

## **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 organizations of the University.

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

University judicial action may be taken in addition to actions taken by civil or criminal courts. Students may be subject to University judicial 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 organization on University property, off University property, or at University functions and are subject to disciplinary action as provided hereafter:

#### **A. Applicability:**

1. Any student or student organization committing an act in violation of the Student Code of Conduct shall be subject to disciplinary action.

2. Any student or student organization who aids, abets, encourages, requests, initiates, assists, or has knowledge of any other student, nonstudent, or student organization 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 organization has actually committed the violation.

3. Any violation of the Student Code of Conduct by a student or members of a student organization may result in both the organization 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 organization.

#### **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 judicial 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.

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 judicial 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 his or her 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 harm to any person or damage to University property or the property of others by willful and deliberate means or through negligence. This offense includes: (a) physical assault or abuse; (b) the attempted physical assault or abuse upon any person; 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 physical assault.

2. Threat of Harm – (a) behavior that threatens to harm another person or another person's property or University property which includes, but is not limited to harassing, intimidating or threatening conduct, (b) behavior that is threatening, intimidating or harassing toward any party or witness involved in a judicial case, or cause damage to his or her property, with the intent of influencing outcomes or for retaliation, (c) behavior that is threatening, intimidating or harassing toward a University employee related to the performance of his or her job, or (d) hazing of any student, employee or officer of the University, or organization. This includes conveyance of threats through electronic means.

3. Theft – (a) theft or attempted theft of the property or services of the University, any organization, 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 an item which has been used as a weapon.

6. Fire and Campus Safety – Violation of campus safety regulations including, but not limited to, (a) setting unauthorized fires, (b) tampering with fire safety, firefighting equipment and/or defibrillators or rendering such equipment inoperable, (c) turning in false fire alarms by any means of communication, (d) tampering 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. 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, (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.

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, Non-sponsored Presentations or Demonstrations -

Any violation of the University's policy on Non-Commercial Literature or Non-Sponsored Presentations or Demonstrating on campus, set forth in the *Ram's Eye View Student Handbook*, shall be construed as a violation of this section.

10. Hazing – Any violation of the University's Anti-Hazing policy, as set forth in the *Ram's Eye View Student Handbook*, 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* Policies Section, 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* 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, religion, age or national origin. 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 judicial proceeding, and the

misrepresentation of oneself or of an organization 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. Students residing in Affiliated 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 , (b) cooking, (c) use and/or possession of incendiary or combustible materials and devices, (d) removal or tampering with window screens, (e) Quiet Hours Policy, (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. 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 his or her 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 Judicial 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.

20. Sanction Violation – Violations of a University judicial 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.

21. 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.

22. Sexual Harassment or Misconduct – Any violation of the University Sexual Harassment or Sexual Misconduct Policies as set forth in the *Ram’s Eye View Student Handbook* shall be construed as a violation of this section.

23. 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. 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. Parents may be notified in writing unless a student shows proof of his/her independent status. The student will have five University business days from the exit date of the sanction assessment form to show such evidence. If at any time during his or her probationary period the student violates University regulations, he or she may be subject to suspension from the University.

1. Disciplinary Reprimand: The student is informed in writing that his or her 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 his or her 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 he or she is 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 last at least 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. Disciplinary Suspension: The student is informed in writing that he or she is being involuntarily separated from the University for a designated period of time. A student may not attend classes, 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 judicial affairs and student assistance, or designee. After this period of suspension, the student must seek written approval from the director of judicial affairs and student assistance 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 judicial affairs and student assistance'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.

4. 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.

5. Disciplinary Expulsion: The student is informed in writing that he or she is 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.

6. Interim Disciplinary Suspension: The director of judicial affairs and student assistance, 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 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. 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.

7. Constructive or Educational Task: The student is assigned a 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 Judicial Affairs and Student Assistance. Examples of tasks include educational papers, educational class or seminar attendance at educational programs or relevant community meetings, mediation sessions, counseling, substance abuse education, alcohol education program/experience, or community service. Specific sanction conditions include:

- e-chug/e-toke: Online alcohol/drug self-inventories that provide the student personalized feedback regarding his/her use of these substances.
- Alcohol Education: Group workshops designed to provide information on 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 Alcohol Education groups will be assessed a \$25 administrative 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.

- Life Management: Six group sessions focusing on identifying and developing strategies for successful decision-making and self management skills. Content includes: setting goals, healthy living, self-esteem, and the effects of drugs and alcohol on health, academics, and career opportunities. Sessions will be facilitated by a licensed professional counselor. Students sanctioned to Life Management will be assessed a \$150.00 administrative fee.
- Counseling: The purpose of assigning counseling is to encourage the student to assess how his/her behavior and attitude impacts choices, enhance his/her interpersonal skills, and/or learn ways to reduce stressors that may impact the student's ability to be successful. When a student agrees to seek counseling as a condition of his/her judicial sanction, he/she accepts the financial responsibility of fees associated with the counseling arrangements.
- On or Off Campus Alcohol/Drug Assessment: Student must obtain an assessment form 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 part of his/her judicial sanction, he/she accepts the financial responsibility of the fees associated with the assessment.

8. Housing Reassignment: The student is informed in writing that he or she is being involuntarily reassigned to a new housing assignment on campus. This action may include restriction from entering specific University-owned or affiliated buildings for a designated period of time.

9. Loss of Housing: The student is informed in writing that he or she is being involuntarily removed from University-owned or affiliated housing for a designated period of time, which may be permanent. During this time, the student is banned from all University-owned or affiliated housing. Removal from University-owned or affiliated housing means that the student must properly check out of his/her 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 director of housing services. The hearing officer may establish requirements that must be fulfilled to his/her satisfaction prior to reinstatement in University-owned or affiliated housing. Students eligible to return to University-owned or affiliated 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 housing.

10. Interim Loss of Housing: The director of judicial affairs and student assistance, 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 housing for a designated period of time. During this time, the student is banned from all University-owned or affiliated 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.

11. 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 housing for a designated period of time.

12. Loss of Dining Hall Privileges: The student is informed in writing that he or she is 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.

13. Failing Grade: In cases involving academic misconduct, a failing grade or a grade of zero for either an assignment and/or a course may be administered.

14. 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.

15. 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 judicial affairs and student assistance is required before the student may register for classes again, or in the case of seniors, before the student may graduate.

16. 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 - \$50

Second offense - \$100

Third offense - \$200

b. Students found in violation of this policy and specifically the illegal use or possession of drug 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 - \$50

Second offense - \$100

Third offense - \$200

The implementation of these fines for alcohol and/or drug violations may be in addition to sanction conditions including, but not limited to, Alcohol Education Workshops, BASICS, Life Management, referrals for substance abuse treatment, community service, and/or other sanctions as described in Section IIA. Should the student provide documentation from the District Court verifying to his/her University hearing officer that he/she did pay the appropriate fines and court costs for the same offense, the University fine will be waived, but the offense will be considered for progressive fining purposes.

c. Students found responsible for violation of Failure to Comply (#19a and/or 19c) may be subject to a \$25 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 judicial action.

## **B. Student Organizations**

Student organizations held responsible for violating the Student Code of Conduct will be subject to one or more of the following penalties:

1. Disciplinary Reprimand: The organization is informed in writing that the group has been found guilty of a violation of University regulations. It is intended to communicate most strongly both the disapproval of the behavior and to remind the organization 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. Disciplinary Probation: The organization 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 organization must demonstrate the ability to comply with University rules, regulations, and other requirements as stipulated by the sanction. During this time, the organization may be required to complete an educational task or service project. Conditions that restrict privileges may also be imposed. If, during this time, the organization becomes involved in additional violations of University regulations, further disciplinary action will be taken.

3. Disciplinary Suspension: The organization is informed in writing of the loss of organizational privileges and recognition as a student organization for a specific period of time. During this time the loss of privileges includes, but is not limited to, the use of campus facilities, participation in University activities, funding, and sponsorship of official activities. The loss of privileges may include recruitment and pledging activities. If, during this time, the organization is involved in additional violations of University regulations, the organization may be subject to expulsion. At the conclusion of the loss of recognition, the organization may make application to the director of judicial affairs and student assistance or designee for restoration of its official recognition.

4. Disciplinary Expulsion: The organization 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 organization and the University is permanently terminated. The organization 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. Interim Disciplinary Suspension: The director of judicial affairs or designee may impose an interim suspension and/or loss of privileges upon any student organization 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.

### **C. Application of Sanctions**

The full range of sanctions may be applied to any violation(s) of the Student Code of Conduct.

## **III. Judicial Procedures**

A. Charges of violations of the Student Code of Conduct may be lodged against any student or student organization by any employee, student, or student organization of West Chester University. The director of judicial affairs and student assistance should be consulted with regard to the proper form and language of a complaint.

B. All charges of violations of the Code of Conduct shall be lodged with the director of judicial affairs and student assistance or designee and shall be 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 judicial affairs and community development or designee. The process for selection of judicial board members and the procedure for requesting a judicial board are available in the Office of Judicial Affairs and Student Assistance.

C. Students shall receive 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 reasonable 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 deemed appropriate and reasonable by the director of judicial affairs and student assistance.

D. At a conference, students or student organizations 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 organization 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 19). Any students or student organizations who fail to appear at the second scheduled judicial conference consent to the conducting of said conference in their absence.

E. Students and student organizations are entitled to a judicial hearing. The purpose of a **hearing** is to explore broadly the facts and circumstances of the alleged incident and to determine, based on the weight and credibility of the evidence and statements presented during the hearing, the student's or student organization's level of responsibility. There are two types of hearings – an administrative hearing and a judicial board hearing.

F. At a **hearing** that is initially scheduled or that is requested by a student or student organization, the following procedure will be followed:

1. Hearings shall proceed to the extent possible according to the following form:

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 he or she swears and affirms the truth of statements to be made.

c. The charging party shall then present its case against the referred party. This shall be done by the submission of written, physical, and testimonial evidence. The referred party and the hearing officer/board shall have the right to conduct reasonable questioning of the charging party and the charging party's witnesses.

d. At the conclusion of the charging party's presentation, the referred party shall present a response to the charges. This shall be done by the submission of written, physical, and testimonial evidence. The charging party and the hearing officer/board shall have the right to conduct reasonable questioning of the referred party and the referred party's witnesses.

e. At the close of the hearing, the hearing officer/board may allow closing statements by the parties, which may include rebuttal comments.

2. The hearing officer/board shall be responsible for maintaining order and room decorum, and may make all rules reasonable and necessary for the orderly and efficient disposition of cases. All hearings are closed proceedings.

3. 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.

4. The hearing officer/board shall have the power to direct the time of entrance and exit of witnesses for all parties in the hearing.

5. 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;

6. 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.

7. 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.

8. 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. Previous discipline record including that which is public record;
- c. Attitude of the accused during the conference and/or hearing.

G. Any students or student organizations who fail to appear at a scheduled judicial hearing consent to the conducting of said judicial hearing in their absence.

H. 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.

I. A written adjudication in which the facts and reasons for the decision are set forth with reasonable specificity shall be issued within 30 University business days after the close of the proceedings.

J. 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 his or her 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).

K. The University retains the right to continue a hearing whenever necessary and appropriate.

#### **IV. Appeals**

A. Upon receiving a sanction from the hearing officer/board, a student or organization may appeal for the following reasons:

1. Violations of judicial procedures;
2. Imposition of a penalty unwarranted by the disciplinary case;
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 within five University business days from the exit date of the sanction assessment form. Appeals must be submitted in writing to the director of judicial affairs and student assistance and should explain in detail the basis of the request, including any supporting documentation. In addition, students or organizations filing appeals may wish to present letters of character reference.

C. Upon receipt of the written appeal, the director of judicial affairs and student assistance will defer the imposition of the sanction(s) pending the decision on the appeal.

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 judicial affairs and student assistance 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 Judicial 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. The Appeals Board will review the written appeal and all documentation contained within the student's or organization's disciplinary file. In cases involving a victim, the board may consider a victim'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 III.F.). All meetings and hearings of the Appeals Board are closed.

3. The Appeals Board by a simple majority vote will uphold the sanction, modify the sanction, or order a new hearing.

4. Normally, all Appeals Board decisions are final and will be forwarded to the director of judicial affairs and student assistance for immediate implementation. However, under extenuating circumstances, the student or organization may request the president of the University to review the Appeals Board decision.

5. An appeal to the president must be presented in writing to the Office of the President within two University business days of formal notification by the Office of Judicial Affairs and Student Assistance of the Appeals Board decision.

6. 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 judicial procedures;
- b) Imposition of a penalty unwarranted by the disciplinary case;
- 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.

7. The president may or may not elect to review a decision. The student or organization petitioning for the review will be notified of the decision of the president, or designee, within a reasonable period of time.

8. 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 judicial affairs and student assistance. The recommendation will be forwarded to the assistant vice president for student affairs or respective designee for final disposition.

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

#### **V. Disciplinary Records**

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 also allow access to a disciplinary record in order to comply with a subpoena or judicial order served upon it. When served with a subpoena or judicial order, the University will notify the student in writing that it is complying with the same. The University will disclose the outcome of a disciplinary proceeding alleging sexual assault to both the accuser 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. The University shall retain records of cases for one year after graduation. Cases involving expulsions or suspensions shall be kept for a minimum of two years. The University reserves the right to keep cases for a longer period of time.

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

## **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 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 passkey/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. Objects 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 Judicial Affairs and Student Assistance.

### **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.

## **VII. Construction**

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 judicial affairs and student assistance, appeals board, or designee.

**Conference:** An initial meeting between the referred student and the hearing officer to discuss the charges and give the referred 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 his or her authority.

**Hearing:** A formal proceeding at which the complainant (charging party) and the referred student or organization make presentations to the hearing officer/board. The hearing

officer/board will determine the referred 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 organization 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 judicial affairs and student assistance 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 Handbook*.