions are stated in more detail in the Civil Rights Policy and Procedures.

- E. Hazing, as defined by the University's [Statement on Hazing](#).
- F. Use or possession of firearms, explosives, fireworks, projectile type weapons (e.g., arrows, darts, throwing knives, spears, javelins), or weapons on campus without the approval of the Chief of Baylor Police in consultation with the Vice President for Student Life. For purposes of this code, the University will use the definitions of weapons provided in [Texas Penal Code Section 46.01](#). Baylor acknowledges that under Texas law, a student who holds a valid concealed handgun license may store a concealed firearm in a locked, privately owned or leased motor vehicle parked on a street or driveway or in a Baylor parking lot or parking garage; the University prohibits the possession in premises that it owns or controls to the fullest extent permitted by Texas law.
- G. Violation of the University's [Classroom Conduct Policy](#).
- H. Violation of the University's [Information Technology Policies & Guidelines](#) or its [Intellectual Property Policy](#).
- I. Interference with, failure to cooperate or comply with, or failure to provide identification to any Baylor administrator, faculty member, or staff person.
- J. Intoxication or impairment by alcohol or an unlawful controlled substance or another dangerous drug such as a controlled substance analogue (designer drug).
- K. Disruptive or disorderly behavior.
- L. Lewd or indecent behavior.
- M. Promotion, use or possession, or being under the influence of an alcoholic beverage on campus or at a University-related activity. A *University-related activity* is any activity sponsored by the University or by any organization recognized by the University. The degree to which an organization is responsible for the activity of its members is not necessarily dependent upon the number of members engaging in the activity, but depends upon whether the activity is related to the organization as described in the University's [Student Organization Policies & Procedures](#).
- N. Unlawful manufacture, possession, use, sale, transfer, or purchase of a controlled substance or another dangerous drug such as a controlled substance analogue (designer drug) or drug paraphernalia. Additionally, it is a violation of University policy to ingest substances that are on the federal



schedule of controlled substances under the Controlled Substances Act, Title 21 United States Code (USC) (<https://www.deadiversion.usdoj.gov/21cfr/21usc/>), regardless of whether the ingestion was legal under the law of the locality, state, or country where the student was at the time of ingestion. Any type of hookah, bong, electronic cigarettes, or vaporizers is prohibited on the campus.

- O. Possession or use of any consumable hemp products on University property or non-campus property owned or controlled by the University. (Note: Products that are FDA approved for use as food ingredients or cosmetics are permitted on University property. Hemp-derived products that are legally produced and/or sold in Texas, but not approved by the FDA for use as food ingredients or cosmetics, such as CBD oil, may be stored in privately owned or leased motor vehicles parked on a street or driveway or in a Baylor parking lot or parking garage. The University prohibits the possession of such products by students in premises that it owns or controls.)
- P. Intentionally taking, damaging, or destroying property; or attempting to take, damage, or destroy property without the effective consent of the owner.
- Q. Failure to abide by an administrative order or directive issued by the University or University personnel, unless such failure is being handled at the University's discretion through another University process.
- R. Unauthorized entry, or attempted unauthorized entry, into or occupation of University facilities.
- S. Falsification, alteration, fabrication, or misuse of a University or government form, document, record, or identification card.
- T. Participation in student organizations not approved by the University.
- U. Contemptuous or disrespectful behavior.
- V. Unlawfully conducting, organizing, or participating in an activity involving a game of chance, including but not limited to, casino or sports wagering.
- W. Conduct that is prohibited by the University's [Sexual Conduct Policy](#).
- X. Tampering or playing with fire extinguishers, smoke detectors, exit lights, emergency lights, or other life safety equipment; tampering with or pulling under false pretenses a fire alarm; or propping stairwell fire doors open or disabling

locking mechanisms on exit doors. Fines may be assessed for the misuse of fire or other life safety equipment.

- Y. Audio and/or video recording or causing to be recorded a member of the University's governing board, an administrator, faculty, or staff member during the course of their University duties without the recorded person's knowledge and permission. The term "recorded" includes the capturing, transferring, or streaming of audio and/or video.
- Z. Possession of pornographic material on Baylor property or accessing pornographic material through the University owned or [contracted technology systems](#) (see [BU PP 025](#)).
- AA. Participating in the Baylor Homecoming Parade without University authorization, disrupting parade activities, or failing to comply with parade marshals appointed by the University.
- BB. Complicity in any misconduct prohibited by University policies (meaning any act that knowingly aids, facilitates, promotes, or encourages the commission of prohibited conduct by another person).

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#### IV. Sanctions for Misconduct

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A student who is found to have engaged in misconduct is subject to one or more of the following sanctions or other sanctions deemed appropriate by the sanctioning officer or sanctioning panel (sanctions may be combined at the discretion of the sanctioning officer or panel). Sanctions may be elevated in cases where there is evidence that the misconduct was motivated by bias against Protected Characteristics (as defined in Baylor Civil Rights Policy and Procedures). Relevant information about an individual's disciplinary record at the University remains on the student's disciplinary record at the University and may be disclosed by the University when the student consents in writing or as otherwise required or permitted by law. The Vice President for Student Life is informed when a sanction of suspension or expulsion is imposed.

- A. **Warning:** A formal admonition, which appears in an individual's disciplinary record at the University.
- B. **Disciplinary Probation:** A more serious admonition may be assigned for a definite period of time. Findings of misconduct that resulted in disciplinary probation may be considered in determining subsequent sanctions, even if the probation period has ended. *Any future violation may be grounds for more severe sanctions, including suspension, suspension with conditions, or, in especially serious cases, expulsion from the University.*

- C. Restitution:** Requirement to reimburse or otherwise compensate another and/or the University for damage or loss of property resulting from a student's misconduct. Common assessment or group billing may be made to students in a residence hall for damages occurring in common areas shared by groups of residents (determinations about whether and to what extent that will occur are made by the University's residence life administrators, not through the procedures provided in the Student Conduct Code).
- D. Residential or Other Facilities Restrictions or Removal:** Restriction or removal from residence halls or other campus facilities as designated in the written notification. The Campus Living & Learning contract fee will not be refunded to a student who is evicted from the residence halls.
- E. Withholding of Degree:** In cases involving seniors or graduate students in their final semester, the University may withhold a student's Baylor degree for a specified period of time. This penalty is imposed instead of suspension at the end of senior year or final year of graduate study when all other degree requirements have been met. Degrees may also be withheld indefinitely when all other degree requirements have been met. The sanction of withholding a degree may also occur if an expulsion-level offense occurs after all other degree requirements have been met but before the degree is conferred.
- F. Suspension:** Student status at the University may be terminated for a specified period of time.
- G. Suspension with Conditions:** Student status at the University may be terminated for at least the period of time specified by the suspension, with the suspension to continue until certain conditions, stipulated by the officer or panel applying this penalty, have been fulfilled. These conditions may include, but are not limited to, restitution of damages and formal apology.
- H. Expulsion:** This is permanent termination of student status at the University, without any opportunity for readmission. Relevant information remains in the student's disciplinary record at the University and may be disclosed by the University when the student consents in writing or as otherwise required or permitted by law.
- I. Additional Outcomes:** The following examples are not exclusive or all-inclusive but are intended to provide some examples of the types of outcomes that may accompany the preceding sanctions, as appropriate:

**Community Service:** Community service up to 10 hours per week may be added to disciplinary probation for a portion or duration of the probationary period or following a warning.

**Restriction of Access to Space, Resources, and Activities:** When appropriate, restrictions may be placed on access to space and/or resources or on participation in activities so as to limit opportunities for contact between the parties.

**Educational Programs:** In addition to any of the sanctions listed above, a student may be required to participate in educational programs.

**No Contact Directives:** No contact directives may be imposed as an administrative matter (but not necessarily a sanction) when the University determines that doing so is in the best interests of an affected individual or individuals, and/or the best interests of the University.

**The fact that these additional outcomes are listed here as examples does not limit the University's ability to issue interim or administrative measures such as restriction of access to space, resources and activities, and/or no contact directives at its discretion even where no Student Conduct Code or other policy violation has been investigated or charged, and/or where no policy violation has been found.**

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## **V. Authority and Responsibility for Student Conduct Code Violations**

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### **A. Vice President for Student Life**

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The Vice President for Student Life is responsible for overall coordination of rules and regulations regarding student discipline for misconduct covered by this Student Conduct Code. The Vice President for Student Life may assign a designee to act in his or her stead.

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### **B. Associate Vice President for Student Life**

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The Associate Vice President for Student Life is the person appointed by the Vice President for Student Life to decide whether Administrative or Student Conduct Board Hearings will be held in particular cases and to perform other duties pertaining to the student conduct process as designated by the Vice President for Student Life. The Associate Vice President for Student Life may assign a designee to act in his or her stead.

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### **C. Associate Dean for Student Conduct Administration**

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The Associate Dean for Student Conduct Administration is the person appointed by the Vice President for Student Life to be primarily responsible for investigating allegations of student misconduct. The Associate Dean for Student Conduct Administration conducts initial meetings and conducts hearings as detailed below, and, where provided by University procedure, imposes sanctions against students who are found to have engaged in misconduct. When a Student Conduct Board Hearing is held, the Associate Dean for Student Conduct Administration presents

evidence regarding the reported violation to the Student Conduct Board and/or coordinates the presentation of such evidence. Any reference in this code to the Associate Dean for Student Conduct Administration is intended to include his or her designees, in order to allow the University reasonable flexibility in staffing regarding student conduct matters.

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#### **D. Student Conduct Board**

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Panels of the Student Conduct Board are responsible for hearing the evidence relating to charges of student misconduct brought before them, rendering a decision based on the evidence presented, and imposing sanctions, should the student be found responsible for the alleged act(s) of misconduct. Panels to hear individual cases will be drawn from the Student Conduct Board membership as provided below.

Student Conduct Board Membership: Student Conduct Board members shall be appointed each year as described below:

##### **1. Faculty Members**

- a. A Student Conduct Board chair appointed from the faculty by the President.
- b. Two Student Conduct Board vice chairs appointed from the faculty or staff by the President.
- c. Faculty members appointed by the Provost's Office, in consultation with the Vice President for Student Life.

##### **2. Student Members**

Student members appointed by the Student Body President

##### **3. Staff Members**

Staff members appointed by the Vice President for Student Life.

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#### **E. Hearing Panels and Role of Chair**

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The Student Conduct Board Hearing Panel, in each case, will ordinarily be composed of four members: two of whom shall be either faculty or staff; one of whom will be either the Chair or a Vice Chair of the Student Conduct Board Hearing Panel (who will be referred to in this context as the *chair* of a particular panel), serving as facilitator of the Student Conduct Board Hearing Panel; and one student. The University may compose the Student Conduct Board Hearing Panel differently, as necessary, given the relative availability of student, faculty, or staff Student Conduct Board members. The chair will preside over the Student Conduct hearing and will not vote except in the case of a tie. If a panel would be fewer than three members (including the chair) because of recusals, scheduling conflicts, or other issues, the University will ordinarily re-schedule the hearing so that a larger

panel can hear the case, unless the student requests that the hearing proceed on the originally-scheduled date with a panel of fewer than three members. As the presiding officer in charge of the hearing, the chair has broad discretion. The chair will exercise control over the conduct of all persons participating in the hearing and direct the initial questioning to the Student Conduct officer, the student, and any witnesses. The chair will facilitate the hearing in such a way as to enable the panel members to make a decision as to whether or not an act of misconduct has been committed. In so doing, the chair may exclude irrelevant, immaterial, and unduly repetitious information. Upon the conclusion of the hearing, the chair will lead the Student Conduct Board Hearing Panel in making a decision about the alleged misconduct, and will provide documentation of the finding of the hearing as well as any sanctions. Further details about the chair's role are provided below in Article VII, Purpose and Procedures for the Student Conduct Code.

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## **VI. Interim Measures**

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Upon receipt of a report of an alleged violation of this Student Conduct Code, Student Conduct Administration personnel will determine whether interim measures are needed to preserve the educational or working experience of one or more other community members, protect any individual during an investigation, address safety concerns for the broader University community, maintain the integrity of the investigative and/or resolution process, and/or deter retaliation. Examples of interim measures may include but are not limited to a reassignment of class schedule; reassignment of University housing; restriction on a student's access to classrooms, space, and/or resources; no contact directives; or suspension or expulsion of the student. An interim measure is provisional because it is subject to being vacated, if such action is deemed appropriate following a hearing and any appeal of the finding and/or sanction.

- A. The determination of whether to impose interim measures will be made by Student Conduct Administration personnel in consultation with the Vice President for Student Life (if the student has only a student relationship with the University) and/or if the student also has an employment relationship with the University, an appropriate administrator with jurisdiction over the student's area of employment. In appropriate cases, Student Conduct Administration personnel will also coordinate with members of the University's Threat Assessment Group.
- B. A student may be suspended from enrollment or employment (with or without pay) or placed on a leave of absence on an interim basis when the University has received information which indicates that the continued presence on campus of the student will likely have a serious effect on the physical, mental, or emotional health, safety, or well-being of another person; when physical safety is seriously threatened; or when the ability of the University to carry out its operation is threatened or impaired; or where Student Conduct Administration personnel conclude that other interim measures are not feasible to address any concerns.

- C. The decision to impose an interim suspension or leave of absence may be made at any point in the process.
- D. Violation of conditions imposed as interim measures may result in the initiation of additional disciplinary proceedings.
- E. There is no appeal of an interim measure.
- F. The University is confident that the Vice President for Student Life can fairly and justly separate his or her decisions regarding the exigencies of matters in which interim measures are deemed necessary and the merits of a case after a more full record is developed through a hearing, and therefore the fact that the Vice President may decide both the question of interim measures and any post-hearing appeal will not be considered a material procedural error or ground for objecting to the decision-making or appeal process

The Associate Dean for Student Conduct Administration will prepare and send to the student a written notice of any interim measures and the basis for the interim measures.

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## **VII. Purpose and Procedures for the Student Conduct Code**

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The Student Conduct Code establishes the standards by which students are to conduct themselves. In the event a student is alleged to have engaged in behavior that is inconsistent with one or more standards summarized in the Student Conduct Code, the alleged code violation(s) will be investigated and adjudicated through the procedures outlined in this Article VII. In Article VII, references to *the student* refer to the student who is charged with a Student Conduct Code violation, unless the context requires or indicates otherwise.

The procedures in this Article VII will be carried out by the Associate Dean for Student Conduct Administration or other Student Conduct officers, as designated at the discretion of the Associate Dean for Student Conduct Administration; any reference in this code to the Associate Dean for Student Conduct Administration or a Student Conduct officer is intended to include the designees of either, in order to allow the University reasonable flexibility in staffing regarding student conduct matters.

### **Definition of Business Days**

The term *business days* as used throughout these procedures means days when the University's offices are open for business.

### **Report of Alleged Misconduct**

Alleged misconduct covered by the Student Conduct Code may be reported in the following ways:

- Notify Judicial Affairs, or [Judicial\\_Affairs@baylor.edu](mailto:Judicial_Affairs@baylor.edu); 700 S. University Parks Drive, Suite 270; 254-710-1715.
- Make an online report through [Report It!](#)
- Contact the [Baylor Police](#) for criminal conduct; 254-710-2222.
- Report anonymously through [EthicsPoint](#).

The Associate Dean for Student Conduct Administration will consider the information provided and, based on that information or any other information that he or she believes is necessary at the pre-charge stage, determine whether a Student Conduct Code proceeding should be initiated.

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## **A. Type I Cases: Initial Meetings, Charge Procedures, and Conduct Hearings**

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### **1. Definition of Type I Case**

The procedures outlined in this section apply to Type I cases. Type I procedures are initiated when it appears based on the information about the alleged misconduct and the student's disciplinary history that is available at the time the Notice of Charge is communicated to the student, that the student could face a sanction or sanctions less than suspension or expulsion if found responsible for the alleged misconduct. If at any time based on additional information it is determined that the student could face suspension or expulsion for the alleged misconduct, the Associate Dean for Student Conduct Administration will re-designate the case as a Type II case. The case will proceed as practicably as possible from that point forward as a Type II case, as outlined in Article VII, Section B below. Variations in procedure in cases re-designated as Type II cases, which can be determined at the discretion of the Associate Dean for Student Conduct Administration, will not invalidate the outcome of such cases or constitute a material procedural error that substantially impacted the outcome of the process.

### **2. Notice of Charge in Type I Cases**

If the Associate Dean for Student Conduct Administration determines that the University should initiate a Type I case proceeding under the Student Conduct Code, the Associate Dean for Student Conduct Administration will prepare and send to the student a written notice of the alleged misconduct. The notice will generally include:

- a. the Student Conduct Code section implicated by the alleged misconduct;
- b. a summary of the behavior that allegedly violated the Student Conduct Code; and
- c. notice that the student has the responsibility, within *three business days*, to schedule a time for an Initial Meeting/Conduct Hearing with the Associate Dean for Student Conduct Administration or other designated Student Conduct officer.



The written notice will be sent to the student at his or her Baylor email account and will constitute full and adequate notice. As stated in [University policy](#), each Baylor student is personally responsible for checking his or her Baylor email on a regular and recurring basis for receipt of official University correspondence. The University reserves the right to use other forms of communication (local or home mailing address) as deemed necessary. Students are to provide an updated mailing address to the Office of the Registrar. Failure to receive University notices because of an incorrect address provided by the student will not relieve the student of responsibility for responding to the notice.

### **3. Initial Meeting/Conduct Hearing in Type I Cases**

Only the Student Conduct officer and the student may be present at an Initial Meeting/Conduct Hearing unless the Associate Dean for Student Conduct Administration determines that it would be helpful to have another University staff member present. At an Initial Meeting/Conduct Hearing, the Student Conduct officer and the student will discuss the alleged code violation and adjudication process for the case. Based on information the student may wish to share at the Initial Meeting/Conduct Hearing, the Student Conduct officer may amend or dismiss the charge(s). During this Initial Meeting/Conduct Hearing, the Student Conduct officer will provide to the student a Student Conduct Charge Consideration Form that will outline the procedural options. These options will include:

- a. the option to take three business days (known as a *consideration period*) to consider whether to discuss the matter substantively with the Student Conduct officer and whether to admit or deny the charge(s);
- b. the option to admit responsibility for the charge(s) or revised charge(s), in which case the initial meeting will become a conduct hearing, and no further hearing will be held and sanctions will be imposed by the Student Conduct officer; or
- c. the option to deny responsibility for the charge(s) or revised charge(s), in which case the procedures for either an Administrative Hearing or Student Conduct Board Hearing, as described in Article VII, Sections C and D below, will be initiated.

A student who fails to attend an Initial Meeting/Conduct Hearing with the Student Conduct officer, fails to communicate with the Student Conduct officer to schedule such a meeting within three business days following notice of the charge, and/or fails to return the Student Conduct Charge Consideration Form within the consideration period (three business days) to the Student Conduct officer without just reason (as determined by the Associate Dean for Student Conduct Administration) for failing to do so waives the opportunity for an Initial Meeting/Conduct Hearing and any future hearing. In such cases, the Student Conduct officer may find the student responsible for the alleged act of

misconduct and impose a sanction or sanctions as outlined in Article IV of this Student Conduct Code.

#### **4. Procedures Applicable to Admitted Charges in Type I Cases**

If the student chooses to admit responsibility for the alleged misconduct outlined in the Notice of Charge or any revision to the charge, the Student Conduct officer will impose appropriate sanctions. In determining appropriate sanctions, the Student Conduct officer may review and consider the student's academic and disciplinary records. Other factors that may be considered include but are not limited to the student's attitude regarding the misconduct, the nature and gravity of the misconduct, and any mitigating or aggravating circumstances.

If a student admits responsibility through the process outlined here, he or she cannot appeal the finding of responsibility, but he or she may appeal the sanction(s) through the process outlined in Article VII, Section E of this Student Conduct Code.

#### **5. Finality of Sanctions**

Unless otherwise determined at the University's discretion, sanctions are effective immediately, even if an appeal is filed.

#### **6. Procedures Applicable to Denied Charges and Notice of Hearing in Type I Cases**

If the student denies the charge, the Student Conduct officer will ask the student whether he or she wishes for the matter to proceed to an Administrative Hearing or a hearing before a Student Conduct Board Hearing Panel. The Associate Vice President for Student Life will consider the student's indicated preference and will ultimately decide at his or her discretion whether the hearing will be an Administrative Hearing or a hearing before a Student Conduct Board Hearing Panel. The student will be informed of that decision in the Notice of Hearing. Unless postponed in accordance with the procedures outlined below, the hearing will usually be conducted within 21 business days after the student's official recorded denial of the charge or within a reasonable amount of time if that 21-day period would fall during a University holiday, break between semesters, during the summer months, or during a period when a Student Conduct officer or a Student Conduct Board Hearing Panel is not available.

The Notice of Hearing will generally include:

- a. a summary of the behavior that allegedly violates University policies,

- b. the names and/or description of the witnesses whom the Student Conduct officer anticipates asking to testify at the hearing and a brief summary of the subject matter on which such witnesses are expected to testify, and
- c. a brief description of any other anticipated evidence that will be considered at the hearing.

If the Student Conduct officer receives additional potentially relevant information after a Notice of Charge is issued but before a hearing is held, the Student Conduct officer will determine if the charge should be amended and the case will proceed accordingly.

Witnesses and evidence need to be presented at the hearing if a party wants the witnesses' testimony and the evidence to be considered. The student must attempt to bring to the hearing to testify in person their witnesses who have firsthand knowledge of the facts and circumstances surrounding the alleged act of misconduct. When a witness cannot be present at the hearing, the student may present to the Student Conduct officer (in Administrative Hearings) or the Chair of the Student Conduct Board Hearing Panel a signed, notarized written statement from the absent witness. Reports and statements submitted by University personnel are not required to be notarized when the information is created, gathered, and/or shared within the official scope of their responsibilities. Because the absent witness cannot be questioned, this type of evidence will generally be given less weight. If written or other documentary evidence will be relied upon in whole or in part to establish a violation, the student will be given an opportunity to examine such evidence prior to the hearing. The student should contact the Associate Dean for Student Conduct Administration with a request to review such evidence not less than 48 hours in advance of the hearing so that a time can be scheduled for the review. Such evidence will be made available at the Judicial Affairs office.

## **7. Waiver of Hearing**

A student who fails to attend an initial meeting with the Student Conduct officer, fails to communicate with the Student Conduct officer to schedule such a meeting within three business days following notice of the charge, and/or fails to return the Student Conduct Charge Consideration Form within the consideration period (three business days) to the Student Conduct officer without just reason (as determined by the Associate Dean for Student Conduct Administration) for failing to do so waives the opportunity for an initial meeting and any future hearing. In such cases, the Student Conduct officer may find the student responsible for the alleged act of misconduct and impose a sanction or sanctions as outlined in Section IV of this Student Conduct Code.

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## **B. Type II Cases: Initial Meetings, Charge Procedures, and Conduct Hearings**

### **1. Definition of Type II Case**

The procedures outlined in this section apply to Type II cases. Type II procedures are initiated when it appears, based on the information about the alleged misconduct and the student's disciplinary history that is available at the time the Notice of Charge is communicated to the student, that the student could face a sanction of suspension or expulsion if found responsible for the alleged misconduct. If the Associate Dean for Student Conduct Administration has re-designated a Type I case as a Type II case as described above in Article VII, Section A, the case will proceed as practicably as possible from that point forward as a Type II case. Variations in procedure in cases re-designated as Type II cases, which can be determined at the discretion of the Associate Dean for Student Conduct Administration, will not invalidate the outcome of such cases or constitute a material procedural error that substantially impacted the outcome of the process.

If at some point in the process the Student Conduct officer determines that it would be more appropriate to handle a matter as a Type I case, he or she will re-designate the case accordingly. Variations in procedure in cases re-designated as Type I cases, which can be determined at the discretion of the Associate Dean for Student Conduct Administration, will not invalidate the outcome of such cases or constitute a material procedural error that substantially impacted the outcome of the process.

Pursuant to Texas Education Code Section 51.9364, if the student withdraws from the University while a Student Conduct Code notice of a Type II case is pending, the University will proceed to final resolution of the Student Conduct Code process despite the student's withdrawal. If the student is found responsible and a sanction of expulsion or suspension is imposed, a notation that the student is ineligible to enroll will be placed on the student's transcript.

### **2. Notice of Charge in Type II Cases**

If the Associate Dean for Student Conduct Administration determines that the University should initiate a Type II case proceeding under the Student Conduct Code, the Associate Dean for Student Conduct Administration will prepare and send to the student a written notice of the alleged misconduct. The notice will generally include:

- a. the Student Conduct Code section implicated by the alleged misconduct;
- b. a summary of the behavior that allegedly violated the Student Conduct Code; and
- c. notice that the student has the responsibility, within *three business days*, to schedule a time for an initial meeting with the Associate Dean for Student Conduct Administration or other designated Student Conduct officer.

The written notice will be sent to the student at his or her Baylor email account and will constitute full and adequate notice. As stated in [University policy](#), each Baylor student is personally responsible for checking his or her Baylor email on a regular and recurring basis for receipt of official University correspondence. The University reserves the right to use other forms of communication (local or home mailing address) as deemed necessary. Students are to provide an updated mailing address to the Office of the Registrar. Failure to receive University notices because of an incorrect address provided by the student will not relieve the student of responsibility for responding to the notice.

### **3. Initial Meeting in Type II Cases**

Only the Student Conduct officer and the student may be present at an initial meeting in Type II cases unless the Associate Dean for Student Conduct Administration determines that it would be helpful to have another University staff member present. At the initial meeting, a Student Conduct officer will review the charges and related evidence that is available to the officer at the time of the meeting. The student will not be asked to share his or her perspective on the charges or information at the initial meeting. The student will be provided with a period of five business days to consider whether to accept responsibility for the misconduct outlined in the Notice of Charge. This is known as the consideration period. At the initial meeting, the Student Conduct officer will provide to the student a Student Conduct Charge Consideration Form that will outline the procedural options discussed below, and on which the student can document his or her related choices.

The student must return the Student Conduct Charge Consideration Form to the Student Conduct officer no later than by the end of the five-day consideration period.

A student who fails to attend an initial meeting with the Student Conduct officer, fails to communicate with the Student Conduct officer to schedule such a meeting within three business days following notice of the charge, and/or fails to return the Student Conduct Charge Consideration Form within the consideration period (five business days) to the Student Conduct officer without just reason (as determined by the Associate Dean for Student Conduct Administration) for failing to do so, waives the opportunity for an initial meeting and any future hearing. In such cases, the Student Conduct officer may find the student responsible for the alleged act of misconduct and impose a sanction or sanctions as outlined in Article IV of this Student Conduct Code.

### **4. Procedures Applicable to Admitted Charges in Type II Cases**

If during the consideration period the student chooses to admit responsibility for the misconduct outlined in the Notice of Charge and indicates that on the Student Conduct Charge Consideration Form, the Student Conduct officer will

send notice to the student that they must contact the Student Conduct office to schedule a sanctioning meeting within three business days. If the student fails to contact the Student Conduct office to schedule this meeting within three business days, the student waives the right to a sanctioning meeting, and sanctions will be imposed as outlined below.

Students who schedule a meeting will have the option to request whether they want the sanction(s) to be determined by either the Student Conduct officer or a Panel of the Student Conduct Board. If no preference is indicated, the University will decide. At the sanctioning meeting with either the Student Conduct officer or the Panel, the student will be given the opportunity to share his or her perspective on the admitted misconduct and to offer information about mitigating circumstances if they choose to do so. The sanctioning officer or panel will impose appropriate sanctions against a student who admits to being responsible for an act of misconduct. In determining appropriate sanctions, the student's academic and disciplinary records will be considered. Other factors that may be considered include but are not limited to the student's attitude regarding the misconduct, the nature and gravity of the misconduct, and any mitigating or aggravating circumstances. An email notifying the student of the sanction(s) will be sent to the student after the sanctioning officer or panel has had sufficient time to review the evidence.

If a student admits responsibility through the process outlined here, they may not appeal the finding of responsibility, but they may appeal the sanction(s) through the process outlined in Article VII, Section E of this Student Conduct Code.

## **5. Procedures Applicable to Denied Charges and Notice of Hearing in Type II Cases**

If during the consideration period the student chooses to deny responsibility for the misconduct outlined in the Notice of Charge and indicates that on the Student Conduct Charge Consideration Form, the student should indicate whether he or she wishes for the matter to proceed to an Administrative Hearing or a hearing before a Student Conduct Board Hearing Panel. The Associate Vice President for Student Life will consider the student's indicated preference, and will ultimately decide at his or her discretion whether the hearing will be an Administrative Hearing or a hearing before a Student Conduct Board Hearing Panel. The student will be informed of that decision in the Notice of Hearing. Unless postponed in accordance with the procedures outlined below, the hearing will usually be conducted within 21 business days after the student's official recorded denial of the charge or within a reasonable amount of time if that 21-day period would fall during a University holiday, break between semesters, during the summer months, or during a period when a Student Conduct officer or a Student Conduct Board Hearing Panel is not available.

The Notice of Hearing will generally include:

- a. a summary of the behavior that allegedly violates University policies,
- b. the names and/or descriptions of witnesses whom the Student Conduct officer anticipates asking to testify at the hearing and a brief summary of the subject matter on which such witnesses are expected to testify, and
- c. a brief description of any other anticipated evidence that will be considered at the hearing.

If the Student Conduct officer receives additional potentially relevant information after a Notice of Charge is issued but before a hearing is held, the Student Conduct officer will determine if the charge should be amended and the case will proceed accordingly.

Witnesses and evidence need to be presented at the hearing if a party wants the witnesses' testimony and the evidence to be considered. The student must attempt to bring to the hearing to testify in person their witnesses who have firsthand knowledge of the facts and circumstances surrounding the alleged act of misconduct. When a witness cannot be present at the hearing, the student may present to the Student Conduct officer (in Administrative Hearings) or the Chair of the Student Conduct Board Hearing Panel a signed, notarized written statement from the absent witness. Reports and statements submitted by University personnel are not required to be notarized when the information is created, gathered, and/or shared within the official scope of their responsibilities. Because the absent witness cannot be questioned, this type of evidence will generally be given less weight. If written or other documentary evidence will be relied upon in whole or in part to establish a violation, the student will be given an opportunity to examine such evidence prior to the hearing. The student should contact the Associate Dean for Student Conduct Administration with a request to review such evidence not less than 48 hours in advance of the hearing so that a time can be scheduled for the review. Such evidence will be made available at the Judicial Affairs office.

## **6. Waiver of Hearing**

A student who fails to attend an initial meeting with the Student Conduct officer, fails to communicate with the Student Conduct officer to schedule such a meeting within three business days following notice of the charge, and/or fails to return the Student Conduct Charge Consideration Form within the consideration period (five business days) to the Student Conduct officer without just reason (as determined by the Associate Dean for Student Conduct Administration) for failing to do so waives the opportunity for an initial meeting and any future hearing. In such cases, the Student Conduct officer may find the student responsible for the alleged act of misconduct and impose a sanction or sanctions as outlined in Section IV of this Student Conduct Code.

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## **C. Procedures Applicable to Administrative Hearings**

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Administrative Hearings are conducted by a single Student Conduct officer, rather than a Student Conduct Board Hearing Panel, in cases in which the Associate Vice President for Student Life decides that the case should be handled through an Administrative Hearing.

### **1. Hearing Purpose**

A hearing is designed to be a facilitated discussion to allow the student the opportunity to address the charge(s) of misconduct and explain his or her conduct given the circumstances surrounding the alleged incident.

### **2. Hearing Date**

Except as provided in Paragraph 6 of this Section C, an Administrative Hearing will usually be conducted within 21 business days after the student's official recorded denial of the charge or within a reasonable amount of time if that 21-day period would fall during a University holiday, break between semesters, during the summer months, or during a period when a Student Conduct officer is not available.

### **3. Who May Attend**

Only the Student Conduct officer and the student may attend an Administrative Hearing unless the Associate Dean for Student Conduct Administration determines that it would be helpful to have another University staff member present. Witnesses may be present only while giving testimony. Attorneys representing the student and character witnesses are specifically prohibited from attending any portion of the hearing.

### **4. Hearing Process**

The Student Conduct officer will exercise control over the conduct of all persons participating in an Administrative Hearing and will question the student and the witnesses. The Student Conduct officer will act as a hearing officer by developing the evidence necessary to make a decision as to whether or not the student is responsible for committing an act of misconduct. In doing so, the Student Conduct officer may exclude irrelevant, immaterial, and unduly repetitious information. The Student Conduct officer may call a recess if he or she feels that a break is needed due to the length of time the hearing has proceeded or other reasons in the discretion of the Student Conduct officer.

The student will have the opportunity to provide verbal or written facts and circumstances regarding the alleged violation(s).

At the hearing, the student should present to the Student Conduct officer any evidence, verbal or written facts and circumstances regarding the alleged



violation(s) that are pertinent to the charge or that shed light on the facts and circumstances surrounding it. The Student Conduct officer will determine what evidence will be received and how much weight will be given to evidence that is received.

It is important for the student to offer all of his or her evidence at the time of the hearing. Once the hearing is concluded, the Student Conduct officer will not consider additional evidence or testimony, unless the Student Conduct officer determines it is necessary to reopen the hearing.

Witnesses and evidence need to be presented at the hearing if the student wants the witnesses' testimony and the evidence to be considered. The student must attempt to bring to the hearing to testify in person witnesses who have firsthand knowledge of the facts and circumstances surrounding the alleged act of misconduct. When a witness cannot be present at the hearing, the student may present to the Student Conduct officer a signed, notarized written statement from the absent witness. Because the absent witness cannot be questioned, this type of evidence will generally be given less weight. The student should give the Student Conduct officer three business days notice (or less if deemed acceptable in the discretion of the Student Conduct officer) of those witnesses that they anticipate having at the hearing. If the Student Conduct officer determines that other witnesses should also be at the hearing, the Student Conduct officer will give advance notice of that to the student as provided above, and will arrange for the presence of such witnesses at the hearing.

#### **5. Questioning**

In addition to the Student Conduct officer, the student may question the witnesses.

#### **6. Failure to Appear**

If the student fails to appear at the hearing on the date and at the time and place specified in the notice, the Student Conduct officer may make a decision based on the evidence available and presented during the hearing.

In the event the student becomes aware that he or she is unable to appear at the hearing on the date specified in the notice, he or she should notify the Student Conduct officer of the reasons that prevent his or her attendance as scheduled (this notification must be given at least 24 hours in advance of when the hearing is scheduled to occur). If the Student Conduct officer determines that good cause exists for the student not appearing at the scheduled hearing, the Student Conduct officer will set a new date and time for the hearing.

#### **7. Finding of the Student Conduct Officer**

After the hearing, the Student Conduct officer will excuse the student. The Student Conduct officer will review the evidence and determine, based on the preponderance of the evidence standard of proof, whether or not the evidence supports the allegation that the student committed the act of misconduct.

#### **8. Summary Report**

The Student Conduct officer will prepare a written summary of the Administrative Hearing, including his or her finding as to whether the student is or is not responsible for the alleged misconduct.

#### **9. Hearing Outcome**

The Student Conduct officer will provide notice of the hearing outcome to the student.

##### **a. Finding of Not Responsible**

If the student is found not responsible, the charge(s) will be dismissed in accordance with Article I, Section D, Paragraph 2.

##### **b. Finding of Responsible**

If the student is found responsible for any misconduct, the Student Conduct officer will determine the appropriate sanction(s).

In determining what sanctions to impose, the Student Conduct officer may review and consider the student's academic and disciplinary records. Other factors that may be considered include but are not limited to the student's attitude regarding the misconduct, the nature and gravity of the misconduct, and any mitigating or aggravating circumstances.

#### **10. Referral to the Student Conduct Board**

If in the course of reviewing a case or conducting an Administrative Hearing, the Student Conduct officer determines that it would be more appropriate to handle the case through the Student Conduct Board process, he or she may refer the case to the Student Conduct Board. If a case is referred to the Student Conduct Board, then the procedures outlined in Article VII, Section D will apply.

#### **11. Finality of Sanctions**

Unless otherwise determined at the University's discretion, sanctions are effective immediately, even if an appeal is filed.

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### **D. Procedures Applicable to Student Conduct Board Hearings**

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#### **1. Hearing Purpose**

A hearing is designed to be a facilitated discussion to allow the student the opportunity to address the charge(s) of misconduct and explain his or her conduct given the circumstances surrounding the alleged incident.

## **2. Hearing Panel**

The Student Conduct Board Hearing Panel, in each case, shall be composed of four members as previously defined in Article V, Section E.

## **3. Disqualification**

A member of the Hearing Panel will disqualify himself or herself if he or she feels that, in reaching a decision as to whether or not a student is responsible for committing an act of misconduct, he or she cannot decide the matter without bias or prejudice. The hearing may proceed even if any Hearing Panel member has removed himself or herself from the hearing. If a panel would be fewer than three members (including the chair) because of recusals, scheduling conflicts, or other issues, the University will ordinarily re-schedule the hearing so that a larger panel can hear the case, unless the student requests that the hearing proceed on the originally-scheduled date with a panel of fewer than three members.

## **4. Board Rules**

The Student Conduct Board Hearing Panel will, acting through the chair, make such procedural decisions as are, in the Hearing Panel's discretion, necessary for the efficient and fair gathering of information relevant to the case before the Board. The chair may decide to recess a hearing if the chair feels that a break is needed due to the length of time the hearing has proceeded or due to some other reason at the discretion of the chair.

## **5. Hearing Date**

Except as provided in Paragraph 10 of this Section D, Student Conduct Board hearings will usually be conducted within 21 business days after the student's official recorded denial of the charge or within a reasonable amount of time if that 21-day period would fall during a University holiday, break between semesters, during the summer months, or finals or if another time period is determined to be appropriate by the University, with notice to the student.

## **6. Who May Attend**

Only members of the Student Conduct Board assigned to the hearing, the student, and the Student Conduct officer may attend the full hearing unless the Associate Dean for Student Conduct Administration determines that it would be helpful to have another University staff member present. Witnesses may be present only while giving testimony. No other individuals, including attorneys for students or character witnesses, will be allowed to attend any portion of the hearing.

## **7. The Hearing Process**

The chair will direct the initial questioning to the Student Conduct officer who will inform the Hearing Panel about the verbal or written facts and

circumstances regarding the alleged Student Conduct Code violation(s). The student will then have the opportunity to provide verbal or written facts and circumstances regarding the alleged violation(s). The chair will then provide the opportunity for witnesses, as defined below, to be heard.

In order to clarify issues, resolve inconsistencies or conflicts in testimony, or to ascertain facts, each member of the Hearing Panel may ask questions of any person appearing before the Hearing Panel.

It is important for the Student Conduct officer and the student to offer all of the evidence pertinent to the alleged violation they wish to be considered by the Hearing Panel at the time of the hearing. Once the hearing is concluded, the Hearing Panel will not consider additional evidence or testimony regarding the alleged violation, unless the chair determines it is necessary to reopen the hearing.

Witnesses and evidence need to be presented at the hearing if the student wants the witnesses' testimony and the evidence to be considered. The student must attempt to bring to the hearing to testify in person their witnesses who have firsthand knowledge of the facts and circumstances surrounding the alleged act of misconduct. When a witness cannot be present at the hearing, the student may present to the chair a signed, notarized written statement from the absent witness. Because the absent witness cannot be questioned, this type of evidence will generally be given less weight. The student is to give the Student Conduct officer three business days notice (or less if deemed acceptable in the discretion of the Student Conduct officer) of those witnesses that they anticipate having at the hearing.

The Student Conduct officer may present, as permitted by the chair, information about past adjudicated misconduct cases involving the student, if such information may show a pattern of behavior that has bearing on the case being heard.

## **8. Questioning**

In addition to members of the Hearing Panel, the Student Conduct officer and the student may question any witness directly. In the event that the student and/or the Student Conduct officer have questions of one another, questioning may be permitted and facilitated at the discretion of the chair.

## **9. Failure to Appear**

If the student fails to appear at the hearing on the date and at the time and place specified in the notice, the Chair of the Hearing Panel may make a decision based on the evidence available and presented during the hearing. If either the Student Conduct officer or the student is unable to appear before the Hearing Panel on the date specified in the notice, he or she should notify the

Chair of the Hearing Panel of the reasons that prevent his or her attendance as scheduled (this notification must be given at least 24 hours in advance of when the hearing is scheduled to occur). If the Chair of the Hearing Panel determines that good cause exists for the individual not appearing at the scheduled hearing, the Student Conduct officer will set a new date and time for the hearing.

#### **10. Finding of the Student Conduct Board Hearing Panel**

After the hearing, the chair will excuse the student and the Student Conduct officer from the hearing. The Student Conduct Board Hearing Panel will then discuss the information, and the chair will facilitate the deliberation. The preponderance of the evidence standard of proof will be used to reach a decision by majority vote of the panel. If the panel determines that additional information is needed, the chair may decide to reopen the hearing.

#### **11. Summary Report**

Once a decision regarding responsibility and any sanctions is reached, the Chair of the Student Conduct Board Hearing Panel will prepare a written summary that describes the information that supported the finding and describes any sanction(s). The summary will be reviewed by the Hearing Panel members and signed by the chair.

#### **12. Hearing Outcome**

The Chair of the Student Conduct Board Hearing Panel will provide notice of the finding regarding responsibility, and any sanctions if applicable, to the student.

- a. If the student is found not responsible for the alleged misconduct, he or she will be notified.
- b. If the student is found responsible for some or all of the alleged misconduct, the Hearing Panel will deliberate regarding sanctions as provided below.

In determining what sanctions to impose, the Hearing Panel may review and consider the student's academic and disciplinary records. Other factors that may be considered include but are not limited to the student's attitude regarding the misconduct, the nature and gravity of the misconduct, and any mitigating or aggravating circumstances.

#### **13. Finality of Sanctions**

Unless otherwise determined at the University's discretion, sanctions are effective immediately, even if an appeal is filed.

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## E. Appeal Process

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A student found through either an Administrative Hearing or a Student Conduct Board hearing to have committed misconduct may appeal such a finding to the Vice President for Student Life. A student is afforded the option to appeal: 1) the finding of responsibility; and/or 2) the sanction(s) imposed. Upon receipt of an appeal, the Vice President for Student Life will decide whether the appeal will be considered: 1) by the Vice President for Student Life, 2) by an individual designated by the Vice President for Student Life, or 3) by an appeal committee composed of three individuals (one faculty member, one Student Life staff member, and one student). To ensure processing and tracking of an appeal, students are required to use the [Appeal Form](#) when submitting an appeal so that all necessary elements for the appeal are included. A request for appeal **must be submitted within five business days of delivery of notice of a hearing outcome or notice of sanctions imposed.**

### 1. Appeal of Finding of Responsibility

The grounds for appeal of a finding of responsibility are: **1) that the finding was arbitrary or capricious; or 2) that there was a material procedural error that substantially impacted the outcome of the hearing.**

If the appellate decision-maker agrees that either ground or both grounds for appeal have been satisfied, the decision-maker can nullify the finding, send the matter back for a new hearing, or take other action as deemed appropriate at the discretion of the decision-maker. If the decision-maker does not agree that either ground of appeal has been satisfied, the decision-maker will affirm the finding of responsibility, and the University's decision in the matter will be final.

### 2. Appeal of the Sanction(s) Imposed

If the student believes the sanction(s) imposed are not appropriate for the violation, he or she may file an appeal.

The appellate decision-maker will then review the information provided in the appeal and other information as determined at the decision-maker's discretion and decide to:

- a. Let the sanctions stand;
- b. Modify the sanctions or impose different sanctions; or
- c. Suspend the sanctions.

The decision of the designated decision-maker regarding an appeal of sanctions constitutes the University's final decision on the matter.

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## **F. Procedures for Imposition of Interim Measures Prior to a Hearing**

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### **1. Imposition of Interim Measures Prior to a Hearing**

The University may, subject to a subsequent request for a hearing, impose interim measures as explained in Article VI, including, but not limited to, interim suspension or provisional expulsion, if:

- a. The Associate Dean for Student Conduct Administration receives confirmation from law enforcement officials that a criminal process has been initiated against a student for an offense constituting a felony or a Class A misdemeanor; including, but not limited to, unlawful use, possession, purchase, distribution, sale, or manufacture of a controlled substance, designer drug, or drug paraphernalia, and after consultation with the Vice President for Student Life, a joint decision is made that an interim sanction should be imposed, or
- b. In the judgment of the Vice President for Student Life, the student's continued presence on the campus might:
  - (i) create a danger of physical or mental harm to the student or another person;
  - (ii) disrupt an educational and/or administrative process of the University; or
  - (iii) otherwise be so disruptive and/or inappropriate that an interim measure is in the best interest of the University and/or members of the University community.

In this context, suspensions are considered interim and expulsions are considered provisional because they are subject to being vacated, and the student is subject to having the interim student status changed, if such action is deemed appropriate following a hearing and any appeal of the finding and/or sanction.

### **2. Notice**

The Associate Dean for Student Conduct Administration will prepare and send to the student a written notice of any interim measures imposed and the basis for them. This notice will be combined with the notice of the charge required by Article VII, Section A, Paragraph 2 or Article VII, Section B, Paragraph 2.